



City of Westbrook

DEPARTMENT OF PLANNING

2 York St. Westbrook, Maine 04092 (207) 854-9105 Fax: (866) 559-0642

WESTBROOK PLANNING BOARD TUESDAY, JANUARY 19, 2010, 7:00 P.M. WESTBROOK HIGH SCHOOL, ROOM 114 MINUTES

Present: Ed Reidman, (Chair) (Ward 5), Rene Daniel (Vice-Chair) (Ward 1), Scott Herrick (Alternate), Greg Blake (At Large), Michael Taylor (Alternate), Anna Wrobel (Ward 4)

Absent: Dennis Isherwood (Ward 2), Cory Fleming (At Large)

Staff: Molly Just, Richard Gouzie, Captain Charles Jarrett

Chairman Reidman called the Westbrook Planning Board meeting to order at 7:00 p.m. in Room 114 of the Westbrook High School. Chairman Reidman explained the purpose of a Public Hearing.

Public Hearing - Land Use Ordinance Amendments – Section 101 Purpose, Section 201 Definitions, Section 202 General Provisions, Section 301 City Center District, Section 305 Prides Corner Smart Growth Area, Section 404 Signage, Section 407 Downtown Housing Overlay, Section 500 Subdivision and Site Plan Review Standards, Section 705 Flaglots. The intent is to update the Zoning Ordinance, which was completely rewritten in 2004, to make changes that have been identified as necessary through use of the ordinance and to reflect current best practices. These changes are to be made primarily for “housekeeping” purposes.

Ed Reidman has everyone read the proposed changes? We have has a couple of workshops. Are there any Staff comments on them now?

Molly Just I do not.

Public Hearing Opened

Ed Reidman anyone care to speak?

Public Hearing Closed

Public Hearing - Special Exception Amendment – T & M Development, LLC, Extractive Industry, Methodist Road – Sebago Technics, on behalf of T&M Enterprises, LLC for the expansion of an approved extractive industry (A.K.A. Quarry) project generally located at 409 Small Hardy Road. Tax Maps: 20 and 17, Lots: 10K and 13, 14 and 16B respectively, Zone: Rural.

Ed Reidman does anyone need a presentation?

Public Hearing Opened

Public Hearing Closed

1. Call to Order
2. Chairman's Report – Calendar Year 2009



City of Westbrook
WESTBROOK PLANNING BOARD
EDWARD REIDMAN, CHAIRMAN

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

WESTBROOK PLANNING BOARD
CHAIRMAN'S REPORT 2009

During 2009, the Planning Board conducted (10) Workshops, (4) Sketch Plans, (1) Consent Agenda, (1) Comprehensive Plan Amendment, (12) Site Plans, (3) Site Plan Extensions, (2) Site Plan Amendments, (7) Subdivisions, (3) Subdivision Extensions, (1) Subdivision Amendment, (7) Special Exceptions, (1) Special Exception Extension, (20) Public Hearings, (2) Village Reviews, (6) Land Use Ordinance Amendment recommendations to City Council

Below is a list of activities of the Planning Board during 2009:

Development Plans

1. **Presumpscot Estates** 536 Cumberland Street. Tax Map: 10, Lots: 5, 6 and 10, Zone: Rural District and Resource Protection. 02-03-2009 Sketch Plan, Workshop, 04-21-09 Site Plan, Subdivision, 05-05-09 Site Plan, Subdivision, 06-02-09 Public Hearing, 07-07-09 Site Plan, Subdivision
2. **741 Main Street Shalom House, Inc.** 5-unit multi-family residential use Tax Map: 33, Lot: 178, Zone: City Center District and Village Review Overlay Zone. 03-03-09 Workshop, 05-05-09 Site Plan, Subdivision, 06-02-09 Site Plan, Subdivision, Public Hearing

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3. **Forest Street Apartments** 210 Forest Street. Tax Map: 34, Lot: 9B, Zone: RGA-1. 04-21-09 Sketch Plan, Workshop, 05-19-09 Site Plan, Subdivision, Special Exception, 07-07-09 Site Plan, Subdivision, Special Exception, Public Hearing
4. **White Brothers** Asphalt Production Facility 95 Warren Avenue. Tax Map: 46, Lot: 5. Zone: Industrial Park District. 07-07-09 Sketch Plan, Workshop, 09-01-09 Site Plan, 10-06-09 Site Plan, Public Hearing
5. **Dresser Subdivision** 442 Brook Street. Tax Map: 19, Lot: 47, Zone: RGA-2. 09-15-09 Sketch Plan, Workshop
6. **Review of Paper Street Development** - Dale Avenue provisions of Sec. 406 Review of Paper Street Development. Tax Map: 8A Lot: Portion of 5 (Existing Lots 130, 131, 132). Zone: RGA-1. 04-07-09 Consent Agenda
7. **152 Central Street** Tax Map: 28, Lot: 302, Zone: RGA-1. 01-06-2009 Final Site Plan, 01-06-2009 Final Subdivision, Special Exception, Public Hearing
8. **21 Ash Street** Tax Map: 33, Lot: 142, Zone: City Center District and Village Review Overlay Zone. 04-07-09 Site Plan, Public Hearing
9. **Greenwood Creek Condominiums** 341 Austin Street. Tax Maps: 15 and 55, Lots: 14 and 8, Zone: RGA-2. 05-19-09 Final Site Plan Extension and Establishment of Phasing Plan, 06-02-09 Final Site Plan Extension and Establishment of Phasing Plan
10. **Omnipoint Communications, Inc** Chabot Street. New radio communications equipment to be located at the base of the monopole within the existing fenced compound. 06-02-09 Site Plan
11. **Fertile Valley Properties, LLC** 0 Bridgton Road. Tax Map: 58, Lot: 1B. Zone: Highway Services. 07-21-09 Site Plan, Subdivision, 09-01-09 Site Plan, Subdivision, Public Hearing
12. **Mayberry Heights Condominiums** Mayberry Road, generally across from Emery Street. Tax Map: 38, Lot: 154B. Zone: RGA-1. 09-01-09 Site Plan, Subdivision, 10-06-09 Site Plan, Subdivision, Public Hearing, 11-10-09 Site Plan, Subdivision
13. **Spring Crossing** 783 Main Street Tax Map: 33, Lot: 142A. Zone: City Center District, Village Review Overlay Zone, Downtown Housing Overlay and General Development Shoreland Zone. 10-06-09 Site Plan, Subdivision, 12-01-09 Site Plan, Subdivision, 12-15-09 Site Plan, 12-15-09 Subdivision, Village Review, Public Hearing
14. **449 Stroudwater Street** Tax Map: 9, Lot: 20 and Tax Map: 8, Lot: 3A, Zone: Residential Growth Area 1. 02-03-09 Final Site Plan Extension
15. **NAPA Addition** 180 Larrabee Rd. Tax Map: 42A, Lots: 11 and 11B, Zone: Gateway Commercial. 04-07-09 Site Plan Extension, 04-21-09 Site Plan Extension

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16. **Casella Environmental** Park 594 County Road. Tax Map: 2, Lot: 24, Sub: D; Zone: IP. 03-17-09 Site Plan Amendment
17. **SIGCO, INC.** 48 Spiller Drive in the Westbrook Heights Business Park. Tax Map: 4, Lot: 306, Zone: Industrial Park District. 07-07-09 Amended Site Plan
18. **Cobb Farm Estates** 543 Methodist Road and 50, 68 and 90 Perry Court. Tax Map: 14, Lots: 17A, 102, 103 and 104, Zone: Rural District. 08-04-09 Subdivision Amendment, 09-01-09 Subdivision Amendment, Public Hearing, 11-10-09 Subdivision Amendment
19. **21 Huntress Avenue** Tax Map: 27, Lot 19A, Zone: RGA-1. 06-02-09 Special Exception
20. **Home Daycare Provider** 24 Dearborn Street. Tax Map: 27, Lot: 74A, Zone: Residential Growth Area 1. 07-07-09 Special Exception
21. **Day Care Center** 724 Duck Pond Road. Tax Map: 24, Lot: 28, Zone: Residential Growth Area 3. 07-07-09 Special Exception
22. **Day Care Center** 672 Duck Pond Road. Tax Map: 24, Lot: 28A, Zone: Residential Growth Area 3. 07-07-09 Special Exception
23. **Daycare Provider** 4 Elmwood Avenue. Tax Map: 59, Lot: 020, Zone: RGA3. 07-07-09 Special Exception
24. **Spring Crossing** 783 Main Street Tax Map: 33, Lot: 142A. Zone: City Center District, Village Review Overlay Zone, Downtown Housing Overlay and General Development Shoreland Zone. 11-10-09 Demolition in the Village Review Overlay
25. **Natures Design** Lot 13A, Five Star Industrial Park extend Pershing Drive to the property. Tax Map: 5B, Lot: 15. Zone: Industrial Park District and Resource Protection Zone. 11-10-09 Site Plan
26. **Zoning Map and Land Use Ordinances** – Section 401 – Downtown Housing Overlay expansion of the Downtown Housing Overlay to allow for additional residential density at 90 and 98 Bridge Street. Tax Map: 32, Lots: 122 and 121. Zone: City Center District and General Development Shoreland Zone. 10-06-09 Public Hearing

Long Range Plans

1. **Downtown Streetscape Planning Process** 05-05-09 Workshop, 06-02-09 Public Hearing
2. **Recreation, Parks & Open Space Plan** 01-06-09 Comprehensive Plan Amendment, Workshop, Public Hearing

City Initiated Zoning Amendments

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1. **Land Use Ordinances** – Section 504 Site Plan Review Requirements and General Provisions. 03-03-09 Workshop, 03-17-09 Workshop, 04-21-09 Public Hearing
2. **Land Use Ordinance** – Section 201 Definitions, Section 204 Non-Conforming Uses and new Section 311 Light Manufacturing District. 04-07-09 Workshop, 05-05-09 Workshop, 06-16-09 Workshop, 07-21-09 Workshop, 09-15-09 Workshop, 10-20-09 Public Hearing, 11-17-09 Workshop
3. **Land Use Ordinance** – Section 404 - Sign Regulations in the City Center District. 01-06-09 Workshop, 03-03-2009 Public Hearing
4. **Land Use Ordinances** – Section 401 – Shoreland Zoning. 03-17-09 Workshop, 04-21-09 Public Hearing
5. **Land Use Ordinances** – Sections 401 and 704.1 – Shoreland Zoning and Zoning Board of Appeals (Variances). 07-21-09 Public Hearing, 09-01-09 Public Hearing
6. **Land Use Ordinance Amendments** – Section 101 Purpose, Section 201 Definitions, Section 202 General Provisions, Section 301 City Center District, Section 305 Prides Corner Smart Growth Area, Section 404 Signage, Section 407 Downtown Housing Overlay, Section 500 Subdivision and Site Plan Review Standards, Section 705 Flaglots. 12-01-09 Workshop, 12-15-09 Workshop

Sincerely,

Edward Reidman,
Westbrook Planning Board

Cc: Mayor Colleen Hilton
Members of the City Council
Jerre Bryant, City Administrator

Planning Department

Rene Daniel moved to recommend this be sent to the Mayor and the City Council.

2nd Anna Wrobel

Vote unanimous in favor 6-0

3. Election of Officers

Rene Daniel nominated Ed Reidman as Chair of the Planning Board.

2nd Mike Taylor

The vote 5-1 in favor (Ed Reidman not voting)

Anna Wrobel nominated Rene Daniel for Vice-Chair of the Planning Board.

2nd Mike Taylor

The vote was 5-1 in favor (Rene Daniel not voting)

Continuing Business

4. **Land Use Ordinance Amendments** – Section 101 Purpose, Section 201 Definitions, Section 202 General Provisions, Section 301 City Center District, Section 305 Prides Corner Smart Growth Area, Section 404 Signage, Section 407 Downtown Housing Overlay, Section 500 Subdivision and Site Plan Review Standards, Section 705 Flaglots. The intent is to update the Zoning Ordinance, which was completely rewritten in 2004, to make changes that have been identified as necessary through use of the ordinance and to reflect current best practices. These changes are to be made primarily for “housekeeping” purposes.

General Zoning Amendment Package Initiated December 2009

Chapter I - Preamble

101 Purpose

- B. Promote a safe and sensitive use of the environment that respects our unique resources:

- The Presumpscot and Stroudwater Rivers
- Watersheds such as Mill Brook, ~~Creek~~ and Minnow Brook, ~~Creek~~ Nasons Brook, Capisic Brook and Long Creek
- The rural character of northwest Westbrook
- The rural character of outer Stroudwater Street
- The improved air quality

201 Definitions

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201.18 **Child Care Center.** A building in which daycare and educational programming for children ~~ages 6 months up~~ to kindergarten age is provided. This definition also includes any day care center that has over 10 children, including older children in after-school programs. Such a facility shall be consistent with Maine licensing statutes.

201.38 **Flag Lot.** A lot so shaped and designed that the main building site area is set back from the public street on which it fronts and includes an access strip connecting the main building site with the frontage street. The creation of flag lot is only permitted on public streets.

202 General Provisions

202.7 Flaglots.

To permit the construction of no more than one principal building on flaglots, as defined herein, subject to the following:

- (1) Such lots, exclusive of the minimum 50' wide access strip, ~~any area required to be set aside for access,~~ shall have at least the minimum lot area required for the zoning district in which it is located.
- (2) A building shall not be so located on the property as to preclude future dedication and/or construction of a street according to city specifications as set forth in the Westbrook Code of Ordinances to service the subject flaglot, abutting parcels and other nearby inaccessible parcels ~~unless no future development is possible on the subject flaglot or nearby lots which would require access across the subject back lot.~~
- (3) ~~In granting any appeal pursuant to this subsection, the board may impose such conditions as it deems necessary to assure development compatible with the immediate neighborhood and to assure reasonable access to the subject property and other parcels of back land in the neighborhood.~~
- (3) ~~(4) No additional development shall be allowed on the subject flaglot until a street or public way is constructed to specifications as provided in the Westbrook Land Use Ordinances to meet the street frontage requirements of that zoning district.~~
- (4) ~~(5) Any construction shall meet the performance standards of the underlying zoning district. Setbacks shall be measured from the edge of the buildable area of the lot. Setbacks shall conform to the requirements of the zoning district in which the subject flaglot is located.~~

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- (5) ~~(6)~~ All flaglots must have a minimum width of 50' on a public street. The 50' wide minimum access strip width must be maintained the entire depth of the lot and no structure may be constructed within the access strip. No variance shall be granted from this requirement.
- (6) ~~(5)~~ The Code Enforcement Officer ~~Zoning Board of Appeals~~ may approve a shared driveway with an abutting lot with frontage on the same public street as the flaglot. Lots with shared driveways must separately meet the 50-foot width requirement established in subsection 6 of this Section and approval of a shared driveway shall not constitute a waiver of this requirement. An applicant for a flaglot who seeks approval of a shared driveway shall show evidence of a permanent easement creating the shared driveway.
- (7) ~~(6)~~ If the creation of the flaglot creates a subdivision as defined in Section 201.87 of this Ordinance, the application must receive subdivision approval from the Planning Board in accordance with Chapter V of the Westbrook Land Use Ordinances.
- (7) ~~For purposes of this Chapter only, a flaglot shall be defined as any parcel of land having frontage on a street as defined in this Ordinance, that is less than the minimum required frontage for the zoning district in which it is located. Such a lot must have at least fifty (50) feet of frontage in order to seek approval under this Section.~~

202.9 **Home Day Care Provider, Day Care Center and Child Care Center Review.** For zoning districts in which a special exception review is not required, the Code Enforcement Officer must approve all applications for Home Day Care Providers and Day Care Centers, as defined in this Ordinance. ~~Site Plan Review is required for all Child Care Centers, as defined in this Ordinance. Site Plan review is also required for all Day Care Centers, as defined in this Ordinance, for which a new building is being constructed.~~ Code Enforcement Officer approval is also required whenever a Home Day Care Provider, Day Care Center or Child Care Center expands its enrollment beyond the enrollment number for which it was approved. In addition to the zoning district, Special Exception and/or Site Plan Review criteria, the following additional criteria shall be used:

- A. A minimum of 50 S.F. of dedicated outdoor play area shall be required for each child, said play area shall not be placed in required yard setbacks,
- B. All play areas shall be enclosed by a minimum of four (4) foot fencing,
- C. A combination of fencing with plantings, shall be installed such that the area is screened from abutting residential properties in terms of both sight and noise,
- D. One (1) off street parking space shall be provided for each employee or volunteer, and one (1) off street parking space for every 6 children shall be provided,
- E. The parking area shall be in a safe location, shall include an area for snow storage, and shall permit the parent to move directly to the entrance for the loading and unloading of children without affecting the movement of other vehicles,
- F. The proposed facility shall not burden on-site septic or offsite waste disposal,
- G. All facilities shall demonstrate that they have been licensed by the state and shall meet the requirements for licensing by the state and shall provide proof of state licensure prior to

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- issuance of a Certificate of Occupancy and shall meet all sanitary, plumbing code, fire code, and building code requirements, as identified by the Code Enforcement Officer, and
- H. ~~G.~~ Based on location, area traffic, and neighboring uses, the Code Enforcement Officer or Planning Board may set the hours of operation, and
- I. If the operator of the facility is not the owner of the property on which the facility will be located, the operator shall provide evidence of the property owner's consent to the facility. The operator shall also provide proof of interest in the property, such as a deed or lease.

204 Special Exceptions

204.1 Granting a Special Exception. The Planning Board may grant a special exception to this Ordinance and allow the uses in the districts so designated. Where the Home Day Care Provider, Day Care Center or Child Care Center use is proposed and where that use requires approval of a special exception, the requirements of Section 202.9, Home Day Care Provider, Day Care Center and Child Care Center Review, shall supersede all requirements below, except those of 204.8 Notice of Special Exception Application. An applicant who seeks a use by special exception shall submit to the Board diagrams or photographs, which become part of the record, illustrating the proof required by this section.

301 City Center District

The purpose of the City Center Zoning District is to create a flexible atmosphere for the return of the downtown to a prominent regional service center. Flexible setbacks will be balanced with an overlay of design standards to encourage new development that will be consistent with the goals established in the City's Comprehensive Plan, Downtown Revitalization Plan, Downtown Parking Plan, Downtown Streetscape Plan and Westbrook Riverfront Master Plan.

301.1 Permitted Uses. The following uses are permitted in the City Center District as a matter of right:

Congregate Care Facility

301.3 Performance Standards. The following performance standards shall apply in the City Center District.

M. The parking requirements of Chapter V are only applicable to the following uses in the City Center District: Home Day Care Provider, Day Care Center, Child Care Center, Dwelling, Single-Family, Two-Family and Multiple-Family. ~~not applicable to the following uses in the City Center District: Bank Class 1, Professional Office, Greenhouse or Florist, Community Center, Library, Museum, Media Studio 2, Municipal Facility, Neighborhood Grocery, Food Cart Vendors, Restaurant Class 1, Retail Class 1, 2, 4, Light Manufacturing and Research and Development Operations, and Theatre.~~

305 Prides Corner Smart Growth Area

305.2 Special Exceptions.

Congregate Care Facility

404 Sign Regulations

404.3.1 Signs in the City Center District

404.3.1.1.B Traffic safety and illumination. No sign, whether new or existing, shall be permitted that causes a visual obstruction or a traffic, health or welfare hazard or results in a nuisance due to illumination, placement, display, or manner of construction.

404.3.1.1.B.2 Signs shall be illuminated only by steady, stationary, shielded light sources directed solely on the sign without causing glare or by constant internal illumination. Any light source shall be shielded such that bulbs are not directly visible from neighboring properties or public ways. ~~Signs shall not be illuminated from within unless they utilize light-colored letters and symbols on a dark-colored background in order to avoid glare radiating from the sign.~~

~~404.3.1.1.E Awning. Awnings are not considered signs for the purpose of this ordinance but do require a sign permit. Awnings may not be made of plastic or metal. Awnings are allowed no lower than nine (9) feet above the average grade of the public sidewalk beneath it and shall not extend more than four (4) feet into a public right-of-way and shall not extend into the curb abutting a public street. Awnings shall not include signs, designs or advertising but may include the street number assigned to the building on which it is attached. Such numbers shall be no more than twelve (12) inches in height and shall be placed on the front flap of the awning.~~

404.3.1.2 Illumination

Signs may be illuminated from within if the only components illuminated are the characters and limited graphics used to convey the name of the business and its purpose and/or the street number. No other portion of the sign face may be illuminated. See section 404.3.1.2 for permitted materials.

404.3.1.3 Sign Types Allowed.

E.-D. Awning. Awnings may not be made of plastic or metal and may not include illumination on the awning itself. Awnings are allowed no lower than nine (9) feet above the average grade of the public sidewalk beneath it and shall not extend more than four (4) feet into a public right-of-way and shall not extend into the curb abutting a public street. Awnings may include the street address and/or business name only. Such information shall be no more than twelve (12) inches in height and shall be placed on the front flap of the awning.

404.3.1.4 Materials

Signs shall be constructed of materials including wood (painted or varnished and weather treated), stone, metals, concrete, and/or composite material providing similar texture, except that:

- 1) Awnings and banners may be constructed of canvas (or other lightweight yet sturdy material, not including metal or plastic except for in the support structure);
- 2) Signs without internal illumination may incorporate a vinyl wrap, or layer, which displays the graphics proposed. This is often used in lieu of paint.
- 3) Internally illuminated flex faced signs are not allowed. Such signs consist of an illuminated vinyl sign face. Internally illuminated sign boxes with cut out characters are allowed. The balance of the sign face must be opaque with no light visible except to for the cut face characters and logos.
- 4) Internally lit routed faced vinyl characters and/or logos are allowed so long as the characters and/or logos are the sign, they are building mounted, are limited to 12 inches in height and meet the other size requirements of this section.
- 5) Signs may also include plastic when:
 - a) The sign is used to identify the major tenant of buildings with over three (3) floors, as measured from the street level;
 - i) Such sign shall be placed at the top floor;
 - ii) Such sign may not be placed on façades facing a property line that directly abuts a residentially zoned property; and
 - iii) Such sign may be internally illuminated or back lit.
 - ~~b) The sign consists solely of individual letters. The letters may be routed faced plastic and internally lit or routed faced plastic and back lit. Such letters shall be limited to 12 inches in height.~~

407 Downtown Housing Overlay

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The purpose of the Downtown Housing Overlay District is to allow residential uses at densities that will complement the efforts to revitalize the City's downtown into a prominent regional service center. The addition of higher density housing will increase activity downtown after the nine-to-five business hours, and provide more patrons for downtown service businesses. In accordance with the Comprehensive Plan, along William Clarke Drive, Bridge Street and Main Street, multi-family housing is permitted on all floors except the sidewalk level, thus preserving the availability of ground-floor commercial space.

407.1 Permitted Uses. Permitted Uses: ~~The following uses are permitted in the Downtown Housing Overlay District:~~

All uses permitted in the underlying zoning district, ~~except that residential uses applying for the standards of this district must meet the following criteria:~~

~~Dwelling, Single, Duplex and Multiple Family—Permitted on any floor except the sidewalk level.~~

500 Westbrook Subdivision and Site Plan Review Standards.

500.1 **Review Process.** The review process for site plan and subdivision review is may be in two steps:

- A. Sketch Plan; and
- B. Final Plan

Sketch plan review is optional may be required at the discretion of the City Planner and Planning Board Chair based on the complexity of the project and does not constitute substantive review of an application for purposes of 1 M.R.S.A. Section 302. does not constitute standing before the Board for the purposes of assessing a change in zoning. The purpose of sketch plan is to obtain preliminary feedback from the Planning Board and the public on the proposed project.

500.8 Consulting and Review Fees; Inspection Fees

E. Prior to issuance of a Street Opening Permit, or the first permit required for the project, the applicant shall pay to the City a site improvement inspection fee equal to the amount of 2% of the site improvement costs. This shall be separate from Building Permit fees, which cover inspection of buildings. While this requirement applies to both subdivision and site plan approvals, a project with both subdivision and site plan approval is subject to a single site improvement inspection fee.

~~E. At the same time that the applicant posts a performance guarantee, the applicant shall also pay to the City a subdivision inspection fee equal to two percent (2%) of the estimated costs of improvements required by the applicable law, with actual inspection costs in excess of two percent (2%) invoiced by the City at the completion of the project or as deemed necessary by~~

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~~the City. Any such additional amounts must be paid in full prior to the issuance of any building permit or certificate of occupancy. If a performance guarantee is extended beyond its original expiration date, then an additional inspection fee in an amount to be determined by the City shall be required.~~

502.4 Subdivision Final Plan Submission Requirements. The following additional information is required for subdivision final plan review.

B. Map Requirements.

(16) On land one acre or less in size, the location of all existing trees, or groves of important species, both those to be retained and those to be removed. On land over an acre in size, all areas of tree preservation, groves of important species and those trees, outside of preservation areas, to be retained.

502.5 Subdivision General Provisions:

C. Design Standards for Streets and Private Rights-of-Way. All streets in a proposed subdivision must be constructed to the following specifications, and the cost of construction must be paid by the applicant. All streets and private ways must be designed by an engineer registered in the State of Maine. The plan and profile of the design must be approved by the City Engineer.

	Arterial	Collector	Local St.	Private Way
(1) Minimum right-of-way	120'	60'	50-60'	50'
(2) Minimum width of pavement	(4) 12 foot traffic lanes	(2) 12 foot traffic lanes	24'	20'
(3) Minimum grade	0.5%	0.5%	5% <u>1%</u>	5% <u>1%</u>
(4) Maximum grade	0.6%	8%	8%	8%
(5) Maximum grade at intersections	3%	3%	3%	
(6) Minimum angle of intersections	60 degrees	60 degrees	60 degrees	60 degrees
(7) Minimum center line radius curves	200'	200'	200' 100'	200'
(8) Minimum paved shoulder width	10'	8'	4-6' <u>1'</u> (unpaved)	
(9) Minimum road base				
Excavation	24"	21"	21"	21"
Sub-base; Compacted-gravel	21"	18"	18"	18"

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Upper-base; Crushed gravel	3"	3"	3"	3"
(10) Bituminous concrete				
Lower base; 12.5mm or 19mm superpave	2"-4"	1 ^{3/4} "-2"	1-1 1/2 "	
Top; 9.5mm or 12.5mm superpave	1 ^{1/2} "-1 ^{3/4} "	1 ^{1/2} "-1 ^{3/4} "	1 ^{1/4} -1 ^{1/2} "	
(11) <u>Minimum Underdrain</u>	<u>4"</u>	<u>4"</u>	<u>4"</u>	
(12) Property line minimum Radii at intersection	20'	20'	20'	20'
(13) Road crown minimum	1/4"/ft.	1/4"/ft.	1/4"/ft.	1/4"/ft.
(14) Curb radii at intersection				
90 degree intersection	25'	25'	25'	25'
Less than 90 degree intersection	30'	30'	30'	30'
(15) Sidewalks				
Minimum width	5'	5'	<u>5' 5.5'</u>	
Compacted gravel base course	12"	12"	12"	
Top	(Approval of City Engineer)			

(1) Streets and Future Planning. The street design must provide for proper continuation of streets from adjacent subdivisions and built-up areas. Street design must also provide for streets projected to lead into affected land and for future streets in conformance with the Comprehensive Plan.

(h) Pavement. Where Private Rights of Way and driveways connect with a City Street, the Private Right of Way or driveway must have a paved apron with a minimum depth and width of twenty (20) feet to reduce impacts to City Streets.

502.6 Additional Requirements.

~~K. Inspection Fees. A fee in the amount of two percent (2%) of the project's total cost will be made payable to the City for inspections made by the Code Enforcement Officer and/or other appropriate city staff.~~

504 Site Plan Review Requirements and General Provisions.

504.3 **No Building Permit without Site Plan Approval; Required Mylar Submission.** The Code Enforcement Officer shall not issue ~~any permits~~ a permit for site preparation, including but not limited to site clearing, building demolition, excavation and filling or building construction until a site plan has been approved by the Planning Board and a Mylar signed by the Planning Board, and a person may not engage in any of these activities without a building permit. Mylars must be submitted to the City within 90 days of Planning Board approval or the approval shall be null and void.

504.5 **Final Plan Submission Requirements.** The following information is required for final plan submission:

B. Map Requirements.

(4) Locations of existing buildings and other structures, fire hydrants, street lights, utility poles, underground water and sewer facilities, existing trees greater than 10" in diameter on property less than one acre in size OR areas of tree save and other natural landscape features on property one acre or more, and other natural landscape features, and any other utilities on the site,

504.5 Approval Expiration.

Site Plan approval expires unless the work necessary to accomplish the purpose for which it was requested is commenced within one year and completed within two years after it was granted or is completed in accordance with a phased completion schedule proposed by the applicant and approved by the Planning Board, as incorporated in the original approval. Failure to complete a subsequent phase within the required period shall also have the effect of causing the permit to expire. Any applicant may come back before the Board and request a permit extension. An extension request must occur within one year after approval was granted. An extension of the completion date established for the project must be requested within two (2) years after the project was approved by the City. Deadline dates for phased developments shall be established at the time of approval. The Planning Board may choose not to grant more than two permit extensions for the same project.

505 Site Plan Review Design and Performance Standards.

The design and performance standards for site plan review are as follows:

505.1 **Parking and Circulation.**

A. Table of Off-Street Parking. The following minimum parking requirements apply unless the zoning for a particular district provides otherwise.

Table of Off-Street Parking

Principal Use	Number of Spaces
Residential	2 per unit
Single Family and Duplex	2 per unit
Efficiency Units/Multi-Family	1 per unit
1-2 bedrooms/Multi-Family	1.5 per unit
3 or more bedrooms/Multi-Family	2 per unit

B. **Design of Off-Street Parking.** Each off-street parking area must be designed with adequate access, turning radii, and snow storage areas in addition to the following minimum standards:

Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width
90°	9'0"	0"	18'5"	26'0" or 24'0" <u>with approval of the City Engineer</u>
60°	8'6"	10'5"	19'0"	(1 way) 16'0"
45°	8'6"	12'9"	17'5"	(1 way) 12'0"
30°	8'6"	17'0"	17'5"	(1 way) 12'0"

D. Parking Required for Each Use. Where multiple use occurs, ~~on-site off-site~~ parking facilities or loading bays must be provided in accordance with the standards above and below, respectively, except where the applicant can show through a parking study that each use has different operating hours, so that the peak period parking demand is non-conflicting. Non-conflicting periods may consist of daytime as opposed to evening hours of operation or weekday as opposed to weekend hours of operation. Where the applicant can demonstrate non-conflicting periods of use, the Planning Board may grant approval for shared use of parking spaces

510 Approval Expiration.

Site Plan approval expires unless the work necessary to accomplish the purpose for which it was requested is commenced within one year and completed within two years after the date of Planning Board approval ~~it was granted~~ or is completed in accordance with a phased completion schedule proposed by the applicant

and approved by the Planning Board, as incorporated in the final approval. Failure to complete a subsequent phase within the required period shall also have the effect of causing the permit to expire. Any applicant may come back before the Board and request a permit extension. An extension request must occur within one year after approval was granted. An extension of the completion date established for the project must be requested within two (2) years after the project was approved by the City. Deadline dates for phased developments shall be established at the time of approval.

Chapter VII Zoning Board of Appeals

705 Flaglots:

~~To permit the construction of no more than one principal building on flaglots, as defined herein, subject to the following:~~

- ~~(1) Such lots, exclusive of any area required to be set aside for access, shall have at least the minimum lot area required for the zoning district in which it is located.~~
- ~~(2) A building shall not be so located on the property as to preclude future dedication and/or construction of a street according to city specifications as set forth in the Westbrook Code of Ordinances to service the subject flaglot, abutting parcels and other nearby inaccessible parcels unless no future development is possible on the subject flaglot or nearby lots which would require access across the subject back lot.~~
- ~~(3) In granting any appeal pursuant to this subsection, the board may impose such conditions as it deems necessary to assure development compatible with the immediate neighborhood and to assure reasonable access to the subject property and other parcels of back land in the neighborhood.~~
- ~~(4) No additional development shall be allowed on the subject flaglot until a street or public way is constructed to specifications as provided in the Westbrook Land Use Ordinances to meet the street frontage requirements of that zoning district.~~
- ~~(5) Setbacks shall conform to the requirements of the zoning district in which the subject flaglot is located.~~
- ~~(6) All flaglots must have a minimum width of 50' on a public street. The 50' minimum width must be maintained the entire depth of the lot. No variance shall be granted from this requirement.~~
- ~~(7) The Zoning Board of Appeals may approve a shared driveway with an abutting lot with frontage on the same public street as the flaglot. Lots with shared driveways must separately meet the 50-foot width requirement established in subsection 6 of this Section and approval of a shared driveway shall not constitute a waiver of this requirement. An applicant for a flaglot who seeks approval of a shared driveway shall show evidence of a permanent easement creating the shared driveway.~~

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- ~~(8) If the creation of the flaglot creates a subdivision as defined in Section 201.87 of this Ordinance, the application must receive subdivision approval from the Planning Board in accordance with Chapter V of the Westbrook Land Use Ordinances.~~
- ~~(9) For purposes of this Chapter only, a flaglot shall be defined as any parcel of land having frontage on a street as defined in this Ordinance, that is less than the minimum required frontage for the zoning district in which it is located. Such a lot must have at least fifty (50) feet of frontage in order to seek approval under this Section.~~

Rene Daniel moved to recommend to the City Council that they accept Section 101 Purpose, Section 201 Definitions, Section 202 General Provisions, Section 301 City Center District, Section 305 Prides Corner Smart Growth Area, Section 404 Signage, Section 407 Downtown Housing Overlay, Section 500 Subdivision and Site Plan Review Standards, Section 705 Flaglots. The intent is to update the Zoning Ordinance, which was completely rewritten in 2004, to make changes that have been identified as necessary through use of the ordinance and to reflect current best practices. These changes are to be made primarily for “housekeeping” purposes.

2nd Mike Taylor

The vote was unanimous in favor 6-0

5. **Special Exception Amendment** – T & M Development, LLC, Extractive Industry, Methodist Road – Sebago Technics, on behalf of T&M Enterprises, LLC for the expansion of an approved extractive industry (A.K.A. Quarry) project generally located at 409 Small Hardy Road. Tax Maps: 20 and 17, Lots: 10K and 13, 14 and 16B respectively, Zone: Rural.

Background At its September 16, 2008 meeting the Planning Board approved the expansion of an existing quarry generally located at 409 Small Hardy Road. This application is a request to further expand the use by an addition 19.6 acres. The operations area will total approximately 45 acres and will be extracted in phases consistent with State standards. It is expected that extraction will occur over many years, depending on need. The extraction areas will be reclaimed as work progresses consistent with Quarry Performance Standards.

Initial activities have already begun with construction of the access road and its associated stormwater pond, timber harvesting from the approved northern and southern pits, berms and the quarry’s main detention pond. Work is ongoing to construct the remaining berms and clearing overburden from the quarry’s northern pit. The access roadway will be paved to coincide with the initiation of drilling, blasting, crushing, and the start of transport of materials. Rock excavation will be performed compliant with State requirements. These requirements allow for up to 10 acres of open rock face with a total operations area including stockpiles of up to 30 acres. Such areas would be reclaimed as work progresses. Haul and equipment vehicle access to the extraction area would utilize the existing haul road from Methodist Road. The applicant proposes to construct decorative walls with signage, landscaping and a new gate for the entrance along Methodist Road.

Hours of operation would be from 6:00 am to 6:30 pm, Monday through Friday. On Saturdays, there would be no processing (drilling, blasting or crushing) of materials, only loading and transport of

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materials. It is important to note that Saturday work would only be occasional. There would be no operations on Sundays unless there is an emergency, such as a flooding event or other natural disaster that would require materials. During winter months when snow or ice events occur, the applicant may plow and sand the driveway to be prepared for Monday operations.

The plans depict a future multiuse field for construction by the City of Westbrook. This field would fulfill a prominent objective of the City's draft Parks, Recreation & Open Space Plan. This plan calls for the establishment of multiuse fields in the northern part of the City.

Mike White White Brothers and T & M Development on Warren Avenue, briefly went through the plan, for the expansion of an approved extractive industry (A.K.A. Quarry) project generally located at 409 Small Hardy Road. Tax Maps: 20 and 17, Lots: 10K and 13, 14 and 16B respectively, Zone: Rural.

Originally back in 2006 we came before the Board to ask for a Special Exception for Mineral Extraction. It did not include this piece at the bottom of the map. In 2008 we acquired a little more land, the odd shaped piece here, and asked for an amendment to the Special Exception and it was granted.

We were trying to acquire this piece of land in the middle of the map and it took until this year to be able to do that. Now we have before you an amendment to add this piece to the quarry location.

The major change that has happened since the last time we were here is that stormwater regulations have changed. You notice that we have added a pond and that is a stormwater treatment pond not a detention pond. That is to add another element of treatment or a higher level of treatment then you can get from a detention pond. The detention pond is to deal with post development of water flow leaving the site. The regulatory arena requires that we do treatment.

Brief update on where we are with DEP, because all of these facilities require DEP approval which we have for all of what we are presently permitted for. DEP is in the process of reviewing piece. Based on conversations with DEP today the Engineering Staff has completed the review and had one round of questions which have been answered. They are in the process of writing our permit. It is safe to say that the DEP has approved the project, but they have not done it in writing yet.

A couple of quick things to note is the home closest to the quarry we have the right of first refusal and eventually when the owner is ready we will acquire that piece and this piece down here.

We have no truck traffic using Small Hardy Road. We have also agreed in previous approvals not to run traffic out Methodist Road up Route 302 to Hardy Road and down Hardy Road, around that way. We have heard some concerns from people over here about truck traffic and that is not our traffic.

We are in the process of making accommodations to the City to use this land in the future for a ball field that is yet to be designed.

Rene Daniel moved the Special Exception application for T&M Development, LLC on Tax Maps: 20 and 17, Lots: 10K and 13, 14 and 16B respectively, Zone Rural, is to be **approved with conditions**:

- 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 use meets the dimension, parking and loading requirements of this Ordinance. Signage is under review. The subject use must comply with the requirements for business signage in a residential district.
- 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

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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.

- Patricia Amidon, of Amidon Appraisal Company, performed an analysis to determine the impact of the quarry expansion on the market value of residential properties near the subject property. The conclusion of the analysis is that the proximity to the quarry does not have a measurable impact on the value of nearby properties. This meets the Special Exception requirement.

C. Effects of Land Use. That the use granted will:

(1) Maintain safe and healthful conditions,

- The project has been engineered to mitigate noise and stormwater impacts. The existing quarry has been found to maintain safe and healthful conditions.

(2) Not cause water pollution, erosion, or sedimentation

- The project will not cause water pollution, erosion, or sedimentation.

(3) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat,

- Brian Lewis, Fishery Specialist, of the Maine Department of Inland Fisheries and Wildlife (IF&W) communicated in a letter dated November 19, 2009 that, “there are no known threatened/endangered fish species or habitat in the vicinity of the proposed project.” However, IF&W did note the location of Milliken Brook and requested a 100-foot setback from this resource.
- Scott Lindsay, Regional Wildlife Biologist, of the Maine Department of IF&W communicated in a letter dated December 7, 2009 that there are no known essential or significant wildlife habitats, nor any documented occurrences of rare, threatened or endangered species at or adjacent to the subject property.
- Sarah Demers, Environmental Review Coordinator for the Maine Natural Areas Program of the Department of Conservation, communicated in a letter dated November 20, 2009 that, “there are no rare botanical features documented specifically within the project area.”
- Earle Shettleworth, State Historic Preservation Officer, communicated in a letter dated December 14, 2009 that, “there are no properties in the project impact area of historic, architectural, or archeological significance as defined by the Natural Historic Preservation Act of 1966.”

(4) Conserve shared tree cover and visual, as well as actual, access to water bodies,

- The plans show that shared tree cover will be retained and disturbed areas will be re-vegetated as part of the reclamation plan required by the Maine DEP.
- Trees will be planted along the paved access road where it travels along the Countryside Estates residential subdivision.
- The project will not have any impacts on visual or physical access to water bodies.

(5) Not burden on-site septic or off-site waste disposal,

- The project is not installing an on-site septic system.

(6) Not burden existing public ways.

- The applicant has stated that vehicles traveling to and from the site will be directed to Methodist Road. Methodist Road is able to handle the existing quarry traffic.

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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,
 - The applicant has incorporated berms into the project to buffer the project from abutting land uses. These berms are designed to provide visual and noise mitigation. In particular, the berm at the quarry site is intended to mitigate noise from the crushing operation.
- (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,
 - The roadway and quarry areas are part of an extensive Stormwater Management and Erosion Control Plan. The Stormwater Management Plan includes stormwater detention ponds with outlet control structures to hold the post-development to pre-development runoff rates for the 2- and 25-year storm events.
- (3) Water, Air, Soil Pollution. The development will not cause unreasonable water, air, or soil pollution,
 - The existing quarry and proposed expansion would not cause unreasonable water, air or soil pollution. The proposed site will include paved roads to reduce dust emissions.
 - The applicant has shown that the project is not situated on a mapped aquifer.
- (4) Soil Integrity. The development will not cause unreasonable soil erosion or reduction in the capacity of the soil to hold water,
 - The development will not cause unreasonable soil erosion or reduction in the capacity of the soil to hold water.
- (5) Natural Environment. The development must not have an unreasonably adverse effect on a historic site or irreplaceable natural areas,
 - The development would not have an unreasonable adverse effect on irreplaceable natural areas or historic sites.
- (6) Nuisance Factor. The development must not cause unreasonable noise, odors, dust, gas, fumes, smoke, light or other annoying or dangerous emissions,
 - The applicant has submitted a noise study conducted by SE Ambrose & Associates. The study was conducted by a certified noise specialist.
 - The noise study found that the project will comply with the noise standards established by the Maine DEP (55 dba) for operations at a “protected location.”
- (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 applicant has incorporated berms and vegetation to screen the operation from surrounding uses.
- (8) Vehicular Access. The site layout must provide for safe vehicular access and egress, including that for emergency vehicles,
 - Safe sight distance exists at the driveway entrance on Methodist Road.

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- (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,
- The quarry site is operated by employees of the owner. The activity in the existing quarry involves heavy machinery and vehicles. Safety procedures for employees are dictated by the quarry owner. Thus, provisions for public vehicular and pedestrian traffic are not applicable to this project.
- (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.
- The existing and expanded quarry operation does not impose unreasonable burdens on municipal services or utility providers.

CONDITION

- 1 Approval is dependant upon, and limited to, the application dated December 15, 2009, the plans dated December 7, 2009 and amended to December 10, 2009, 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.

2nd by Mike Taylor

Ed Reidman are there any questions or comments?

The vote was unanimous in favor 6-0

6. 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