



-City of Westbrook

DEPARTMENT OF PLANNING, ENGINEERING AND
CODE ENFORCEMENT

2 York Street Westbrook, Maine 04092 (207) 854-0638 Fax: (866) 559-0642

WESTBROOK PLANNING BOARD TUESDAY, August 7th, 2007, 7:00 P.M. MINUTES

Present: Ed Reidman, (Chair) (Ward 5), Rene Daniel (Vice-Chair) (Ward 1), Dennis Isherwood (Ward 2), Anna Wrobel (Ward 4), Greg Blake (At Large), Cory Fleming (At Large), Michael Taylor (Alternate)

Absent: Scott Herrick (Alternate)

Staff: Erik Carson, Eric Dudley, Rick Gouzie, Molly Just

Chairman Reidman called the Westbrook Planning Board meeting to order at 7:00 p.m. in Room 114 of the Westbrook High School. Mr. Reidman informed the audience of the purpose for the public hearing, and asked everyone who would speak to do so at the podium, being certain to speak clearly and provide the Board with their name and address. Mr. Reidman stated that the Board would hear a presentation accept any additional Staff comments, and then receive questions and commentary from the public. Mr. Reidman noted that any questions received by the Board would be answered at the end of the public presentation. Mr. Reidman explained that any action taken at this meeting would be dependant upon time constraints.

1. Call to Order

2. Approval of Minutes – June 10th, 2007

Rene Daniel moved to approve the minutes as written

2nd by Cory Fleming

The vote was unanimous in favor 4-0 (Anna Wrobel recused) (Greg Blake, Michael Taylor missing at time of vote)

Continuing Business

3. Site Plan – Westbrook Heights Business Park – Deluca – Hoffman Associates, Inc., on behalf of Westbrook, LLC, for the development of an approximately 12,000 SF Office/Warehouse building and parking and

utility infrastructure. Tax Map: 004, Lot: 304 Zone: Industrial Park District.

Greg Blake and Michael Taylor arrived at 7:10 PM

Steve Bushey Deluca – Hoffman Associates, Inc., on behalf of Westbrook, LLC, presented to the Planning Board aspects for the development of an approximately 12,000 SF Office/Warehouse building and parking and utility infrastructure in Westbrook Heights Business Park. Tax Map: 004, Lot: 304 Zone: Industrial Park District.

Site Plan Review – Lot 4, Westbrook Heights Business Park

Overview –This project includes the development of a single story 12,000 sf office/warehouse facilities with associated parking lots and loading docks. The site is the first lot on the left as you enter Spiller Drive from Saco Street and has frontage on both streets. There is no proposed tenant for the space at this time. As proposed, the building will be a prefabricated metal building with a split-face block entry at the southwesterly corner of the building.

Staff Comments:

1. The north elevation as shown on the elevation sheets will face Saco Street. This side of the building is the back, but will act as a gateway to the City's Westbrook Heights Business Park. Staff recommends a more aesthetically pleasing façade for the entrance to the park. Furthermore, a more decorative treatment should be used along the south and westerly facades beyond the corner treatment proposed to further blend the project in with the two existing properties of Sigco and Cintas.
2. No outside storage shall be permissible between the building and Saco Street or Spiller Drive.
3. Not less than two (2) Fire Department key boxes be installed, final number, type and locations to be determined by the Fire Inspector upon submittal of building plans,
4. The building must have an exterior door to the sprinkler riser room and marked as such,
5. Each area containing hazardous storage shall be identified and placarded in accordance with NFPA 1 and NFPA 704,
6. The Fire Department reserves the right to require Fire Alarm Enunciator Panels at locations to be determined by the Fire Inspector and maps indicating fire protection features with a legend at each location,

7. All exterior doors shall be marked on both sides, marking system shall be approved by the Fire Inspector,
8. The fire alarm system shall be a fully addressable system and the system shall transmit the appropriate zone information to the alarm monitoring company. All zone indication terminology, alarm zones and locations of remote indication devices shall be approved by the Fire Inspector,
9. The Fire Inspector shall approve all Fire Protection/ Life Safety systems, equipment and materials.
10. Any signage should include the building number and street name.

Eric Dudley asked that an additional condition be not to allow outside storage on the northerly side of the building.

Rene Daniel moved to find the application complete

2nd by Cory Fleming

The vote was unanimous in favor 7-0

Ed Reidman asked if Steve Bushey would comment on the suggested changes to the roof line.

Steve Bushey said he would rest on the elevation of the roof and the windows warrant some merit. Recognizing he is not the building designer, he would verify this information with the designer and update the Planning Board.

Ed Reidman requested adding the condition to not allow outside storage on the northerly side of the building.

Anna Wrobel asked staff to clarify concerns on the esthetics at the entrance to the Industrial Park.

Eric Dudley said the photos shown have alleviated staffs concerns for the entrance esthetics.

Cory Fleming asked if this building had any proposed tenants.

Steve Bushey said he did not have any knowledge of any proposed tenants.

Rene Daniel expressed concerns about any HVAC equipment that could potentially be installed on the northerly side of the roof line.

Steve Bushey said that the HVAC needs would be handled internally. He would verify this with the building designer.

Rene Daniel asked to have the lighting for this facility clarified.

Steve Bushey said there would be building mounted lighting, security lights over the entrances and the loading dock area. There will be no pole lighting.

Ed Reidman asked to have the following conditions added to the proposed motion: standard condition, signage condition, no storage allowed on northerly side.

Chairman Reidman reminded Steve Bushey about the general condition that will include the change of the façade on the north side and the inquiry as to adding windows on the North side. These items will not have to be part of the motion because they will be part of the notes.

Steve Bushey was looking for a positive action today and suggested that the north side facade condition be handled through staff.

Ed Reidman said that condition number four be the North Side façade be reviewed by staff.

Anna Wrobel moved the Site Plan application for Westbrook, LLC on Tax Map: 4, Lot: 304 is to be **approved with conditions** with the following findings of fact and conclusions.

Utilization of the Site

- The site is currently an open field that is part of the Westbrook Heights Business Park subdivision.

Adequacy of Road System

- The project will not burden the existing roadways. Traffic impacts from the business park were addressed as part of the subdivision approval. It is not anticipated that the traffic from this project will exceed the estimates used during subdivision review

Access to the Site

- Access is made from a predetermined entrance on Spiller Drive.

Internal Vehicular Circulation

- Not applicable.

Pedestrian and Other Modes of Transportation

- The project provides access from Spiller Drive.

Storm water Management

- The City Engineer approves of the storm water management plans.

Erosion Control

- The City Engineer approves of the erosion control plans.

Utilities

- Underground Utilities including communications and electrical will be used for this project.

Hazardous, Special and Radioactive Materials

- None.

Technical and Financial Capacity

- The applicant must submit a letter of financial capacity for the project.
- The applicant has assembled a team of designers and builders that demonstrate the technical ability to complete the project.

Solid Waste

- Solid waste for the commercial portion of the property will be the responsibility of the property owner.

Historic, Archaeological and Botanical Resources

- None.

Landscape Plan

The landscaping plan provides for adequate buffers along the property lines of the project.

Others

- None.

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 **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 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 affects 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. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision **have** a lot depth to shore frontage ratio greater than 5 to 1.

18. 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.
19. For any proposed subdivision that crosses municipal boundaries, 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.
20. Timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.
21. The proposed subdivision **will not** negatively impact the ability of the City to provide public safety services.

CONDITIONS

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated June 22, 2007 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 Planning Board.
2. Any signage shall include the building number and street name.
3. No outside storage shall be permissible between the building and Spiller Drive or Saco Street.
4. The issue regarding the Northern side face is to be worked out with staff.

2nd by Michael Taylor

The vote was unanimous in favor 7-0

4. Final Subdivision – Terradyn Consultants LLC, on behalf of Chris Wilson, for the development of a three (3) lot subdivision, located at 26 Knight Street. Tax Map: 39 Lot 053 Zone: Brown Street Contract Zone

Jon Whitten Terradyn Consultants LLC, on behalf of Chris Wilson, presented to the Planning Board aspects of the development of a three (3) lot subdivision, located at 26 Knight Street. Tax Map: 39 Lot 053 Zone: Brown Street Contract Zone

Jon Whitten requested a waiver for underground utilities.

Final Subdivision Review – 26 Knight Street

Overview – Chris Wilson is proposing to subdivide a single lot at 26 Knight Street into three lots consisting of two single family lots and one three family lot. The proposed Lot 2 will have the existing single family house remain. The existing garage on Lot 1 will be demolished and a new single family home will be built. Lot 3 is planned for a three unit building. The property is located in the Brown

Street Contract Zone which allows for a density of one housing unit per 2,500 square feet of property.

SUBDIVISION REVIEW

Staff Comments:

The applicant is proposing a dense development which is allowed in the Contract Zone. No street or utility extensions are required. As a result of staff concerns regarding off-street parking, the applicant has provided 2 parking spaces per unit on all three lots.

Cory Fleming moved to find the application complete

2nd by Anna Wrobel

The vote was unanimous in favor 7-0

Eric Dudley is not opposed to the waiver for underground utilities as it would lessen the impact to the neighborhood.

Greg Blake moved to waive the underground utilities

2nd by Michael Taylor

The vote was 6-1 (Dennis Isherwood opposed)

Rene Daniel asked about the large trees that are on these lots.

Chris Wilson said that only one of the trees will be removed that is in the center of lot three.

Rene Daniel asked that two trees per lot be planted on private property at time of development of the lot.

Cory Fleming moved the Subdivision application for 26 Knight Street on Tax Map: 39, Lot: 53 is to be **approved with conditions** with the following findings of fact and conclusions.

A. POLLUTION AND SEWERAGE DISPOSAL

- The project will utilize public sewer for wastewater disposal.

B. WATER

- The applicant has provided a letter of serviceability from the Portland Water District. The three units building will require the installation of sprinklers.

C. SOIL EROSION

- The City Engineer approves of the erosion and sediment control plan.

D. TRAFFIC

- This project will result in a minimal increase of traffic which the existing roadway system can support.

E. SEWERAGE

- The City of Westbrook has available capacity to service the project with sanitary sewer.

F. SOLID WASTE

- Solid waste collection will be handled by the City's curbside collection program.

G. AESTHETICS

- A statement from the Maine Department of Conservation is not required for this project.
- A statement that no significant wildlife habitat exists from the Maine IF&W is not required for this project.
- Appearance Assessment:
 - (1) Project to Site – The project will be further developing a property which currently contains a single family residence. There are not significant natural resources on the lot.
 - (2) Project to Surrounding Property – The surrounding properties are a mixture of single family and multi-family homes.
 - (3) Landscape Design – A landscape plan is not required for this project.
 - (4) Lighting – No additional lighting is proposed for this project.
 - (5) Signs – No sign is proposed.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
 - The project meets the use requirements of the Contract Zone.
- Land Use Ordinances – The project meets the performance standards of the Contract Zone.

- Recreation & Open Space – The Recreation & Conservation Commission has reviewed the proposal and has recommended a fee in lieu of land of \$2,181.21.
 - Community facilities impact analysis – If required.
 - Fire Code
 - No issues.
 - Others:
 - Off-street parking for Lot 3 should consist of 2 spaces per unit which is twice the required number in the contract zone as recommended by the Public Services Director, Police Captain, and Fire Inspector.
- I. FINANCIAL AND TECHNICAL CAPACITY
- The applicant has provided documents of financial and technical capacity.
- J. RIVER, STREAM OR BROOK IMPACTS
- Not applicable

CONDITIONS

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated July 17, 2007, 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 Planning Board.
2. The names and addresses of abutting landowners must be added to the plans.
3. Two parking spaces must be provided for each unit within the subdivision.
4. The applicant will plant two trees per lot at the time of the development of the lots.

2nd by Rene Daniel

The vote was unanimous in favor 7-0

New Business

5. Special Exception - Jennifer L. Wescott, for the review of a Daycare located at 282 Cumberland Street. Tax Map: 044, Lot 013, Zone: RGA 1.

. ***Special Exception – Jennifer L. Wescott, for the review of a Daycare located at 282 Cumberland Street.***

Jennifer Wescott presented aspects of a Daycare located at 282 Cumberland Street. Tax Map: 044, Lot 013, Zone: RGA 1. Ms. Wescott explained that she is licensed up to twelve (12) students, but currently has six (6).

Eric Dudley mentioned his only safety concern is the ability to turn around in the driveway, so they would not have to back out on Cumberland Street.

Rene Daniel asked the applicant to clarify the fenced in back yard with the brook located in the back yard.

Jennifer Wescott confirmed that when the back yard is fenced in, the children will not have access to the brook.

Anna Wrobel moved the Special Exception application for Jennifer Wescott on Tax Map: 044 Lot: 013 is to be **approved with conditions** based upon the following conclusions:

- A. Certain Requirements Met. That the use requested meets the dimension, parking, loading, and sign requirements of this Ordinance. Otherwise, the applicant must also request an appropriate variance.
 - The applicant has a fenced in back yard which is adequate for a play area.
- B. Value. That the use requested will not significantly devalue abutting property or property across public or private way. In making its determination, the Board shall take into consideration the type of structure proposed, the topography of the area, the market value of the surrounding real estate, the availability of utilities, traffic conditions, and other relevant factors.
 - Neighboring uses are predominately single-family and multi-family residential. The proposed use will increase traffic during the morning and evening hours as children are picked-up and dropped-off.
- C. Effects of Land Use. That the use granted will:
 - (1) Maintain safe and healthful conditions,
 - The playground is fenced.
 - (2) Not cause water pollution, erosion, or sedimentation
 - No Issues.

- (3) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat,
 - No Issues.
- (4) Conserve shared tree cover and visual, as well as actual, access to water bodies,
 - No Issues.
- (5) Not burden on-site septic or off-site waste disposal,
 - No Issues.
- (6) Not burden existing public ways.
 - The road will be able to accommodate the number of morning and evening trips generated by this project.

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,
 - No Issues.
- (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,
 - No issues.
- (3) Water, Air, Soil Pollution. The development will not cause unreasonable water, air, or soil pollution,
 - No Issues.
- (4) Soil Integrity. The development will not cause unreasonable soil erosion or reduction in the capacity of the soil to hold water,
 - No Issues.
- (5) Natural Environment. The development must not have an unreasonably adverse effect on a historic site or irreplaceable natural areas,
 - No Issues.
- (6) Nuisance Factor. The development must not cause unreasonable noise, odors, dust, gas, fumes, smoke, light or other annoying or dangerous emissions,
 - The children playing outdoors will create noise in the neighborhood. The playground will be placed in the rear of the building. The

playground will be located with an additional 170' of wooded back yard left on the property.

- (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,
 - The playground will be screened from abutters.
- (8) Vehicular Access. The site layout must provide for safe vehicular access and egress, including that for emergency vehicles,
 - The applicant should work with parents to develop a system to allow for cars to turn within the driveway so that backing out onto Cumberland Street will not be required. Backing onto Cumberland Street in this area could pose a safety issue.
- (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,
 - No Issues
- (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.
 - No Issues.

CONDITIONS

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated August 7, 2007, 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 Planning Board.
2. The driveway shall be laid out to allow for internal vehicular turning such that backing onto Cumberland Street will not be required.

2nd by Rene Daniel

The vote was unanimous in favor 7-0

6. Final Subdivision Review – Terradyn Consultants LLC, on behalf of Crockett & Sons Homebuilders, LLC, for the development of a three (3) lot subdivision on Hawthorne Lane. Tax Map: 007 Lot: 021 Zone: Residential Growth Area 1.

Jon Whitten Terradyn Consultants LLC, on behalf of Crockett & Sons Homebuilders, LLC, presented aspects for the development of a three (3) lot subdivision on Hawthorne Lane. Tax Map: 007 Lot: 021 Zone: Residential Growth Area 1.

Final Subdivision Review – Hawthorne Lane Subdivision

Overview – Crockett & Sons Homebuilders, LLC is proposing a three lot subdivision on Hawthorne Lane for the addition of two single family house lots. The site currently consists of one, single family home. The two new lots will have their frontage on Hawthorne Lane while the existing house will access Saco Street as it does today. A short public sewer main extension will be required to service the new lots but no roadways construction will be required.

SUBDIVISION REVIEW

Staff Comments:

The proposed sewer main extension shown on the plans does not include a plan and profile design with associated construction details.

The deck on the existing house on Lot 1 must be modified or removed to meet setback requirements.

The building envelope on Lot 2 must be modified to extend only to the limits of where the lot is at a minimum of 65' in width. No portion of the home can be built beyond where the lot is less than 65' in width.

Eric Dudley requested an additional condition to grind and overlay the existing trench cap on Hawthorne Lane, about sixty (60) feet in length.

Michael Taylor moved to find the application complete

2nd by Cory Fleming

The vote was unanimous in favor 7-0

Rene Daniel expressed concerns about the lot lay-out.

Eric Dudley mentioned that this was to maximize the building envelope on lot two (2) on Hawthorne Lane.

Ed Reidman asked Eric Dudley to speak to Tom Eldridge about Fran Fritzsche-Jensen e-mail concerning the trench cap on Saco Street.

Rene Daniel moved to schedule a **Public Hearing on August 21st, 2007.**

2nd by Cory Fleming

The vote was unanimous in favor 7-0

7. **Site Plan – JBB Westbrook LLC, on behalf of J.B. Brown & Sons, for the development of a Day Care Center and Child Care Center Review. Tax Map: 042 B Lots: 013 and 006A and Tax Map: 034 Lot: 017A Zone: Industrial, Gateway Commercial.**
8. **Nancy St. Clair** Sebago Technics, on behalf of J.B. Brown & Sons, presented aspects for the development of a Day Care Center and Child Care Center Review. Tax Map: 042 B Lots: 013 and 006A and Tax Map: 034 Lot: 017A Zone: Industrial, Gateway Commercial.

Rene Daniel moved to find the application complete

2nd by Michael Taylor

The vote was unanimous in favor 7-0

Site Plan Review – Woodfords Family Services, Saunders Business Park

Overview –This project includes the redevelopment of a single story 5,500 sf office building which is currently occupied by the Saunders Brothers administrative offices. The redevelopment will convert the space into a daycare with associated fenced play area for up to 40 children. Existing utilities and paved parking areas will be utilized and no exterior modifications to the building are expected.

Staff Comments:

1. The striped islands in the parking area should be curbed and landscaped to better define the parking area and increase the level of landscaping on the lot as a whole. The defined parking areas will also improve safety for pedestrians.
2. Letters of support have indicated a desire to eliminate the ability for the rest of the property to utilize the Cottage Street entrance. This item should be taken up on a case by case basis as the property is redeveloped and should not be included as a condition of approval for this project. Leaving the option open allows for better overall traffic circulation and provides for a better means of egress in emergency situations.

Nancy St Clair clarified that no truck traffic would have access to Cottage Street.

Rene Daniel asked to have the entrance to the project expanded on.

Nancy St Clair said the customers that would be coming to the Day Care would have the ability to use Cottage Street, off Forest Street. Truck traffic would be restricted as not to use that area now and in the future. There would also be signage in place.

Landscaping would be added around the Day Care. At this time, it would not be feasible to expand on at this time due to the possible change of parking for the convenience of potential tenants. As this project moved forward, we would like to have landscaping reviewed by the Board, at that time.

Richard Farnsworth Executive Director for Woodfords Family Services explained the need to relocate the Day Care.

Ed Reidman asked to modify the condition that references the striping.

Eric Dudley mentioned his concern for the time line of the master plan and stated that many of the buildings on this site can be renovated without coming before the Planning Board for review.

Eric Dudley asked the Planning Board to require a master plan and create a time line for the completion of this project.

VIN Veroneau JB Brown asked that the striping of islands and vehicle control be reviewed as development commences. The Master Plan requirement for a 5500 square foot use could be cost prohibitive.

Ed Reidman suggested leaving the condition as written.

9. **Michael Taylor** moved the Site Plan application for JBB Westbrook, LLC on Tax Map: 042 B Lots: 013 and 006A and Tax Map: 034 Lot: 017A Zone: Industrial, Gateway Commercial is to be **approved with conditions** with the following findings of fact and conclusions.

Utilization of the Site

- The site is currently an office building within Saunders Brothers Business Park.

Adequacy of Road System

- The project will not burden the existing roadways. Traffic will be heavier during early morning and late afternoon hours while children are being

picked up and dropped off. Larrabee Road and Forest Street are state aid roadways with capacity to handle the additional traffic.

Access to the Site

- Access is made from a predetermined entrance on Cottage Street and Saunders Way.

Internal Vehicular Circulation

- Vehicular traffic within the site is directed around the building and parking which separates the children at the facility from the traffic.

Pedestrian and Other Modes of Transportation

- Not applicable.

Storm water Management

- The City Engineer approves of the storm water management plans.

Erosion Control

- The City Engineer approves of the erosion control plans.

Utilities

- Existing utilities will be used for the project.

Hazardous, Special and Radioactive Materials

- None.

Technical and Financial Capacity

- The applicant must submit a letter of financial capacity for the project.
- The applicant has assembled a team of designers and builders that demonstrate the technical ability to complete the project.

Solid Waste

- Solid waste for the property will be the responsibility of the property owner.

Historic, Archaeological and Botanical Resources

- None.

Landscape Plan

Additional landscaping should be provided within the parking areas to better define the daycare center and its parking areas.

Others

- None.

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 **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/does not have** 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 affects 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. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision **have** a lot depth to shore frontage ratio greater than 5 to 1.
18. 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.
19. For any proposed subdivision that crosses municipal boundaries, 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.
20. Timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.
21. The proposed subdivision **will not** negatively impact the ability of the City to provide public safety services.

CONDITIONS

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated July 16, 2007 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 Planning Board.
2. Any signage shall include the building number and street name.
3. Striped areas within the parking lots shall be curbed and landscaped.

2nd by Rene Daniel

The vote was unanimous in favor 7-0

10. Land Use Ordinances Amendment – 404 Sign Regulations – Request from the Administration for amendments to allow the placement of political signs within the public right-of-way.

Land Use Ordinances Amendment, 404 Sign Regulations

On July 2, 2007, the City Council referred to the Planning Board to review the current sign ordinance standards in relation to the installation of political signs in

the public right-of-way. When the previous Land Use Ordinance was replaced by the current Ordinance, political signs were not addressed. The Mayor and Council would like this issue to be addressed in the current ordinance as it was before with an additional requirement that all signs placed in the ROW include contact information of the entity that paid for the sign for administrative purposes. Specifically, if a sign is improperly installed, the City will have someone to contact to take care of the issue.

404 Sign Regulations

404.1 General Provisions.

- A. Sign Restrictions. A sign or advertising device of any nature may not be erected on or affixed to any building except as specifically permitted by Sections 404.2 - 404.7.
- B. Computation of Area. The area of a sign is determined by connecting the exterior points of the signboard or display elements, whichever is larger. It must include any open space between display elements. Each face of a sign shall be counted separately when determining the sign area. Display elements include letters, words, trademarks, medallions, symbols, and other devices intended to advertise or indicate the name of the premises, products or services available.(Ord. 8/21/06)

404.2 Signs in Residential Districts. The following provisions apply to signs in residential zoning districts:

- A. Name of Occupant and Street Number. One (1) sign is permitted displaying the name of the occupant of the premises, the street number, or both. A sign may not exceed one square foot in area for each visible face of the sign. It may have not more than two (2) faces. It may be attached to a building, or it may be erected on a rod or post not more than six (6) feet high and at least three (3) feet away from the street line. The sign may include the identification of an occupation. It may only relate to the person or services available on the premises.
- B. Bulletin Board or Identification Sign. One (1) bulletin board or identification sign for a permitted non-residential building or use, containing not more than six (6) square feet of signboard area. For churches, schools, and public institutions, two (2) bulletin boards of identification signs are permitted for each building. Each sign may contain not more than ten (10) square feet of signboard area. It must be set back at least one half (1/2) of the required front yard depth.
- C. Rental Area. On the premises of an apartment building or rental housing area, there may be one (1) identifying sign containing not more than six (6) square feet of signboard area.

- D. Non-conforming Use. On the premises of a non-conforming use or a use permitted by exception, there may be one (1) sign containing not more than ten (10) square feet of signboard area.
- E. For Sale Signs. One (1) "For Sale," "For Rent," or "For Lease" sign is permitted on the property, containing not more than six (6) square feet of signboard area and advertising only the premises on which the sign is located. Where the property fronts on two streets, one (1) sign is permitted facing each street.
- F. Building Under Construction. On the premises of a building under construction or renovation, one (1) sign not exceeding five (5) square feet of signboard area is permitted per contractor, subcontractor, or architect actually employed on the premises. Total area of all signs shall not exceed thirty-two (32) square feet.
- G. Subdivision Sign.
- (1) Temporary. A temporary sign is permitted to advertise a subdivision site while construction on the sale of the completed homes is under way. The sign may not contain more than twelve (12) square feet of signboard area.
 - (2) Permanent. A permanent sign is permitted to identify a neighborhood that has been created as the result of a subdivision approved by the Planning Board. The sign may not enter the right-of-way, nor block safe sight distances along a road.
- H. Business Sign. On the premises of a business which is legally operating in a residential zoning district, other than those described in Section 404.2.A, there may be one (1) sign advertising that business having not more than one face, containing an area of not more than sixteen (16) square feet. The sign must be attached to the building in which the business is situated.
- (1) Temporary. A sign erected under Section 404.2.H is temporary and does not become a non-conforming use. If this ordinance is amended so that such signs become illegal, the owner of the premises on which the sign is constructed must remove it or make it conform to the amended Ordinance.
 - (2) Stationary. All signs or advertising devices must be permanently affixed to the structure. They may not contain any visible moving or movable parts except as described in Section 404.3.G below. The lighting of neon or other illuminated tube-type signs or advertising device is not allowed in residential districts.

404.3 **Signs in Highway Services District, Gateway Commercial District, City Center District, Business/Professional Office District, Industrial Park Zoning District and Prides Corner Smart Growth Area.** The following provisions apply to signs in the Highway Services District, Gateway Commercial District, Industrial Park District,

Business/Professional Office District and City Center District: (Ord. of 03-07-05) (Ord. of 05-15-06)

- A. Stationary. All signs or advertising devices must be permanently affixed to the real estate. They may only identify the occupant of the premises or advertise the article or services available on the premises on which they are situated.

- B. Number of Signs. Maximum Height. On each lot, not more than two (2) signs are permitted affixed to each exterior face of a building fronting on a public street or parking lot for each occupant. The topmost element of any sign may not be higher than ten (10) feet above the cornice line of the building; except that in the City Center, it may not extend higher than six (6) feet above the cornice line of the building.

- C. Area of Sign. The total area of all signs permitted on the face of a building fronting on a public street or parking lot may not exceed one hundred (100) square feet for each twenty-five (25) feet of building frontage; except that in the Industrial Park District, the total area may not exceed two hundred (200) square feet. In the City Center District and Business/Professional Office District the total area may not exceed the lesser of one hundred and fifty (150) square feet, or 5% of wall area on which the sign(s) is (are) to be placed. The total area of all signs for a property in the Highway Services District and Gateway Commercial District shall not exceed five hundred (500) square feet. The total area of all signs for a property in the Industrial Park District shall not exceed three hundred (300) square feet. The total area of all signs for a property in the remaining districts shall not exceed two hundred and fifty (250) square feet. (Ord. 01/26/06); (Ord. of 05-15-06)

- D. Free-Standing Signs. Where buildings are set back at least forty (40) feet, one (1) free-standing sign may be erected within the open space fronting upon a public street. The topmost element of a free-standing sign may be no more than twenty-five (25) feet above the average level of the ground between the supports of the sign. The sign must not obstruct the view of oncoming pedestrian or motor vehicle traffic.

- E. Divided Building. Where a building is divided by partitions and is occupied by separate entities, and where the building is constructed so that part of it is located within forty (40) feet of a public way and one or more of the entities within is entirely located at least forty (40) feet back from that way, there may be one (1) free-standing sign within the open space fronting upon the way. Only those entities located at least forty (40) feet back may utilize space on this sign.

- F. Area of Free-Standing Sign. A free-standing sign may have an area of not more than one hundred (100) square feet, except in the City Center and Business/Professional Office Districts where the area may not exceed fifty (50) feet for a single business and one hundred (100) square feet for multiple businesses on

the same premises- Any exterior linear dimension of a free-standing sign may not exceed sixteen (16) feet. (Ord. 05/15/06) (Ord. 08/21/06)

- G. **Illuminated Signs.** Illuminated signs are permitted but they may not be intermittently illuminated or animated, with the exception of changeable electronic board signs in which the message changes at intervals of more than once every five (5) minutes and where the sign is a permanent component of the sign design and module. The total size of the changeable board area shall not exceed sixty (60) square feet.

- H. **Informational Signs.** Informational signs no larger than four (4) square feet, and containing no advertising are permitted on private property to direct traffic flow, indicate parking space, or provide other essential information to guide vehicular or pedestrian traffic flow with respect to that property.

- I. **Materials.** Signs can be made of multiple materials, except that:
 - (1) Plastic signs are not permitted in the City Center District and the Business/Professional Office District. In those this districts, signs shall be constructed of natural materials, including, but not limited to, wood, stone, or composite material providing similar texture, except that, (Ord. 05/15/06_
 - (a) Internally illuminated signs constructed of metal and plastic may be allowed in the City Center District and Business/Professional Office District to identify the major tenant of buildings with over three (3) floors, as measured from street level. The following standards apply:
 - (i) Only one (1) sign is permitted per façade,
 - (ii) Only the building's largest tenant, or top-floor tenant may be identified by a sign,
 - (iii) Signs may not be placed below the third (3rd) floor of the building,
 - (iv) Signs may not be placed on facades facing a property line that directly abuts a residentially zoned property. (Ord. 01/23/06) (Ord. 05/15/06)

- I. **Overhanging Signs.** Signs may not overhang the public right-of-way.

- J. **Time and Temperature Signs.** Time and temperature signs are permitted in these districts, but must be included in the total square footage allotment for the structure.

- K. **Sandwich Board Signs.** Sandwich Board signs are permitted in the City Center district. They are restricted to 2' x 4' in size per side, may have writing on both sides, must be placed adjacent to the structure, and shall not block pedestrian movement along a sidewalk or vehicular visibility.

- 404.4 **Light Source Regulated.** In all districts, a lighting fixture that directly or indirectly illuminates a sign must be designed so that the light source itself is shielded from view. This does not apply to signs illuminated by neon or illuminated tube type signs.
- 404.5 **Highway Guide Signs.** The Westbrook Area Chamber of Commerce may erect a guide sign on each entrance to Westbrook. Each sign must be placed so as to be in view only from Routes 302, 25, 22, Spring Street, and Stroudwater Street. Maximum size shall be 10" x 20", with directions focused on general areas rather than as advertisement for specific businesses.
- 404.6 **Consolidated Service Club Sign.** Service clubs in the city may have a consolidated sign in any district on each of Routes 25, 302, 22, Spring Street and Stroudwater Street entering the city. Each sign must meet the following requirements:
- A. Size. May not exceed a height of ten (10) feet or a width of ten (10) feet. The sign area for each individual club may not exceed ten (10) square feet.
 - B. Content. May contain only the name, symbol, meeting time, and meeting place of each service club.
 - C. Illumination. May not be internally illuminated.
- 404.7 **Installation of Banner and Community Event Signs.** On request, the Code Enforcement Officer (CEO) may permit a person or organization to install a banner sign across a public way under the following conditions:
- A. Citywide Interest. The purpose of the banner must be to announce a function of citywide interest, including church events, concerts, fund-raisers or similar activities.
 - B. State and Local Law. The installation of the sign must meet all the requirements of state and local law. The person requesting the installation shall provide the CEO with a sketch showing the dimensions, method of installation, materials, and text of the sign. The CEO shall establish the dates of installation and removal.
- 404.8 **Variance and Nonconforming Uses.** The granting of a variance from these sign ordinance provisions is prohibited. Where a sign exists as a nonconforming use, it shall not be extended, altered or enlarged, except that routine maintenance is permitted. Any entity proposing a development requiring Site Plan Review shall, as a condition of any approval of such development proposal, be required to bring any signs into conformance with the provisions of this ordinance.
- 404.9 **Political Signs.** Signs of a temporary nature relating to political candidates, election issues, or similar matters may be placed for a period of not more than thirty-two (32) days prior to the election. Such signs shall be removed within two (2) days following the

elections. There is no time limit on the placement of such signs on private property. Political signs shall be allowed in all zoning districts. All political signs placed within the public right-of-way shall include contact information on at least one side of the sign that identifies who paid for and authorized the sign.

Rene Daniel moved to schedule a Public Hearing for August 21st, 2007.

2nd by Cory Fleming

The vote was unanimous in Favor 6-0 (Anna Wrobel absent)

Eric Dudley read the State of Maine Statute relating to Political Signs into the record.

“H. Signs bearing political messages relating to an election, primary or referendum, provided that these signs may not be placed within the right-of-way prior to 6 weeks before the election, primary or referendum to which they relate and must be removed by the candidate or political committee not later than one week thereafter; and [1999, c. 152, Pt. G §2 (amd).] “

11. Adjourn

Respectfully submitted by Linda Gain PECE Secretary

MINUTES MAY NOT BE TRANSCRIBED VERBATIM. SECTIONS MAY BE PARAPHRASED FOR CLARITY. A COMPLETE RECORDING MAY BE OBTAINED BY CONTACTING THE ENGINEERING, PLANNING AND CODE ENFORCEMENT DEPARTMENT. THANK YOU