



City of Westbrook

DEPARTMENT OF PLANNING

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WESTBROOK PLANNING BOARD TUESDAY, MAY 20, 2008, 7:00 P.M. WESTBROOK HIGH SCHOOL, ROOM 114 MINUTES

Present: Ed Reidman, (Chair) (Ward 5), Rene Daniel (Vice-Chair) (Ward 1), Dennis Isherwood (Ward 2), Paul Emery (Ward 3), Scott Herrick (Alternate), Cory Fleming (At Large), Anna Wrobel (Ward 4), Michael Taylor (Alternate)

Absent: Greg Blake (At Large)

Staff: Molly Just, Richard Gouzie

Chairman Reidman called the Westbrook Planning Board meeting to order at 7:00 p.m. in Room 114 of the Westbrook High School. Pike Industries is off the Agenda. Chairman Reidman informed the Board that the Middle School ground breaking is on the 22nd at 12:30 PM. Also in the packet is an invitation to attend a storm water workshop on Tuesday June 10th between 6:00 and 7:00 PM in South Portland Council Chambers.

1. Call to Order

Ed Reidman asked Molly Just to update the Planning Board on the results of the Council meeting last evening.

Molly Just said the Council discussed three items related to the Planning Board. The first item was the recommendation to require notice to abutters when an applicant applies to the Planning Board for a special exception; currently the ordinance requires notice to abutters for site and subdivision applications. Staff had historically been giving notice to abutters for special exceptions applications. Last night the City Council voted unanimously to require notice, so the Ordinance will be updated soon to reflect that requirement.

The second item was a contract zone amendment request from Saco & Biddeford Savings Bank for an additional free standing sign in Hannaford Brothers Contract Zone that is the Hannaford Supermarket site on Hannaford Drive. I recommended the City Council not approve the amended contract zone request for the additional free standing sign. Last night the City Council set a public hearing for June 2nd to hear from the community, particularly the surrounding neighborhood on their thoughts regarding approval of an additional freestanding sign on that site.

The last item actually came back to the City Council originally a referral from the City Council regarding the City Council's proposal to eliminate the ability to build on substandard lots that is lots that do not currently conform with the standards, particularly lot size standards often 5,000 square foot sized lots. The City Council proposed to eliminate the ability to develop on those lots. They had proposed a back date to February 12th, so essentially if you applied for a building permit even before such change was approved you could have that building permit approved but you might not be able to build because the City Council could make a decision at a later date to eliminate that ability. This item had to go before the Planning Board as this would be a change to the Zoning Ordinance and the Planning Board recommended against eliminating the ability to develop those lots. After the public hearing the City Council ended up tabling the item. The Planning Board had recommended that the City Council direct staff to look at the design standards for existing lots of record / substandard lots and address scale and bulk of development on these lots. So what the City Council recommended is that this item come back to the Planning Board for work on design standards particularly as it relates to bulk and scale and the set backs as well for substandard lots.

Consent Agenda: Note – Public comment will be accepted for this item.

2. **Review of Paper Street Development - Dale Avenue – Sebago Technics, on behalf of the Westbrook Rotary Club, for the extension of Dale Avenue (a paper street) to provide access to six lots of record for the construction of four single-family homes. This development is consistent with the provisions of Sec. 406 Review of Paper Street Development. Tax Maps: 8A and 30, Lots: 5 and 41X respectively. Zone: RGA-1.**

The staff memo reads as follows:

Project Description –The applicant proposes to purchase the subject property from the City of Westbrook to extend Dale Avenue, a paper street, and construct 4 single-family homes on 6 lots of record.

Background - The construction of existing lots on pre-platted subdivisions was introduced into the Land Use Ordinances as a means to achieve the Smart Growth goal of infill housing. Infill housing is seen as a means to allow growth in traditional urban centers. This helps to support urban centers, and increase the efficiency of existing utility infrastructure. At the same time, this new housing contributes to the stock of housing that is located in neighborhoods within walking and bicycling distance of services.

Per Section 406 – Review of Paper Street Development, if the proposed development meets the Code requirements for development on paper streets and the applicant proposes no changes to the lot size or configuration then a project may be approved administratively so long as there is not a request for Planning Board review by an abutter. In this case, the applicant pro-actively requested Planning Board review. Abutters have been notified regarding this proposal and the Planning Board meeting.

Review Standards.

- A. Storm water. Adequate provision has been made to collect, treat and dispose of stormwater such that the rate of flow onto properties in the area shall not exceed those existing prior to the construction or improvement of the paper street.
- B. Street Construction Standards. The proposed extension of Dale Avenue meets the requirements of Sec. 502.5C (Design Standards for Streets and Private Rights of Way). This is an existing paper street that was approved under a prior Ordinance. Please see the attached memo from Captain Jarrett for comments on the proposed extension of Dale Avenue.
- C. Erosion Control. The proposed project shall incorporate the best management practices for erosion control and shall not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
- D. Lot Development. The project shall include 8 street trees distributed both sides of Dale Avenue along the lot frontage.
- E. Provision of Open Space. City staff has requested that the applicant provide a public access easement for an existing informal trail that runs between the High School and the future Middle School. This would complement current efforts underway by local and regional trail planning groups to link the two schools and ultimately to connect the City to the Sebago to the Sea Trail, which will run from Sebago Lake to Portland. The Site Plan for the new Middle School depicts a trail connection and this would help to ensure that the trail becomes a reality. The trail is depicted on Lot 133 of Sheet 1 of the plan dated 4-28-08.
- F. Water and Sewer Capacity. The project shall be served by existing public water and sewer. The applicant has verified that there is adequate water supply and the City Engineer has verified that there is adequate sewer capacity.
- G. Traffic. The proposed paper street will not cause unreasonable highway or public road congestion or unsafe conditions.

Staff Recommendation – Contingent upon the provision of a public access easement for a trail connection, Planning and Engineering staff recommend approval of the proposed extension of Dale Avenue.

Dan Riley with Sebago Technics on behalf of the Westbrook Rotary discussed the plans to extend Dale Avenue to provide frontage for four existing lots of record. The houses will be constructed on those lots by the students in the vocational building program. They have built approximately 50 houses in this manner typically on non conforming existing lots of record in the City. It is one of the longest running programs of its type in the Country. In the proposal for the Paper Street Development we have proposed extending the street 165 feet from its current location. There are five lots on the southern side of the road and a single lot on the north side of the road. The lots are owned by the City of Westbrook and the Council had this on their agenda to work through the conveyance of that land and has been referred to the Committee to finalize the details.

The memo that the Planning Staff has prepared fairly well describes the project. The only issue we have concern about and would like to talk about is the staff recommendation for a trail running across the lot. Where the project is located has an

abandoned canal running on the end side of the lots. At least a portion of it has an embankment for the detention basin for the development, then runs to a natural drainage along the bottom, behind the southerly lots. We have created a drainage easement behind those lots. Running along the top of that embankment and along the side is a portion of an existing trail. Based on the staff's memo it does connect to the lower portion of the lots. We understand that the staff is recommending that the trail have an easement. The applicant has some concerns because this is a nonconforming lot it is relatively small. That trail is also constrained by a sewer easement along the easterly boundary that the City of Westbrook holds a drainage easement on the outlet of the detention basin. With those constraints we obviously have a very limited building envelope. Keeping this proposed trail would place it very close to a residence. We understand the City's desire to have a trail, but not in this location due to the lot size and we hope the Board will take that into consideration.

The other point related to that is the Paper Street development Ordinance, in our opinion is very clear as to what the requirements to open space are. It does not specifically require access easements but it does require a percentage of the land be set aside in a plan or deed restriction as open space. We are meeting that requirement by the land that is set aside in the drainage easement across the rear of the property and far exceeds the 10% of the development area that the ordinance says needs to be set aside for open space.

We hope the Board will find that we have met the requirements of the ordinance and not add the additional encumbrance on the lot, a public trail easement on a very small lot would incur.

Dennis Isherwood said the trail loops around and connects to the one near the Animal Shelter and is used quite regularly by people on Dale, Anderson and Glenwood Avenue. I think we should give that a lot of note before we sell a City lot that would take that space. I do not see where that space for the drainage would help get to the trail. I walk that route that is how I know, and would definitely have concerns about that.

Dan Riley said their concerns given the existing easements would make it very close to the trail about 15' feet, more or less if the location remained where it is today, even though it is an informal trail system that is our concern.

Dennis Isherwood asked if you could you leave that lot empty and develop the lot across the street?

Dan Riley potentially but I do not know if that is part of the agreement that the rotary has in place to acquire that lot. Even though the street extension request creates frontage on all five lots, we are not proposing to construct on the first lot. There is an existing drainage way that runs through lot 34 comes down to a large structure and discharges across lot 129 and then a stream begins further down stream so between the existing drainage way and the set back essentially lot 129 is unbuildable given those constraints. We have limited opportunity to develop these lots in a way other than what has been presented to you.

Paul Emery asked if you could the trail be put through the unbuildable lot?

Dan Riley yes potentially it could.

Paul Emery is it practical?

Dan Riley said the terrain is relatively steep. You could construct a trail on the back side of the lots and over the drainage easement. It would be a little work as the terrain is steep. In my mind it would be appropriate instead of being in the proximity of someone's home.

Paul Emery said he would not care to be the homeowner of that property. Mr. Emery asked for more definition of the building envelope and the placement of the house on that lot.

Dan Riley showed the building envelope for the lot shown on the map.

Paul Emery asked where the building envelope would be if the trail was placed on the other side of the development.

Dan Riley we have not considered that layout, but we could place the trail along the south side of our drainage easement and generally run through the center of the unbuildable lot and tie into Dale Avenue and would not be on an existing property owner's property.

Paul Emery I think it makes more sense to put a trail on an unbuildable lot, than to take away from the citizens, the vocational students and the tax revenue this project could bring.

Ed Reidman said on the plan there is some indication on the back side of your lots; there are two lines crossing lot 133 in the same area of the trail, what does that reference?

Dan Riley said that is the edge of the drainage way.

Rene Daniel asked if Dan can show me where the Oxford Canal runs through this project.

Dan Riley showed the canal on the map. The canal runs along the property line just on our side of the property embankment.

Rene Daniel asked if the lot across the street from the proposal was recommended to the City Council to be sold to an abutter.

Eric Dudley said it has not been sold, but Mr. Grimason is in the audience and can speak to that but that is still our recommendation.

Rene Daniel asked where the canal goes from the new Dale Avenue is going to be extended.

Eric Dudley said the canal continues all along the back lot line as what has been proposed as the extension of Dale Avenue continuing up towards Canal School, runs out behind the properties on Glenwood and then crosses over Spring Street towards Beaver Pond.

Rene Daniel is it still the thought that we are going to have a trail system through the City of Westbrook and this would be part of the trail system?

Molly Just yes the City has been planning a Citywide plan for Parks, Recreation and Open Space and this would be part of this trail. We have a special responsibility to uphold our plan to have a trail and it would link to the High School and Middle School and beyond as part of a regional trail and working with other members of other communities to plan for a trail from Lake Sebago all the way to the Sea.

Rene Daniel asked if our goal is to have a trail from the new Middle School to the High School and beyond, why would the City even consider selling lot 133 to be part of this parcel?

Molly Just said we need to present the idea to the community and the Planning Board to see how it is received and the ultimate decision maker is the City Council as to what property is actually conveyed.

Rene Daniel said he had been concerned in the past when someone filled a portion of this historical site, now my concern is we are going to take more of this site away. I would be more in favor to have a natural trail through the City, then creating another one that is going to be in the middle of a wetland. I would be interested in hearing more information on the potential trail.

Anna Wrobel said I look at the houses that the vocational students build, I must say that the houses are charming and just the right scale and bulk for these kinds of properties. I just want to let you know that I am an advocate of the Vocational program but as I agree with prior speakers City owned land is a treasure and would hate to see that trail system becoming more complicated. I would advocate for one less house or maybe a different way to put it on that lot but I would like to see that trail connected and the construction seems a little complicated.

Molly Just said if you look at the current zoning requirements of the RGA1 district and I understand these are lots of record and in the existing ordinance the set backs are ten feet all around, for new lots set backs are fifteen feet all around. You could have a building in the building envelope and the owner can simply put up a fence. There is room for both the house and the trail. You would not be able to build on a drainage easement.

I was meeting with the recreation and conservation commission earlier and they strongly recommend a trail easement on this property.

Paul Emery can the house be placed on the lot, still have the trail, design the home so the family side can be on the back side.

Dan Riley I assume that is possible, the design of the house has not been completed at this time.

Paul Emery said I lived in South Portland and we had a beautiful trail next to residential property, close to the old shipyard in South Portland and the houses are within ten or fifteen feet and no one has a problem with the placement of the trails.

Dan Riley if the Rotary is not able to at least four lots to build on; it is not a viable project as we need to have all four lots to cover the cost of the road construction.

We could design the house as such so the new owner could build a fence, I know I would want one if I lived there. Certainly we can not build on top of the drainage easement.

Paul Emery asked if it could be done to satisfy all parties.

Dan Riley said a house could be constructed and a fence could be installed to keep that trail separated from the home on that lot.

Greg Blake echoes his colleague's comments as to the trail link. Also as a member of the building committee for the Middle School, I believe that was one of our goals to eventually connect three way nature trail type systems. The high school fields that are out to the northeast, with the new middle school and I think that is an excellent goal, I did not know about the Sebago to the Sea but it makes sense given that it is going to follow much of the Cumberland Oxford Canal. I lean toward trying to maintain that trail system through there.

Getting back to your point Molly, we sometimes chastise developers that try and cram in that last house to make more profit on their developments and why can't scale back that last house. What is it about this development that makes it necessary to cram in that last house? Why can't this developer, the Rotary/the City review this project?

Paul Emery asked what the size of the building envelope is in square footage.

Dan Riley said he does not the square footage of that particular lot is; he would have to measure it.

Paul Emery asked if a house could be placed in there without having a crammed in look.

Dan Riley I do not think that there is an issue to be able to fit a house within the building envelope as this lot is one of the larger lots.

Ed Reidman asked for public comment

Drew Gattine 529 Stroudwater Street and also the Ward 2 Councilor said this is a very important program that has been running and it has the support of the community for about fifty years. It is very important that we find a way for this program to continue. You can understand why these lots are particularly attractive given the proximity of the High School and that the City owns them.

I want to give you a little background as to how we got here. A couple of years ago, the City Council and committees got together to look carefully at the City owned land that was undeveloped, with an eye to try to sell off some pieces of property, particularly small

pieces that may adjoin privately owned properties that may find some value and enjoyment from the extra land. During that process we identified and discussed particular buildable lots that might be suitable for the continuation of the Rotary project. What the Council decided to do at that time was to set those lots aside for future possible building for the Rotary and are not willing to sell them to a third party. There has not been any further conversation with the Council about these lots. The first time I heard about development of these lots was when we received a referral in our packets explaining the possibility of the sale of these lots to the Rotary.

I think there will be further discussion before the Council decides whether or not to sell those lots for this project or any other project. I am surprised to see any project to get this far before the City Council approves the sale of City property. I question whether Sebago Technics or the Rotary even have a standing to be able to bring this project forward without City Council approval of sale of properties.

I think this project needs to be discussed and studied closely as the neighbors on the neighborhood are concerned about any development in the area. These parcels have provided a natural buffer between the existing neighborhood and the Sandy River Development that was passed about a year ago. I think this project is premature until there is some action taken by the City of Westbrook about whether or not they want to sell these lots.

A couple of weeks ago you were dealing with a referral to potentially stop private citizens who had made financial investments with developing small lots like this. When the Council discusses this issue we will have to do some sole searching before the City wants to be the developer on small lots, or at least responsible for the development of such properties.

I wanted to give my perspective about these lots. I also think we need to keep the Rotary projects running, but I am not sure this is the location for the vocational protects.

David Tapley 39 Dale Avenue and Ward 2 Parks, Recreation and Open Space Committee member spoke in opposition of this project due to the wildlife and natural trails.

As the Ward 2 representative of Parks, Recreation and Open Space Committee, I have discussed this matter with my neighbors in detail. It is sad to obliterate the history of this area. I see a much better way to utilize this area as a Public access park or recreational area or an additional recreational area for the Junior High. Portland Trail or some such organization could fund it. I think you are loosing that by blocking off future plans of the bigger picture.

This road as it extends is inching farther and farther towards Refuge League property. My concern is with the knowledge of the project that has not been built yet has a contingency of a road that goes from Spring Street to Stroudwater Street. In my mind, when the Spring / Stroudwater access is built another street will be connected to Dale Avenue and there goes our quite dead end street. The charm of this area is the wooded lots and the natural trails in the area and that was part of the reason why most of us purchased the lots in this area, if this is passed, that charm will disappear.

The biggest issue that people have to look at is the Junior High. The Junior High is in a land locked area behind our location. As it is now, across the street from me my neighbors have to deal with a lot of foot traffic from the High School. It is easy for the students to connect to the trail at Canal School, connect to the trail and then go behind

people's unfenced back yards to get to school. We have privacy concerns dealing with the existing trails. More foot traffic will be generated when the Junior High is built. Should this project be built the natural trail will be gone and the foot traffic will end up in the neighbor's yards. If fences are built, the students will only be diverted to someone else's yard.

My biggest concern with this development is that it will change the dynamics of Dale Avenue as we know it.

Looking forward, another currently land locked eleven acre parcel that was deeded to the City of Westbrook from the Village Lane Development will be desirable to another developer as a result of this road continuing. I hope we can allocate the eleven acres as a park.

I purchased the lot next to me that has a stream running through it. I went to the DEP (Department of Environmental Protection) to inquire about building on that lot and was held to a strict standard and needed a permit by rule for an addition to my house. Just to let you know what has been said to be runoff on lot 41 is not run off, it is part of the stream that runs through my lot.

If you place the trail next to the canal, that will place all the foot traffic next to my lot. Again the eleven acre lot could very well be utilized by the Junior High and could have a direct trail connection to it. They could use it for nature education and it would remain in the historical part of the City of Westbrook. As well if we had that as a nature trail, some of the area could be used for parking.

I am not against the Rotary / City Vocational projects; I just feel it is in the wrong place for such a development.

The proximity issue is a non-issue as the School busses the students to the site as they did on Stroudwater Street, right next door to the High School.

Guy Cote 19 Laffin Drive located as the last house on Laffin Drive and the Canal goes through our lot.

I echo much of what has been said this evening. As far as the trail system, Portland Trail System has been in contact with us and would like eventually to have the trail system go through there. It is used every day, even the teams use it for jogging trails.

As for having a house on the fourth lot adjacent to the trail during the winter time we have snowmobilers that use that trail. We have ATV's that use the trail. Anyone who builds there will not appreciate the ATV's going by there home at 10:00 pm at night.

The sewer easement is only 20' feet wide. As I am on the Sewer Commission, I recommend that we widen that a bit for any maintenance that may be needed. As far as the drainage easement on the Canal, we can landscape it, but can not build any structures there.

We have been a big proponent of the vocational program and the houses that were built on Stroudwater Street to City Zoning rules. We need to be careful with this proposal due to the drainage, sewer easements and the trails.

Cory Fleming asked Guy Cote as a homeowner in the area if he considers the trail as an asset of a deficit for you.

Guy Cote said definitely an asset; we always take the dog for a walk along the trail.

Mike Kane retired Assistant Superintendent and also a member of the Westbrook Rotary Club explained that we placed the deal too early with any City Council members. We did call earlier today to make sure it would be appropriate to be here today.

We are sensitive to two things; one, to keep the educational process going for the students of the High School. Two or Three years ago we received a list from the City of Westbrook of lots that we may potentially build on and we went through all the lots that would be viable to move to which are these lots due to the proximity to the High School.

There should be no intention to interfere with the canal or the trail. With the knowledge gained this evening, I would like to start the process of tabling this and give the project back to the engineers and let them look very seriously at combining the house and the trail in the last lot so it stays natural and bring it back to us, so we can look at it as Rotarians to see if it is doable. If it is not doable and it does go to three lots, the problem that we are having is the expense of the road.

Knowing now the concerns about the trail system, I would like to table this item and instruct our engineers to review the project to see if the trail system and a house fit within the building envelope on the end lot.

Tim Grimson 40 Dale Avenue, the last house on the left. My question is I have been trying to purchase this lot and was told it was unbuildable and was of no use to anyone, now with the Open Space Committee my request to purchase has been set aside.

I want to know how this project affects requests made of the City of Westbrook prior too the Rotary's request.

Ed Reidman suggested that Mr. Grimson seek answers from the City Council, Mayor or Jerre Bryant.

Tim Grimson said the trail has incredible high usage. If the trail is there it will be used and if something is changed, the people will find a way around it, please consider any changes carefully.

Ed Reidman asked Eric Dudley if the sewer right of way would be compatible with the trail.

Eric Dudley said yes.

Ed Reidman explained that the City owned land that we are speaking of has been referred to the Committee of the Whole to have that discussion. As you have heard this evening, the 50 x 100 lots are still under moratorium as set forth by the City Council.

Even though the Rotary has come forth with this project, they would not be able to build on them until the decision on the moratorium has been finalized by the City Council. If the change has been made to a 75 foot lot, the Rotary would not be able to get the four lots. Then the Rotary would have to return to the Planning Board to seek a subdivision. All of these issues have to be resolved before any construction can be started.

I see no reason why the Planning Board can not table this item to give the Rotary additional time to review and re-work this plan, and then the Rotary can come back to the Board to revisit the updated plan.

Rene Daniel explained to Mike Kane that even though he is extremely supportive of the Vocational Program, while also preserving the history in that area.

I want to express this to the City Council so that the Vocational / Rotary program can continue forward with as many lots that could be available.

Mike Kane said the Rotary feels the same way.

Rene Daniel moved to table this item until other questions have been answered.

2nd by Greg Blake

The vote was unanimous in favor 8-0

Continuing Business

Ed Reidman explained that during the continuing business does not accept public comment.

3. **Contract Zone and Comprehensive Plan Amendment – Stroudwater Place – 500 Westbrook LLC, for the phased development of a mixed-use project on approximately 60 acres generally located at 528 Stroudwater Street. Tax Map: 9, Lots: 3 and 3A, Zone: Business Professional Office District.**

Molly Just presented an overview for the Contract Zone and Comprehensive Plan request as follows:

Overview. This is a request for a Contract Zone and Comprehensive Plan Amendment for a 1.6 million square foot mixed-use development generally located at 500 Stroudwater Street. The Contract Zone would rezone the site from Business Professional Office District to the project as approved by the City Council. The Contract Zone would establish a development plan for the site which would be implemented at the Site Plan Level.

The Business Professional Office District allows the master-planned development of a campus style atmosphere including business/professional office and light manufacturing uses. Limited retail is allowed in this Zoning District. The property is in the Industrial District II zone in the Comprehensive Plan. This district recommends industrial or business uses in a park-like setting with preservation of working farmland and with retail as a support use to the industrial and/or business uses. The Comprehensive Plan recommends more open space and approximately half of the density that is proposed with this project.

Provisions of the Contract Zone Ordinance (Sec. 107). Contract zoning is authorized where, for such reasons as the unusual nature or unique location of the development proposed, the City Council finds it necessary or appropriate to impose, by agreement with the property owner or otherwise, certain conditions or restrictions relating to the physical development or operation of the property, which are not generally applicable to other

properties similarly zoned. All rezoning under this section shall establish rezoned areas, which are consistent with the existing and permitted uses within the original zones. All such rezoning shall be consistent with the City's Comprehensive Plan.

Conditions and restrictions imposed under the authority of this section may include, by way of example:

- (1) Limitations on the types and number of uses permitted.
- (2) Restrictions on the scale and density of development.
- (3) Specifications for the design and layout of building and other improvements.
- (4) Schedules for the commencement and completion of construction.
- (5) Preservation and creation of open space and buffers, and protection of natural areas and historic sites.
- (6) Contributions toward the provision of municipal services generated by the development.
- (7) Performance guarantees adequate to secure completion and maintenance of improvements, and guarantees against defects.
- (8) Provisions for enforcement and remedies for breach of any condition or restriction.

Note. The City has historically used the Site Plan application for Contract Zone requests. In this case not all of the Site Plan application items are appropriate at this time as this is a large project that will be implemented via the Site Plan approval process, where that level of detail is appropriate, necessary and required.

Primary issues to cover during the Contract Zone process would include, but not be limited to, total project square footage, use mix, open space and community benefits, phasing such that community benefits are incorporated into each phase and such that each phase could stand on its own, and urban design guidelines (e.g. streetscape, building height, façade treatment, parking guidelines, sign guidelines, treatment of public spaces, and framing of the public realm which will result in responsible building placement).

Access will be addressed and finalized before Site Plan approval for construction of any portion of this Contract Zone. General access shall be from the Westbrook Arterial only. The Arterial is a control of access highway and will require approval from the State. Emergency access may be granted from Stroudwater Street and would be determined at the time of the first Site Plan for the project.

Issues for Discussion.

1. Conformance with Comprehensive Plan. The applicant has submitted a request to amend the Comprehensive Plan recommendation for this property. The proposed project is not in conformance with the recommended use mix, amount of development, or open space requirement.
2. Use Mix. Staff recommends a more balanced use mix. This should not necessarily be achieved by increasing the total amount of development. A ratio or percentage of

several larger use categories (e.g. retail, restaurant and entertainment, office and residential, other) should be required for each phase to ensure that each phase would have an appropriate mix of uses and community amenities in the event that that were the last phase. This would help ensure a project that could thrive in a variety of market conditions and that would have activity during more hours of the day, which would help support the community amenities on the site.

Analysis of Proposed Permitted Uses. At the recommendation of staff, the applicant has added multi-family dwellings and home occupations into the list of permitted uses and has removed Restaurant Class 1 (drive-thru), Retail Class 4 (gas station with food store) and Telecommunication Towers . Staff recommends that Automobile Repair be expressly prohibited as a use. Staff continues not to support allowing Bank Class 1 (drive-thru). The applicant describes the proposed project as a destination where people would park once and make use of multiple uses on the site. A drive-thru bank is not a destination; it is an errand that people make on the way to someplace else. In addition, this would not necessarily be an attractive option for someone seeking the convenience of a drive-thru bank as getting into the site from the Westbrook Arterial would not be convenient enough for that one drive-thru errand. An internal (not pad site) branch bank with an exterior ATM would be better suited for an actual destination.

3. Phasing could be based on provision of the use mix ratio and provision of a certain amount of community amenities. The applicant has submitted an updated phasing scheme as follows:
 - a. 2 years after the first 100,000 feet of commercial space is occupied an outdoor farmers market would be constructed.
 - b. No more than 800,000 square feet of commercial space would be issued a certificate of occupancy before a central common/outdoor gathering space has been constructed.
 - c. No more than 1.2 million square feet of commercial space would be issued a certificate of occupancy until an indoor ice skating facility, arena or similar civic facility has been constructed.
4. Open Space. The applicant proposes to count the overflow parking area as open space. Staff does not support this since the project does not meet the minimum landscape requirement of the existing Zoning District (40%) or of the Comprehensive Plan (30%) even with including the overflow parking area. Every opportunity to increase the amount of open space, above 20%, should be explored.
5. Buffering. Staff recommends a deeper buffer along Stroudwater Street. A 100' buffer along Stroudwater Street and a 50' buffer along the side lot lines may be more appropriate between a large commercial project and a low-density residential neighborhood. This would also be included in the open space ratio.
6. Landscape Design. Landscaping should incorporate a low-impact design using native species and natural components.
7. Environmental Impact. This project should seek LEED (Leadership in Energy and Environmental Design) certification. LEED certification would be a marketing tool for the developer, would reduce the overall environmental impact of the project on the City and the region and would set a standard for environmental achievement throughout Maine.

LEED certification provides independent, third-party verification that a project meets the highest green building and performance measures. All certified projects receive a LEED plaque, which is the nationally recognized symbol demonstrating that a building is environmentally responsible, profitable and a healthy place to live and work.

There are both environmental and financial benefits to earning LEED certification.

LEED-certified buildings:

- Lower operating costs and increased asset value.
 - Reduce waste sent to landfills.
 - Conserve energy and water.
 - Healthier and safer for occupants.
 - Reduce harmful greenhouse gas emissions.
 - Qualify for tax rebates, zoning allowances and other incentives in hundreds of cities.
 - Demonstrate an owner's commitment to environmental stewardship and social responsibility.
8. Parking. A thorough analysis of the appropriate amount of parking based on the use mix must be conducted to ensure that the project is not over parked. Parking is one of the highest expenses of a large project. Parking costs most often take away from funds that would have been targeted toward the public realm (open space treatment, the quality of the farmers market space, streetscape treatment, and architectural and façade details). This should be explored further at the Site Plan level. Staff does not support “overflow” parking on the fair ground (southern end of the property).
9. Performance Standards.
Minimum Lot Size. Minimum lot size is not necessarily relevant to this project. However, there should be minimum site plan size to ensure that project impacts on the transportation system, the community and the environment are considered in a holistic manner and in large enough pieces to ensure a viable mixed-use project.
Lot Width. Minimum lot width is not necessarily relevant to this project.
Setbacks. Staff recommends no front setback requirement but recommends not allowing parking (structured or surface) on the Arterial frontage. Staff recommends a 100’ rear setback in addition to the buffering called for in the proposed project. Staff recommends a 50’ side setback.
Maximum Height. Staff recommends a maximum height that would *include* architectural features and penthouse mechanical equipment. A 75’ maximum height may or may not be appropriate and should be further discussed.

Process (there is no set number of meetings for each step of the process).

1. Planning Board review.
2. Recreation and Conservation Commission review and recommendation.

3. Planning Board public hearing.
4. Planning Board recommendation to the City Council
5. City Council review.
6. City Council public hearing.
7. City Council decision.

Ed Reidman wishes to keep access from Stroudwater Street on the table. It is my suggestion to the Board is to discuss what will be allowed in the Contract Zone. We have a list supplied to the Board from the applicant and now is the time to try and reach consensus as to what uses will be in the Contract Zone.

If the Board members do not have any objections, I will start the list and hopefully we can complete it this evening. If there are questions about the developers' interpretation of our Ordinance, then I will ask Mr. Vaniotis to explain their interpretation to us.

Anna Wrobel said she is willing to go through this process, but asked is it a forgone conclusion that the Contract Zone is going to be allowed? Is it a forgone conclusion that the present Zone is going to be changed?

Ed Reidman said this is the request of the developer and we are acting on that request and the Council has sent this to us in order to develop the Zone.

As I have said many times before, the Council only asks for our opinion, they do not have to listen to our opinion. I would imagine that since we are going through the process, that some type of Contract Zone will be put on the table, at least for the Planning Board to make a recommendation to the City Council.

Molly Just said that nothing is approved until the moment it is approved.

Anna Wrobel said is it a forgone conclusion the Zone as it is currently written is not going to exist any longer.

Molly Just said if the Contract Zone is approved, the current language for the existing Zone will be no longer, the Contract Zone will replace the current language.

Anna Wrobel said as I will strive to reach consensus with my colleagues, the Zone as written is a perfect Zone for Economic Development in Westbrook. As I understand that I am in the minority on this Board, I will campaign to make this the most land use restrictive Contract Zone as possible. I want to express my opinion and I do not want to see this Contract Zone happen.

The land that we have in the City is our scarcest resource. If it were left up to me, I would not change the Zone one iota; the existing language is perfect for future development. I wish to make this Contract Zone as restrictive of the land use as possible.

Ed Reidman I believe the answer to your original question is if the developer thought that they could live within the boundaries of the existing Zone, they would not be before us.

The first item on my list is called an Accessory Use. The definition in the Ordinance is as follows:

201.2 Accessory Use. A structure or use which is subordinate and incidental to, and serves a permitted use; and is located on the same lot as the principal structure or use; except as otherwise expressly provided in this Ordinance. In no case shall an accessory use dominate in area, extent, or purpose, the principal lawful use or structure. In all cases, accessory uses shall meet the same performance standards of this ordinance as principal uses.

An example of accessory use is Portland Glass makes glass and as an accessory use they sell glass.

Does any Board member have any issues with the definition of accessory use?

No issues noted.

Adult Daycare definition is as follows:

201.3 Adult Daycare. An adult daycare center licensed by the State of Maine for providing daycare services to adults who are mentally disadvantaged or incapacitated in some way that requires such services.

Mr. Reidman said he would read the existing definitions for requested uses, should the Board Members need further clarification the Board can discuss it.

Automobile Repair Services Accessory to a Retail Class One Use

In order to define this use we will check the Retail Class One Use

201.80 Retail Class 1. A business whose principal use is the retail sale of consumer goods, excluding those in the building materials business.

Now the definition of Automobile Repair Service is as follows:

201.6 Automobile Repair Service. A business for the purpose of vehicular repair, where the sale of petroleum products is also permitted. Services may also include so-called quick lube services and other specialty auto repair. New or used automobiles may not be sold on the business' premises.

That indicates to me that this may also be a gas station.

Molly Just said her interpretation is something like a NAPA or a VIP and staff recommends against this use. A NAPA or a VIP is not within the vision for this vibrant mixed use facility.

Chris Vaniotis said while listing the uses, we went through the Ordinance and added most options that we thought would fit. Another example would be Sears, a retail store with the Automobile Repair Service as an accessory use, having said that while talking with the developer we can scratch that use request.

Rene Daniel asked Chairman Reidman if he wanted motions for the removal of a use, or are we just going by consensus.

Ed Reidman suggested for speed we can go by consensus until we run into a problem, then we can take a vote. The prior request can be deleted from the request as there are no objections.

Paul Emery asked if we have a store that sells sound systems for cars which is a new product and not a repair, would that be allowed.

Ed Reidman asked Rick Gouzie his interpretation.

Rick Gouzie said the installation would be an accessory use to the retail and would be allowed as long as the accessory use does not dominate. If it dominates it would not be allowed.

Ed Reidman said there is no definition for Band Shell, Band Stand, and Out Door Performing Arts Venue and asked Mr. Vaniotis to give us a suggested definition.

Chris Vaniotis said that he thought the definition was self explanatory. We thought we could take the definition as defined in the dictionary.

Ed Reidman suggested that we can leave this use in, but we need a definition provided to the Board within this Contract Zone.

Chris Vaniotis said we can propose some definitions for these terms.

Molly Just said she would recommend Outdoor Performing Arts Venue. I would also suggest adding Indoor Performing Arts Venue.

Ed Reidman asked if there were any objections to re-defining that portion, with the understanding that we will have a definition.

Pratap Talwar said we already have asked for the Indoor Performing Arts Venue that is included with Theater and multi Screen Cinemas.

Ed Reidman said the next item on my list is a Bank Class One, defined as follows:

201.7 **Bank Class 1.** *A bank or similar financial institution with one or more drive-up windows, including ATM machines, whether attached or unattached.*

I recall there was an objection to the drive-up windows.

Molly Just said staff recommends not allowing a bank with drive through.

The applicant describes this as a destination where people could park and mill around; a bank is not a destination, it is an errand that people make while going someplace else.

An interior branch bank with an outdoor ATM would be better suited for a destination.

Pratap Talwar said he supports Molly's suggestion.

Ed Reidman said the next use is a Bank Class 2:

201.8 **Bank Class 2.** *A bank or similar financial institution where drive-up windows are not permitted, although an attached walkup ATM is permitted.*

Rene Daniel said he would be more in favor of Bank Class 2 than Bank Class 1, due to the drive-through.

Scott Herrick said that his opinion is the same as Rene Daniel's unless a new creative model for an inter-parking structure for a drive through bank; I would suggest coming back for an amendment to the Contract Zone.

Paul Emery said he would rather not go through another amendment to a Contract Zone, I would prefer to complete it at this time.

Ed Reidman said further down the list you can see that there is a Parking Facility that is not defined as anything that states a multi story building or a structure in which motor vehicles can be stored or housed. Parking facility can be public or private but may not be used for commercial repair, sale or lease of motor vehicles.

I agree with Mr. Emery, I want to complete this request for a Contract Zone now, with no opportunity for a Contract Zone amendment. Maybe the option in the parking facility is to have a Bank Drive through in that.

Paul Emery if you can visualize the drive through as a kiosk next to a side traffic lane. It may make sense as long as the kiosk does not sit at the entrance or the exit of the parking facility.

Molly Just said that kind of technology would reach Westbrook last. I believe that Banks will look at easy access first with visibility for their reader board signs. I think we should leave drive through banks out of this Contract Zone. If we absolutely had to, we could work it into the parking garage. We need to keep the drive-through banks out of this development.

Ed Reidman asked the Board for the time being we scratch Bank 1.

The Board agreed to scratch Bank Class 1 and had no problems with Bank Class 2.

Ed Reidman said the next on the list is Business Office as defined as follows:

201.15 **Business Office.** *A facility used by a commercial, financial, professional, or government enterprise or establishment. For the purposes of this ordinance, the definition of a business office includes research and development facilities and limited production or manufacturing operations wherein the office function is the primary activity, and printing and publishing operations.*

Next is Business Office 2 as defined as follows:

201.16 **Business Office 2.** *A facility used by a financial, professional or government enterprise or establishment during usual business hours that only performs functions generally found in an office setting. This includes the use of desks, files, computers, photocopying machines, desktop printers and similar equipment. General business activities may not be conducted outside of the structure in which the office is located. For the purposes of this ordinance, the definition of a business office 2 does not include research and development facilities, limited production or manufacturing operations, or printing and publishing operations. In addition, these specifically excluded activities may not be permitted as an accessory use to the primary business office functions.*

Molly Just asked if the developer is including both Business Office and Business Office 2.

Chris Vaniotis said that the developer is not requesting Business Office 2.

Ed Reidman said next on the list is Clubs and Lodges as defined:

201.20 **Club or Lodges.** *An association of people for social or recreational purposes, or for the promotion of some common objective. The use of common property owned by the association, which can include the serving of food or alcohol.*

Ed Reidman said it could be something like the Elks, Eagles, and American Legion.

Ed Reidman said next on the list is Community Center as defined:

201.22 **Community Center.** *A common building which provides a focus for recreational, educational, or cultural activities where for-profit commercial or industrial activities shall not be permitted.*

Ed Reidman said next on the list is Conference Facility Exhibition / Exhibition Space and we will have to ask for a definition of that use request.

Cory Fleming requested that the size of the facility be added to the definition.

Ed Reidman asked if the Board should put this on hold until it is defined for us.

Molly Just said this may be limited for the purposes of the Contract Zone. If they proposed a mega facility, the impacts would be addressed at the Site Plan level. Would the trip generation be too much? That would be the biggest concern.

Cory Fleming said there is a huge difference for a facility that can hold 500 people, to a facility that can hold several thousand people.

Paul Emery said he is looking at the return to the City of Westbrook as many people have to go out of State to access a large facility. I would be in favor for this type of facility. My only concern is will there be an over excess of vehicle trips above the normal influx of the daily traffic and what effect would that have.

Molly Just said the use mix is currently recommended by the applicant is approximately 60% retail and the other 40% is about 6% Office and 33% Restaurant and Hospitality. Under that Use mix that alone would limit the size of such a facility, as it is not retail and it is not office. When we get into the discussion of the use mix, you could think about what uses you would like to see and what ratio on the site.

Ed Reidman said we have mixed opinions on this one and I suggest we leave it on the table and re-visit it, just to get more done.

Scott Herrick said he feels we all want that on the site, but if we only have questions on the size we can discuss that at a later date. If the members are opposed to the use, then eliminate it, but I do not think that is the case.

Ed Reidman thanked Scott and we will re-visit it when the developer defines it.

The next item is a Daycare Center as defined:

201.26 Day Care Center. A dwelling or facility in which day care is provided for between 4 and 10 children under the age of 16, licensed in accordance with state statute.

The importance of that is that it limits the ages and the number of children.

The next item is dwellings multi family as defined:

201.29 Dwelling, Multiple Family. A structure consisting of three (3) or more attached dwelling units

Ed Reidman asked the developer if that is a usage he actually is looking for. Are you envisioning Condo's?

Chris Vaniotis said it is there as the result of the suggestion from Molly Just. We are not looking to have a residential neighborhood, but with a ten year build out, the market changes and there may be a use for this in the future.

Ed Reidman said that a three unit multi-family does not fit the concept of your proposal, but residential units could be acceptable.

Paul Emery asked what under the City Height restrictions could you allow a small tower as part of this? What is the height restriction in this area?

Molly Just said the height restrictions are proposed in the Contract Zone. The current zone language would not apply. The applicant is proposing a seventy-five foot height limit exclusive of the architectural features.

Ed Reidman saw no objections to that use, so proceeded with Educational Facility definition:

201.33 Education Facility. A public, private or church-affiliated establishment for the education at all levels of children and/or adults in subjects or skills.

No objections

Ed Reidman read the next definition:

201.40 Food Cart Vendor. An outdoor vendor operating from a portable facility located on a given site, licensed with the City, and selling products including, but not limited to, prepared or unprepared food. This definition does not include flea markets or the sale of general merchandise.

Paul Emery asked for a definition of general merchandise.

Ed Reidman explained that the definition states “does not include the sale of general merchandise.” This is for a food cart vendor, it should be for food.

Paul Emery said so no sales of beanies?

Ed Reidman said as long a Rick Gouzie agrees.

Rick Gouzie said yes, just food.

Jane Thompson said she thinks that there is a misunderstanding that you could not have both categories. If you could have food, craft, knitted goods or any type of sale items would be advantageous for this project.

Ed Reidman said the proposal cam to the Board as Food Cart Vendors. Neither I nor the Code Enforcement Officer could view anything other than Food Carts.

Chris Vaniotis said this is the reason for the dialog with the Board. I think in a subsequent change we could add a more generic definition or additional definitions for push cart vendors as they certainly would be appropriate for this kind of project.

Perhaps at the next meeting we can submit another draft to you for your review.

Ed Reidman read the next definition:

202.8 **Greenhouse or Florist.** *A horticultural business where products may be grown on the premises, within greenhouses, and where the products may also be sold on the premises.*

Ed Reidman said he did not think that would be a good fit, but entertains any other comments.

Paul Emery said overseas he has seen a green house located onto the street and is an integral part of the business.

The Board members concurred.

Ed Reidman read the next definition

201.44 **Grocery Store.** *A commercial enterprise engaged in the production, preparation and sale of staple foodstuffs, household supplies and usually meats, produce and dairy products.*

The Board members concurred

Ed Reidman read Health Club, Spa or wellness center...

Rick Gouzie said we do not have that defined in the ordinance.

Ed Reidman asked if the Board members had any objections to leaving this item in the use request. It will have to be defined, but we could still leave it in.

No objections

Ed Reidman read the next definition

202.10 **Home Occupation.** *An occupation carried on by residents of a dwelling unit where:*

- A. *The occupation is clearly secondary to the principal use of the dwelling unit,*
- B. *Only two people other than family members residing on the premises may be employed,*
- C. *There must be no change to the outside appearance of the building or premises, other than one non-illuminated sign of not more than four square feet,*
- D. *The home occupation use is limited to 500 S.F. of the enclosed building area,*

- E. Any parking provided by the owner must be off-street, exclusive of any yard setback, and be screened from any neighbor,*
- F. If renting or leasing, tenant must have permission from the owner, and*
- G. No more than two (2) pieces of commercial equipment shall be permitted, and this equipment must be able to meet the performance standards of the particular zoning district within which the structure exists. The commercial equipment must be contained and used entirely within the dwelling unit or accessory structure.*

Paul Emery said this is an interesting concept. You could have a gold smith, occupying a ground floor spot with no more than 15 or 20 feet store frontage, living up above with no more than 500 square feet would be charming.

Ed Reidman said he felt that something like what was previously mentioned fits the definition.

The Board concurs

Rick Gouzie said he does not believe they can have sales from a home occupation, as they cannot create traffic.

The definition remains in the use request

Ed Reidman read the next definition

*201.48 **Hotel, Motel.** A structure providing lodging, for a fee, on a daily basis. Accessory uses may include restaurants, meeting rooms, function halls, and associated recreation facilities. For purposes of this ordinance, a Hotel/Motel shall include any lodging structure consisting of one (1) unit or more per lot. Hotel units that have cooking and sleeping facilities, commonly referred to as efficiency units or suites, shall be rented on a daily basis for short-duration lodging.*

Rene Daniel asked if there is another class of hotel, motel.

Rick Gouzie said in our ordinance there is no other definition.

The Board concurs with a “class” Hotel, Motel

Ed Reidman said the next use request is an Indoor Ice Skating Facility. Mr. Gouzie, we do not have that definition in our Ordinance, correct?

Rick Gouzie said that is not defined in our Ordinance. Could we use Recreational Facility?

201.75 **Private Recreation Facility.** *A non-municipal indoor or outdoor recreation facility, not including water slides, outdoor amusement centers, spectator sports facilities, race tracks, or other similar facilities.*

I think that an indoor skating facility could be considered as a spectator sport.

Rene Daniel said he would be in favor of an indoor skating facility.

Cory Fleming said as I understand what the chairman is saying do we need to have a specific indoor skating facility when in fact it is covered by an indoor or outdoor recreation facility or sports facility.

Rene Daniel said he has no problem with combining both definitions.

Ed Reidman said the problem that arises when you go into a private recreational facility, is all clear but not including; it says a spectator sports facility. There are two sets of skating definitions one would have any seats in it and would be used for practices and then the majority would have seats in the facility, to use for spectator sport like indoor hockey and figure skating.

This definition needs to be reviewed and cleaned up a little.

Molly Just said that staff will have to review the definitions and check the option of spectator sports. At this time, I do not see why we could not combine several definitions to say: Public and Private Recreation Facility.

Ed Reidman said the definition title can be Indoor/Outdoor Recreational Facility with the definition worked on by staff and the developer.

Rene Daniel asked how the Davin Pool is classified.

Ed Reidman said the accessory use of the school or a municipal facility.

The next item is Indoor Storage accessory to Retail
We have no definition for this use.

Rene Daniel asked for clarity.

Molly Just said this is implied as part of the Retail use.

Paul Emery explained that in the Maine Mall the tenants in the Food Court have locked storage to keep their "gross supplies" that is not in the sales area.

Ed Reidman asked the Developer to provide staff with a definition for staff's review.

Pratap Talwar said that from the use point, we can add storage for onsite retail accessory use.

Molly Just said from a site plan review and a code enforcement perspective this is not necessary as a use. We can see it on a plan; this would only create confusion and is a part of the use. I recommend removing this request.

Pratap Talwar said that the storage may not be contiguous with the sale location. It also may be a place where push carts may be stored when not in use. We should have this category.

Ed Reidman said if the Clarkes Pond Shopping Center in South Portland has had vacancies in their store fronts. Rather than using the space as stores if it is not defined it could be used as storage.

The definition would stop this from being a possibility to be used as storage, because it has to be an accessory use.

Rick Gouzie said that on the Site Plan, if a space was defined as storage for retail tenants within the park. I think the accessory use is confusing.

Ed Reidman recommended dropping the Indoor Storage accessory to Retail use request out for now.

The next item is Inter-Modal Transportation Facility; does anyone have any objection to this one?

Editors note* an unidentified person asked what an Inter- Modal Transportation Facility is.

Ed Reidman gave an example of the Portland Jet Port, as it has cabs, buses and planes, which can be used through a central point.

Cory Fleming said the metro station is another example as it has cabs, private cars, and am-track at a central location.

Ed Reidman said we need a definition for Inter- Modal Transportation Facility.

The next item is Library or Museum

Ed Reidman said we will need definitions for the Library or Museum, use request. Does anyone have any issues with this remaining on the list?

No issues

Ed Reidman read the next use request:

Light Manufacturing / Research and Development.

Ed Reidman said the Board had covered this use earlier as stated in Business Office

201.15 **Business Office.** *A facility used by a commercial, financial, professional, or government enterprise or establishment. For the purposes of this ordinance, the definition of a business office includes research and development facilities and limited production or manufacturing operations wherein the office function is the primary activity, and printing and publishing operations.*

201.56 **Light Manufacturing.** *Manufacturing uses/activity involving the manufacturing, fabricating, packaging, processing or assembly of finished products from previously prepared material, such as bottling, printing and publishing, machine shops, precision tools and instruments, assembly of electrical or electronic components, tool and die shops.*

The Board was in favor of the use request.

Ed Reidman read the next use request:

Media Studio Class One

201.63 **Media Studio Class 1.** *A business engaged in the production of, but not limited to, radio, television, or cable casting, where there is no sale of retail goods.*

The Board was in favor of the use request.

Ed Reidman read the next use request:

Media Studio Class 2

201.64 **Media Studio Class 2.** *A business engaged in the production of, or recording of, sound where no broadcasting is permitted and where sale of retail goods is secondary to the business.*

The Board was in favor of the use request.

Ed Reidman read the next use request:

Medical Office

201.65 **Medical Office** *A building or portion of a building containing offices for providing medical services, including, but not limited to dental, psychiatric, physical therapy or chiropractic for out-patients only, but not including the sale of drugs.*

The Board was in favor of the use request.

Ed Reidman read the next use request:

Municipal Facility

201.67 **Municipal Facility.** *Any City facility provided to meet a municipal need. A municipal facility must meet district performance standards and is subject to the Site Plan Review process in Chapter V of this Ordinance.*

The Board was in favor of the use request.

Ed Reidman read the next use request:

Neighborhood Grocery

201.68 **Neighborhood Grocery.** *A grocery store having not more than 3,000 S.F. of total floor space. In permitting a neighborhood grocery, the Code Enforcement Officer shall determine if the facility has adequate parking (on or off site), is screened from residential neighbors, has screened exterior storage, meets minimum sign requirements and does not create negative traffic impacts.*

The Board was in favor of the use request.

Ed Reidman read the next use request:

Outdoor Farmers Market

The Board requested a definition and was in favor of this use request.

Ed Reidman read the next use request:

Outdoor gathering spaces, including but not limited to areas for open air concerts, picnic areas, parade, and fairground accessory to retail class one use.

Mr. Reidman asked if that could be covered in the indoor/outdoor recreational facilities.

Molly Just said that is not necessary

Pratap Talwar said for clarity in many Cities the requirements add how many people can be in a gathering space. That is the reason for requesting this as we are imaging many different sized gathering spaces. If the City's definition of indoor/outdoor recreational facilities covers the gathering space will be fine as long as it covers what we are requesting, almost like a park definition.

Ed Reidman asked if any Board member has any issues with accepting this request by using the outdoor recreation facility definition.

The Board agreed to the use request and suggested a re-definition.

Ed Reidman read the next use request:

Parking Facility

201.72 **Parking Facility.** *A multi-story building or structure or a portion thereof in which motor vehicles or equipment are housed. Parking facilities may be public or private, but may not be used for commercial repair, sale or lease of motor vehicles.*

The Board was in favor of the use request.

Ed Reidman read the next use request:

Professional Office Space

Ed Reidman said there is no definition

Cory Fleming asked how it differs from the Business Office Space.

201.15 **Business Office.** *A facility used by a commercial, financial, professional, or government enterprise or establishment. For the purposes of this ordinance, the definition of a business office includes research and development facilities and limited production or manufacturing operations wherein the office function is the primary activity, and printing and publishing operations.*

Ed Reidman said that is covered in the Business Office definition.

Chris Vaniotis said to clarify the definition the Professional Office use would mean offices used by lawyers, doctors, engineers and architects.

Ed Reidman read the next use request:

Restaurant Class 2

201.78 **Restaurant Class 2.** *A restaurant where a drive-in window is not permitted where food is the primary product and is served on the premises, and where alcoholic beverages may be served.*

Paul Emery asked if there could be a walk up window.

Scott Herrick said we already have a Food Cart Vendor, as long as no one has any issues I suggest leaving it as stated and during Site Plan if necessary we can cover it.

The Board was in favor of the use request.

Ed Reidman read the next use request:

Restaurant Class 3

201.79 **Restaurant Class 3. Drinking establishment:** *This means bars, bottle clubs, pubs, clubs, lounges, taverns, and other premises whose primary purpose is the sale or consumption of spirits, wine or malt liquor to be consumed on-premise. Typically, in serving primarily spirits, any such establishment offers few or limited food options. This term includes that portion of any restaurant where a room(s) is maintained separate from the main restaurant space, in which full course meals are not regularly served and where alcoholic beverages are sold at tables, booths, and counters and where the primary purpose of the separate room is for the sale of said spirits.*

Paul Emery said the only issue he has is the Bottle Club.

Ed Reidman asked the Code Officer if we allow Bottle Clubs in the City.

Rick Gouzie said we do not allow Restaurant Class 3 anywhere in the City; it is not permitted in any Zone.

Ed Reidman asked Rick Gouzie if he is suggesting that we take this request out.

Rick Gouzie said it is not allowed in any of our Zones.

Molly Just said that what you are saying is that bars are not allowed.

Rick Gouzie said that strictly bars are not allowed, unless they are private clubs or lodges.

Cory Fleming asked if all they do is serve alcohol, they are not allowed.

Rick Gouzie they have to be a Restaurant Class 2.

Cory Fleming said they have to serve food then.

Ed Reidman said going to the liquor licensing side, you have to serve food in a certain amount. That would be the same as a tavern.

Cory Fleming said at this time we could not have a night club where you have dancing and live music.

Rick Gouzie said that is correct, you can not have a night club without serving food.

Rene Daniel asked if a wine café that served wine, crackers and cheese is allowed in Westbrook.

Rick Gouzie said no.

Chris Vaniotis said this is in the listing of requests because this definition is in the Ordinance. I did not review every Zone in the City of Westbrook to check if it is allowed. I think this should be an allowable use.

Ed Reidman said he is in favor of removing this request. The Code Enforcement Officer says these are not allowed. I would explain to the City Council your request as this is a policy decision made by the City of Westbrook Council, not the Planning Board.

Anna Wrobel said that she understands that this could open a Pandora's Box, assuming that we do not want bars on every street corner in Westbrook and I would assume that this class of Restaurant is not allowed. As Chairman Reidman has said, this is a matter for the City Council.

Ed Reidman read the next use request:

Retail Class One

201.80 Retail Class 1. A business whose principal use is the retail sale of consumer goods, excluding those in the building materials business.

The Board was in favor of the use request.

Ed Reidman read the next use request:

Retail Class 4

201.83 Retail Class 4. A business whose principal use combines retail sale of goods with the sale of gasoline or other vehicular fuels (e.g. Cumberland Farms, Big Apple).

Editor's Note * someone in the audience said this request has been removed from the listing.

Ed Reidman read the next use request:

Service Business

201.86 Service Business. A business whose principal use is the provision of services including, but not limited to, barber shop, beauty salon, shoe repair, laundry service, or tailor shop.

The Board was in favor of the use request

Ed Reidman read the next use request:

Theater – Multi Screen Cinema

There is no definition for this use. We have an outdoor and indoor performing arts venue.

Rene Daniel said he wishes to link them together.

Ed Reidman asked the Board for comments.

No comments

Ed Reidman said we can add the use to the list and then redefine the use request –Theater
– Multi Screen Cinema

Ed Reidman read the next use request:

Veterinary Office can be defined in the Professional Business Office

Ed Reidman said we have accomplished the list of use requests. Should the developer have additional use requests you need to bring them forward at another meeting.

Due to the lateness of the hour, we will not start the Sign Ordinance. Molly, do you have a quick request on the Sign Ordinance?

Molly Just said yes

Ed Reidman asked the developer if he will be ready to meet again on June 10th, 2008 to start on another phase. My intention would be to have Stroudwater Place as the only item on the Agenda.

Chris Vaniotis requested the third Tuesday on June the 17th.

Ed Reidman said we have items on the calendar for June 17th. We will facilitate this item on June 17th after the regular business meeting.

I would prefer to have a single agenda meeting on June 24th, 2008.

Chris Vaniotis said that the development team can meet on the 24th also.

7. 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 ENGINEERING, PLANNING AND CODE ENFORCEMENT at 207-854-9105 ext. 220 and lgain@westbrook.me.us. THANK YOU