



City of City of Westbrook

DEPARTMENT OF PLANNING

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WESTBROOK PLANNING BOARD TUESDAY SEPTEMBER 2, 2008, 7:00 P.M. WESTBROOK HIGH SCHOOL, ROOM 114 MINUTES

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

Absent: Michael Taylor (Alternate), Scott Herrick (Alternate), 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. Chairman Reidman explained that at the Public Hearing and any questions will be noted and will be answered after the Public portion has been completed.

1. Public Hearing Land Use Ordinance – Sections 201, 302, 303 and 317 – Modular Homes as a Special Exception Use – This is a request to amend the Ordinance to allow Modular Homes as a matter of right consistent with State requirements.

Summary. This is a request to amend Sections 201, 302, 303 and 317 of the Ordinance to allow Modular Homes as a matter of right consistent with State requirements. The proposed language is inserted below for ease of reference.

Ed Reidman read the proposed changes to the City of Westbrook Ordinance:

Section 201 Definitions

201.30 Dwelling, Single Family. A detached structure ~~other than manufactured housing,~~ consisting of one (1) unit.

Section 302 Residential Growth Area 1

302.2 Special Exception. The following uses are permitted in the Residential Growth Area 1 as a special exception under Section 204:

~~*Dwelling, Manufactured Housing (modular only)*~~

Section 303 Residential Growth Area 2

303.2 Special Exception. The following uses are permitted in the Residential Growth Area 2 as a special exception under Section 204.

~~Dwelling, Manufactured Housing (modular only)~~

Section 317 Contract Zone 7 – Stroudwater Street Growth Area Contract Zone

317.3 Special Exception. The following uses are permitted in the Stroudwater Street Growth Area Contract Zone as a special exception under Section 204:

~~Dwelling, Manufactured Housing (modular only)~~

Ed Reidman is there any comments from the Staff?

No Comments

Ed Reidman read a letter from Mr. & Mrs. Cliff Barnes into the record as follows:

8/23/08

We have not problem with the Modular Homes

Mr. & Mrs. Cliff Barnes

Public Hearing Closed

No Comments from the Planning Board

- 2. Public Hearing Land Use Ordinance – Sections 203 and 302 – Amendments to Design Standards for Substandard Lots in the RGA-1 Zoning District – This is a referral from the City Council Committee of the Whole to review and make recommendations on amendments to the design standards for substandard lots of record to address bulk, height and setbacks for homes on such lots.**

Ed Reidman read the memo as follows:

This is a referral from the City Council Committee of the Whole to review and make recommendations on amendments to the design standards for substandard lots of record to address bulk, height and setbacks requirements for homes on such lots. The amendments would apply to Sections 203 (Residential Growth Area 1) and 302 (Nonconforming Use Provisions). The Planning Board should be advised that the City Council is currently considering eliminating the ability to develop on substandard lots or those lots not meeting the current requirements for size. The City Council has proposed that the proposed provisions eliminating development on such lots be retroactive to February 4, 2008. The City Council is seeking Planning Board recommendations on changes to the design standards that apply to development of such lots before they make their final decision on this matter. The language drafted for Planning Board review is attached.

302 Residential Growth Areas 1

The purpose of the Residential Growth Area 1 zone is to provide urban core community densities to support the downtown center. ~~Reduced setbacks for existing structures, including flexibility for the Code Enforcement Officer will provide incentive for owner and~~

~~investor investment.~~ *Reduced setbacks will permit the infill of vacant properties in areas that are already served by municipal infrastructure.*

302.3 Performance Standards. *The following performance standards apply in Residential Growth Area 1:*

A. Minimum Lot Size: 5,000 S.F. existing; 7,500 S.F. new

B. Dimension Requirements:

(1) Minimum Lot Width: 50' existing, 65' new

(2) Yard Setbacks:

(a) ~~Front 10' existing, 15' new~~

(b) ~~Rear 10' existing, 15' new~~

(c) Side 10' existing, 15' new

(3) Maximum Height: 40'

(Ord. of 03-07-05)

C. Maximum Footprint Factor: 40%

D. Maximum Gross Density Factor: 70%

E. Landscaping Factor: 30%

F. Residential Density Factor: 1 dwelling unit per 5000 S.F.

203 Nonconforming Use Provision

203.7.1 Design Standards

The following design standards must be used when new construction is proposed for a lot as established in Sections 203.7A and 203.7B above. The purpose of these standards is to ensure that increased density in established neighborhoods makes a positive contribution to the character of the City's urban neighborhoods, while continuing to provide housing for all members of the community. Architectural similarity, not sameness, together with similarity in scale and massing are the key foci of these standards.

A. The measurement of the immediate neighborhood is as follows:

a) On the same side of the street, by counting six houses to the left, and six houses to the right of the proposed building, and

b) On the opposite side of the street, by counting the house most directly opposite the proposed building, and then counting six houses to the right and six houses to the left.

B. Building Construction Material - Buildings must be constructed on a foundation and framed on the site, unless the building meets the State modular home guidelines.

C. Building Design:

(1) Porches - There must be a porch at all main entrances that face the street or private way. In the case of corner lots, the main entrance that faces the most traveled way shall be used. New homes are required to have a porch if either of the following situations exists:

a) If an existing home on either side of the building lot has a porch, or b) 50% or more of the homes in the immediate neighborhood of the proposed building have porches.

The measurement of the immediate neighborhood is as follows:

~~a) On the same side of the street, by counting six houses to the left, and six houses to the right of the proposed building, and~~

~~b) On the opposite side of the street, by counting the house most directly opposite the proposed building, and then counting six houses to the right and six houses to the left.~~

(a) Single Story Buildings – The porch or deck of a single story building is not required to have a roof but must be at least three (3) feet wide and (3) feet deep.

(b) *Two- or more Story Buildings* - If the porch projects out from the building it must have a roof. If the roof of a required porch is developed as a deck or balcony it may be flat, otherwise the roof must have a similar pitch to the main building. If the main entrance is to a single dwelling, the covered area provided by the porch must be designed in a similar style and dimension to an existing porch in the immediate neighborhood. The style chosen shall be approved by the Code Enforcement Officer.¹ If the main entrance is to more than one dwelling unit, the covered area provided by the porch(s) must at least cover the main entrances to the building and be designed in a similar style and dimension to an existing porch in the immediate neighborhood. The style chosen shall be approved by the Code Enforcement Officer.

In all cases, if no applicable porch designs are available in the immediate neighborhood, the Code Enforcement Officer may approve an alternate design that best matches the roof slopes and design of the proposed building.

(c) *Columns* – If the front porch at a main entrance provides columns as supports, the columns may not be unadorned 4x4 posts or wrought iron.

(d) *The following additional standards shall apply to such lots in the RGA-1 Zoning District:*

(i) Height. Building height shall not exceed the average height of houses in the immediate neighborhood in existence prior to the proposed subdivision or individual home.

(ii) Yard Setbacks. Front and rear yard setbacks shall be no less than 15'.

(2) *Windows and Doors* – Street facing windows must be vertical. Where abutting properties have sash that are divided, then new buildings shall have complimentary window designs. Windows in rooms with a finished floor height four (4) feet or more below grade are exempt from this standard.

(3) *Roofs*

(a) *Pitch* – Primary structures must have a sloped roof with a pitch that is similar to abutting properties. The use of flat roofs must use the following:

(i) *The cornice meets the following conditions:*

(a) *There must be two parts to the cornice. The top part of the cornice must project at least 6 inches from the face of the building and be at least 2 inches further from the face of the building than the bottom part of the cornice; and*

(b) *The height of the cornice is based on the height of the building as follows: buildings 10 feet tall or less must have a cornice at least 6 inches high.*

1 If the proposed building is within the Village Review Overlay Zone, the building design, including the porch, must be approved by the Planning Board.

(b) *Buildings greater than 10 feet and less than 35 feet in height must have a cornice at least 12 inches high.*

(c) *Eaves* – Roof eaves must project from the building wall at least 12 inches on all elevations. Buildings that take advantage of the cornice option are exempt from this standard.

(4). *Landscaping* – Landscaping must be provided between the structures and the street as follows:

(a) *At least one tree must be provided in front of each residential structure.*

On corner lots, there must be one tree for each 50 feet of frontage on the side street.

(5). *Vehicle Areas* –

(a) *Parking areas and driveways must be located to the side of the primary structure's street-facing façade.*

(b) Attached garages must be set back at least 4 feet further from the property's front lot line than the primary structure's street facing façade is set back from the property's front lot line.

(Ord. of 03-07-05)

Ed Reidman the Planning Board will make a recommendation to the Council, and then it will be the Council's procedure to implement or not to implement this language.

Are there any Staff comments?

No comments

Ed Reidman we are back in our Public Hearing, is there anyone would like to speak?

Bruce Libby 8 Lewis Street I offer to the Board that the Design Standard fail to meet the very purpose of section 203.71. *The purpose of these standards is to ensure that increased density in established neighborhoods makes a positive contribution to the character of the City's urban neighborhoods, while continuing to provide housing for all members of the community.*

The standards as people might know, we got here by the Board and the Council refusing to modify the Comprehensive Plan and increase the minimum lot size. The new setbacks are minimally an improvement. When I sit in my Dining Room, five feet in setbacks, makes no difference to seeing my neighbor next door. What we have done is design skinny odd looking houses, which I can accept.

I recommend that these standards not be forwarded, that be sent back to the Planning Staff and correct the one area that would help, the visual spacing between houses. That would allow for some sort of visual barrier with plantings, fences or what not, that would block line of site between new construction and any existing.

I do not want to see a house constructed on the vacant lot next to me; I understand people's concerns about investments as many have spoken that they have invested in the vacant lots and considered it an investment. I propose here again that if we change the standards to allow for separation between new and existing structures with that 15' foot setback that would block vision of your neighbor's living room could be acceptable. That would be prudent and enhance the lot as a marketable property. Right now as these standards sit there is really no improvement. One tree planted will only block my site pulling out of my driveway.

I think there is another area here to address the issue and I would further offer a way to do this as the Ordinance allows for a garage. A garage usually has no windows on the side and that would allow for privacy for both neighbors. The standards could be amended that a visual barrier on both sides of the lot would be a reasonable accommodation and address the issue.

Jamie Goddard 65 Lincoln Street, thank you for invitation to come and speak towards the proposed design standards for lots in RGA1. I agree with Mr. Libby about a visual barrier.

Section 302 the strike out of: "will provide incentive for the owner and the investor for the investment" Are the investments just gone?

I did not see it in this section, but it seems that the City of Westbrook Council is still considering not building on lots of record. I know the moratorium is still in place as of February eighth. I just want to make sure that we are at least allowed to build something

and the total investment is not gone, it is just a lot of land and I am worried about the flexibility as well.

The performance standards, I too believe that the front and rear set backs by shortening these lengths; you are forcing the home owner to actually build upwards now. In a neighborhood that we might build a house that suits what other houses look like, six up and six down, to get the gross area living space, we would have to build up to get a five person home, so that would not fit the neighborhood that I am in with a full two story house. I live in a neighborhood with ranches, one story and one and one half story houses.

I am a big proponent of green space, so I would actually want to that but it would not fit the standard you design, the average height because I see in the standard you could build up to forty. But by stating the average height now that you would have to build at, I would not meet that average. You are encouraging the builder to build higher, not longer.

In Section 203.71 the standards call for architectural similarity together with scale and massing. There are some decent ranches up the hill where I live at on Mitchell Hill that offer over 2,000 square feet of living space, so I am wondering what reducing the setbacks will actually do. I agree about the front which is the fifteen as I understand that we will need sidewalks and the extra five feet might do that, but as far as the rear, what about people that do not have anything to the rear of them? It is actually green space and it would not be affecting him.

There is no doubt that we need resolution but some of us with young families with the investment opportunities and some that just want to downsize their homes and retire, I would ask the council to fully understand how many lots there are and how developing these lots could effect the current neighborhoods and how many may not effect the neighborhoods at all.

Personally my investment is about a year behind due to the moratorium and all I can ask is that your decision be fair to all parties.

Andy Broaddus 363 Bridge Street I agree with the barriers mentioned previously on Substandard lots. The City of Westbrook has a dilemma with these, do we allow building or not. If building is allowed scale is important. If you need housing, you need to have the houses scaled with these lots.

Unfortunately we have examples where this scaled development did not happen. Westbrook is identified by a collection of neighborhoods that are not necessarily identified street by street, the house design and by density and I think what we need to keep in mind when we do these design standards, obviously we have to strike a balance. We have to allow some building but not at the expense of the neighborhood integrity. One of the things that I have focused on is the off street parking. I have noticed with the substandard lots, there has been a real issue with a lot of the parking that occurs is on the streets now. If you travel around Westbrook, the vast amount of people park off street on their own property. When you only have a set back of ten or even fifteen feet, that does not allow for much off street parking. I would love to have everyone have a garage but economically not everyone can do that. I have seen plenty of the substandard lots built with the garages, if they are done correctly. I have seen some that are terribly designed and what we need to do on paper is to define some sort of a morphs' feel for that house looks right but that house does not.

I do not think the Board needs to micro manage someone's designs but on the other hand there has to be some compatibility within the neighborhood. Something I would like to see included in these design standards is to get people off the street to utilize off street parking, so in other words to have two cars be able to be parked off street, so that we do

not get congestion on these side streets. The streets in Westbrook, if you measure them out can be quite narrow and if you have several of these substandard lots together, that creates an enormous Public Safety issue and I think that is evident walking through some of the neighborhoods. It changes the whole complexion of the neighborhood when you start to see two, three or four cars parked on the street and before you know it you have a dozen or more cars parked on the street. The parking issue needs to be addressed.

The height issue is a little bit of a conundrum. If you put the burden on the CEO to measure everyone's house in the neighborhood and then take an average that is a lot of mathematical calculations. I think that it is one of these, we either reduce the maximum height and forty feet if we really look at it is a very high structure particularly for residential. We should either lower that amount or stick with this average. Try to get the house compatible with the neighborhood but you need to define what that is. The problem here in the past is that we have been vague. When it is vague, it opens the doors to developers to have anything that they want. I like the idea of having it the average height in the area. Other considerations you could consider are the square foot of the house, the number of bedrooms and the barriers that Mr. Libby mentioned. I think there is a need for that with the houses that are in close quarters. Some of these houses are fitting in to that between some very established houses in neighborhoods that did not expect to have that much density.

The Ordinance took long to enact though the process there was a flood of housing that was built when this first happened, that has slowed down due to the economy as well as the fact that whoever was going to build has built but I think that could easily start up again if we do not set the standards.

The big one I think is the height, the fencing, the barriers, off street parking and some consideration should be on the square footage of the house. Most people would like at least three bedrooms on some of these substandard lots it is not possible in the design but and given the fact we have public water and sewer I think the number of bedrooms should not be the right way to approach it. It should be the square feet of the house so we have a maximum cap on that that's reasonable. Those are the basic items that I wanted to point out and I am glad to see that Westbrook is going to allow the building but we need to address the design standards for these substandard lots and I appreciate your efforts.

Richard Nelson 105 Tolman Street and I also own property on Cloudman Street, I echo everything Mr. Broaddus said.

The roof tops should be consistent with the neighborhood you are building in. I want to give an example of Cloudman Street and Cloudman Court where a new house was built that really sticks out from all the other houses on that street. All the houses in the neighborhood have small one or two bedrooms ranch style house or capes. The house that was built towers over the rest of the neighborhood and sticks out like a sore thumb.

That is my concern to keep the new houses level with the existing neighborhood that you are building in. It goes back to a simpler life style, when the houses were built around the 1940's that had one or two bedrooms with no garages. I was a very simple life then and the houses were small back then and close together as it had more of a neighborly feeling, today we do not have that same neighborly feeling.

Now we are building houses to close to one another. I have another point that no one has spoken to. The heating systems today have no chimneys on the new houses today. The heating systems are vented out of the side of house, about two feet above the ground. My concern is the C/O fumes coming out of those heating systems and the exhaust fumes could go towards the neighbors because of the limited set-backs. I do not want to breath

those exhaust fumes from somebody's heating system. That is the only other point I wanted to make.

Judith Reidman 7 Enchanted Lane, am not only speaking as a resident of the City of Westbrook but as the president of the Westbrook/Gorham Rotary. I agree with many of the comments made prior to me, but my concern is that the Council has not given up on not allowing the building. I think that some people think that this is a done issue that we are going to be allowed to build on substandard lots and that is not true. It is my understanding that the Planning Board has been directed to come up with a design standards so the Council can then make a decision to allow or not allow building.

I think it is very important at this time for us to give the support of the design standards because I do not want people to walk away from here tonight thinking this is a done issue because that is not true.

I hope the Planning Board will remember that even though the allowances are five thousand square feet 5000 square feet and some of the houses that the Rotary houses are built on are five thousand square feet, in fact the Dale Avenue area is on these types of lots. It is important for people to remember that it does not matter if it is on five thousand square feet or seventy-five hundred square feet, if it does not fit the compatibility of the neighborhood it does not matter at all. The substandard lots to me does not make any difference, if you have a neighborhood with lots of ranches and you have a seventy-five hundred square foot lot and you put a monstrous Victorian or Colonial, it is not going to fit the neighborhood and I think that is more important than the actual size of the lot. I think we have to give great consideration of type of houses we are building in the neighborhoods. I can sympathize with people that all of a sudden some monstrous house or if they live in an neighborhood where there are Victorians or Colonials, then there is some little ranch, to me that is more important then the actual size of seventy-five hundred feet versus five thousand square feet.

I do agree with having some sort of buffering. I know it can work as the Rotary houses fit the neighborhoods. I know that the Rotary houses have had garages. Our current one does not have a garage at this time. We try to work and modify the design to fit at least a three bedroom, maybe two bedroom homes on the lot.

I should let you know that I am a realtor and I really watch houses and I know what is going on. A three bedroom can be built on those types of lots, as long as you are working with somebody that understands what you have to do and it is possible. I want to make sure that you consider this: Do not be so concerned between five thousand and seventy-five hundred square feet because it does not make a bit of difference at all, unless you are very careful with the type of house that you are building. Thank You

Al Juniewicz 7 Running Brook Road, I do not want to stir the pot, but do I understand that the Planning Board does have the prerogative to say to the Council we do not recommend any change. Another thing that concerns me is the term, substandard. If we had substandard schools, Police Departments or substandard Fire Department we would all be concerned. The term substandard lot bothers me quite a bit. Not only, I have nothing personal on that as I am not involved with that, but I am involved with the City of Westbrook, as I have been a citizen for many years, and I would like to see the character and integrity of the City of Westbrook maintained at a higher level. I can not give you the answers for the things that you are discussing in a technical standpoint but those are my concerns. Thank You

Paul Flaherty I am not a resident in Westbrook but I own property in Westbrook and my son and daughter-in-law are residents of Westbrook.

Could you clarify some things for me? Any fifty x one hundred foot lot would no longer be buildable according to the changes, is that correct as you need sixty-five feet of frontage.

Ed Reidman no

Molly Just the proposal from the Council originally was to consider whether or not to get rid of the ability to develop on those smaller lots. The Planning Board recommended against getting rid of those substandard lots or the ability to be able to develop on them.

The Council said okay and scheduled a public hearing, they heard lots of input, both ways and they said okay Planning Board take a look at our design standards for the substandard lots and see if you can address the issue of height, set-backs, basically the size of the house on the lot relative to the community.

What was mailed to you were the changes to consider for the design standards for the substandard lots.

Paul Flaherty so where it says minimum lot width fifty existing, sixty-five new that should not be paid attention to?

Molly Just that is in the current Ordinance, so what ...

Paul Flaherty new would mean a new structure, not a new broken out lot.

Molly Just a new lot, an existing lot is already approved as a lot. That you can have fifty foot frontage.

Ed Reidman I apologize, as I said in the beginning of the meeting, I will note questions and we will clarify them at the end of the meeting.

Paul Flaherty I was confused about the way it was written. I also would like to reiterate that I think in the town you have a great opportunity to continue with what is considered to be traditional neighborhood designs which creates community and what I think with my experience with Westbrook is that there is a great sense of community.

In terms of what is built, the key issue how it fits and what integrity and how it supports the community that a new structure might live in, is what's most and ultimately important and also the quality of the land. That would be another consideration as to the quality of the lot. If the lot is substandard then there should be some issues there, but if you have good land and a good design and it fits into the community then I think it could be a benefit, for it does offer people an opportunity to live in a nice town.

Elise Kiley I own 88 Falmouth Street and 337 Cumberland Street along with a lot on Webster Street. I do not have any prepared comments tonight, other than to thank you for your consideration.

I came before the Council and advocated that the Council retain the original lots of record with five thousand square feet buildable lots for a variety of reasons that I still believe in. I do support design standards, I think that is appropriate for a community like Westbrook.

I would encourage you in formulating any changes, should you decide that changes are appropriate do not gut the effectiveness of these lots and make them uneconomical for those starting out for these entry level homes. If the design standards are too strenuous, then the homes might be unaffordable, thereby negating the very purpose of some of these lots. I do support the design standards; I think it is important to be mindful that they not be so stringent or so costly that citizens in Westbrook could not afford them

Bruce Elder my wife and I own two lots, one of which would fit this and I would just echo Ms. Kiley's comments. Our concern would be that nothing be done to lessen the availability of what we thought was a future location, as we get older and also one to sell. This was all discussed at a prior Council meeting.

Our concern would be that nothing be done to devalue and I am a little bothered by this substandard term, I had not really thought a lot about this until Mr. Juniewicz commented on that and I think that is kind of a poor term.

We have driven around the City of Westbrook and have seen the tremendous number of these small lots. This is something that is not just common in Westbrook; you see them in many areas. I am a little surprised that there is any hesitation with going on, particularly with the whole movement to be in the City and take advantage of all the services that are already there and the effectiveness of all that in particular as has been mentioned before; for the young folks who are just starting out, or folks in retirement who what to downsize to a smaller house. I appreciate your efforts and wanted to reiterate a couple of those things.

Ed Reidman read a letter into the record from Paul and Dianne LeConte:

Westbrook Planning Board

We are unable to attend your meeting tonight, but we wanted you to know our concerns about buildings that are to be allowed on 5000 sq. Ft. Property lots. We would like them to be single-family homes only" No condo types or tall two-family dwellings should be built.

Thank you,

Paul and Dianne LeConte

Public Hearing Closed

Ed Reidman Mr. Gouzie would you explain to the audience the proposed design standards, we know that we are talking about two lots when they talk about the minimum size. One is 5000 square feet and one is 7500 square feet.

As I understand it the 5000 square foot lot is the existing lot of record in the Cumberland County Registry of Deeds, beyond a certain date.

Rick Gouzie that is correct

Ed Reidman if the Council takes the moratorium off they will have to meet the 50 foot frontage, which means they will have to have 100 feet of depth and that their front yard setback has to meet 15 feet, the back yard setback has to be 15 feet and their side setback will only be 10 feet on either side.

Rick Gouzie correct

Ed Reidman now if there is a new lot created, this would allow the lot to be 7500 square feet for which you have to 65 feet of frontage, which figures out to be about 116 and 117 feet of depth. That would require a front, rear and side setback all to be 15 feet.

Rick Gouzie that is correct

Ed Reidman we are discussing two separate issues. One is an existing lot that has existed for a long period of time and is shown on a plan; in the Cumberland County Registry of Deeds as separate lots and the other is the creation of new lots with 7500 square feet, that there is a separate way that you build on those.

Rick Gouzie correct

Ed Reidman is there any comments from the Board?

Cory Fleming we are talking about these design standards as applying to substandard lots, but as I read the language for the residential growth area one, it would appear to me that this applies to all lots. Am I correct in my interpretation on that?

Rick Gouzie it would only be affecting the 5000 square foot lots on the design standards.

Cory Fleming so if you have a larger lot then there are different design standards?

Rick Gouzie there is no design standards for a 7500 square foot lot. A newly created lot would not have design standards.

Cory Fleming what about an existing?

Rick Gouzie existing lots is when you fall into the design standards for lots of records.

Cory Fleming but the lots that are over the 5000, what ever size it is, these standards will still apply to larger lots that are existing lots.

Rick Gouzie if the lots were lots of record, yes. The 7500 comes into effect when someone has 15,000 square feet of land and they have 130 feet of frontage they could create another separate lot, that would be the 7500 square foot lot and for that lot there would not be any design standards because that is a newly created lot.

Cory Fleming but for any existing lots, whether it is substandard or not these design standards applies.

Rick Gouzie no, only the substandard lots of record.

Cory Fleming I think I understand.

Anna Wrobel I would like to clarify what I think is my understanding of all of this and hopefully if I am correct it may clarify it for others. First the term substandard lot, the term substandard in my understanding is not meant to be a derogatory or negative term, it is not

meant to be the quality or lack there of a piece of land. My understanding of the term substandard just means that it is less than 7500 feet, which is the standard for any new subdivision in the zone. Is that correct as to how we are using the term substandard?

Rick Gouzie I believe that is what it is meant to say.

Anna Wrobel so it is not meant to be a disturbing term in terms of any kind qualitative analysis of what the land is like. It just means that it does not meet the 7500 foot new subdivision standard.

I imagine that this is standard terminology from the State? Would that be the case?

Rick Gouzie it is not a State standard

Anna Wrobel is that just our standard?

Molly Just it is actually an official term in Westbrook. It is in our Zoning Ordinance. It is not created in this atmosphere of some people liking development on smaller lots and some people do not. It is part of our Zoning Ordinance and that is how we refer to it, so we can be official about it.

Anna Wrobel it is not meant to say anything derogatory to impugn any particular piece of land. Again, if I am correct to try and clarify the design standards when there is a new subdivision, not lots of existing records that is 7500 square feet and that is when site plan review, rather than design standards come into play. Am I correct?

Rick Gouzie subdivision, yes

Anna Wrobel that is why the standards do not apply to the new lots; just to the old lots of record, which we call substandard lots.

Rick Gouzie correct

Anna Wrobel I need to make sure what I understood the design standards were for and maybe clarify it for others as well.

Paul Emery where do you put a garage? Apparently if you follow this 5000 square foot lot you can not have a garage. Because it states here that parking areas and driveways must be located to the side of the primary structure. Garages must be set back four feet further. Where do you put the garage?

Rick Gouzie I am not an engineer, but I have seen some out there. It depends on the lay of the property.

Paul Emery the house is 20' feet wide, that is the maximum width

Rick Gouzie no it is 30' feet with 10' feet side yard setbacks

Paul Emery you can pave right to the property line.

Rick Gouzie yes

Ed Reidman any other questions or comments?

No comments

3. **Call to Order**

4. **Approval of Minutes**

Rene Daniel moved to accept the minutes of June 17, 2008, July 8, 2008 & July 29, 2008 as presented.

2nd by **Cory Fleming**

The vote unanimous in favor 7-0 in favor

Continuing Business

Natalie Burns Mr. Chairman, where it says Contract Zone Amendment, it should actually say the Site Plan Amendment.

Rene Daniel moved to enter into executive session for the Board to consider a motion to go into an Executive Session under the provision of 1 M.R.S.A. § 405(6) (E) in order to consult with its attorney concerning the Board's legal rights and duties concerning the Site Plan Amendment application filed by Saco Biddeford Savings Institution and with the appropriate members of the staff to come to executive session with us.

2nd by **Dennis Isherwood**

The vote was unanimous in favor 7-0

5. **Adjourn to Executive Session**

6. **Executive Session – The Board will consider a motion to go into Executive Session under the provisions of 1 M.R.S.A. § 405(6)(E) in order to consult with its attorney concerning the Board's legal rights and duties concerning the Contract Zone Site Plan Amendment application filed by Saco Biddeford Savings Institution.**

Cory Fleming moved to return to regular session.

2nd by **Paul Emery**

Unanimous in favor 6-0 Anna Wrobel out of the room

7. **Return to regular session**

8. Land Use Ordinance – Sections 201, 302, 303 and 317 – Modular Homes as a Special Exception Use – This is a request to amend the Ordinance to allow Modular Homes as a matter of right consistent with State requirements

Ed Reidman we are here to make a recommendation to the City Council.

Rene Daniel moved to recommend to the City Council Sections 201, 302, 303 and 317 – Modular Homes as a Special Exception Use – This is a request to amend the Ordinance to allow Modular Homes as a matter of right consistent with State requirements and we recommend that in favor of passing.

2nd by Cory Fleming

The vote was unanimous 7-0

9. Land Use Ordinance – Sections 203 and 302 – Amendments to Design Standards for Substandard Lots in the RGA-1 Zoning District – This is a referral from the City Council Committee of the Whole to review and make recommendations on amendments to the design standards for substandard lots of record to address bulk, height and setbacks for homes on such lots.

Rene Daniel moved Sections 203 and 302 – Amendments to Design Standards for Substandard Lots in the RGA-1 Zoning District – This is a referral from the City Council Committee of the Whole to review and make recommendations on amendments to the design standards for substandard lots of record to address bulk, height and setbacks for homes on such lots and we recommend in favor.

2nd by Anna Wrobel

The vote was unanimous in favor 7-0

10. Site Plan Amendment – Saco and Biddeford Savings Institution – TFH Architects, on behalf of Saco and Biddeford Savings Institution, for the construction of an additional freestanding sign in the Hannaford Brothers Contract Zone located at 2 Hannaford Drive. Tax Map: 33, Lot: 57, Zone: Hannaford Brothers Contract Zone 3.

Rene Daniel moved to remove this item from the table.

2nd Anna Wrobel

The vote was unanimous in favor 7-0

Overview. The applicant proposes to construct a free standing sign along William Clarke Drive for the future Saco Biddeford Savings Institution. The sign would be ground mounted with a brick and ground face block base, a green aluminum sign with white internally lit plastic letters and a 12inch white internally lit plastic clock. The sign would include a message board sign with amber colored LED lighting on a dark gray background.

Background. At its February 5 2008 meeting the Planning Board approved a Site Plan for construction of a bank, consistent with the Hannaford Brothers Contract Zone. The applicant subsequently filed for approval of a Contract Zone Amendment in order to construct an additional freestanding sign in the Contract Zone. The Planning Board recommended that the City Council not approve the requested amendment. The Contract Zone Amendment was approved by the City Council at their June 2, 2008 meeting. For this reason the proposed Site Plan Amendment is consistent with the existing Zoning of the property.

Dave Merrill THF Architects, at this point I do have some comments in order to respond to the Planner concerns but it appears at this point if you are making a motion to deny that reading any response back to comments is mute at this point, unless there are comments from my colleagues...

Ed Reidman question is the operation of the sign, when are you going to turn it on and when are you going to turn it off.

Dave Merrill THF Architects, that is in conjunction with the Hannaford operation hours and has been addressed in the Contract Zone language.

Natalie Burns Mr. Chairman if I might as I have the Contract Zone Amendment in front of me, what it states is, the free standing sign for the Bank shall be turned off no later than one half hour after bank business hours, it is not tied to Hannaford business hours.

The hours for the supermarket be restricted to the present hours of operation...and the hours of operation for the bank are set forth Monday through Wednesday 7:30 to 5:00, Thursday through Friday 7:30 to 6:00, Saturday 7:30 to Noon

Ed Reidman and the other part says that they will shut the sign off one half hour after business hours are over?

Natalie Burns no later than one half hour

Ed Reidman it does not say when you will turn it on?

Dave Merrill THF Architects, is it a half hour before? I am not sure.

Ed Reidman let me make you totally aware of what we are talking about. You know that the Board is not happy with the sign. We are not happy that you are putting it in. The Board recommended against it, but there are certain things that we can not stop.

In the conditions of approval, which you already have on your site plan, it says: *approval is dependant upon, and limited to, the proposals and plans contained in the application dated July 15, 2008 and plans dated October 2007 and February 2008, supporting documents, materials, 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.*

If you say you are going to turn the sign on at 7:30 in the morning that becomes a condition of approval. You have within the contract zone, that time limits as to when you will shut it off. It says one half hour after your business hours and the business hours are listed in there. That is when we expect to see the sign inoperative. If we approve the sign we intend to have that as a condition.

Dave Merrill THF Architects, I would propose then at the opposite end of the time frame that we go with one half hour before operating hours.

Ed Reidman why?

Dave Merrill THF Architects, because people will be looking to see that the Bank is open or closed.

Ed Reidman that is a Board decision

Does anyone else have any other questions?

Dennis Isherwood I think you were about to make a statement and you said it would be mute because of the denying motion, but we have to deny it, according to the City Counsel you should have a sign and we said that nothing is changed. Were you going to make a statement to address that?

Dave Merrill THF Architects, I would like to make a brief statement, if you could bear with me.

The Planner has made her conclusions and perhaps we have not communicated as well as we could have to the Planners memo and conclusions that have gone along to your information as you have made decisions along this process.

1. *The community and staff opposition to more than one free standing sign along William Clarke Drive* –that was during the original Contract Zone process. We have been before your Board and the City Council now, this is the eighth time, three of those were Public Hearings, two of them were Public Hearing in regard to the monument sign and to our research there has been two or three comments during this process, none that were negative to the design, they were more interested to the buffering on the edge of the property and light levels that coming off site light. There was one gentleman that spoke on our behalf, that was actually in favor of the sign but in reviewing the record there really has not been any community opposition to this that we have found.
2. *The location is 10 ft from right of way and will dominate the pedestrian experience.* That is correct it is 10 ft from the right of way, the sign is designed for a pedestrian scale. It is six feet high (my height), the actual sign itself is eight feet wide; there is a sign area of thirty-two feet with the clock on the side. It is not anywhere near the presence of signs on the other end of William Clarke Drive, around the corner the Public Safety building has a sign that is similar in pedestrian scale and also has a reader board. At the other end of William Clarke Drive, we now see Ocean Community Credit Union which has a much larger presence along William Clarke Drive and is five feet off the sidewalk. We have intentionally tied to make this a palatable sign. We understand the concerns that you have but we intentionally

brought the scale down so it is pedestrian level, it is not overwhelming, it has brick, granite durable materials. The letters are an acrylic, a plastic which was a concern but that is the only way to get light through a material and illuminate the letters.

3. *The changeable message board the white faced internally illuminated clock distraction to vehicles no other branches have changeable message boards.* The messages are rotated on a daily or similar frequency. They are virtually a static display. There is no rotation; the only thing that changes is the time and temperature that change over the course of the day. There is no flashing or blinking it is a static sign. As to the distraction to divers as a frame of reference, we have an exact sign in Scarborough that is a foot higher than the one that is proposed here but it is the same components. This sign is a standard that the Bank would like to go to and is part of the reason we have pursued this as much as we have.
4. *There is enough room on the existing sign in the Hannaford Contract Zone.* Here is a picture of the Hannaford sign and they are allowing us an area in the middle in the neighborhood of fifteen square feet and it is intended to be a generic type faced sign and would not give the presence that a free standing sign will give the Bank for there property.
5. *Approval would set the tone for signage along William Clarke Drive.* We concur to that statement. The size there and the small scale of the sign is not intended to be a distraction to vehicles. It is intended to be a pedestrian scaled sign and have intentionally designed it as such so it is not a visual distraction or overwhelming to the vehicles and the pedestrians along William Clarke Drive.

One item that was brought up verbally was the safety issue and we have driven up this street many times, to get a feel for the safety issue there. One question in our minds is that there is a 25 mile an hour speed limit in one direction and a 35 mile an hour speed limit in another direction and there is 1/3 of a mile between those two lights. I do not think at least in our perspective that this sign is a distraction or a safety issue as much as it is a question of monitoring and drivers maintaining the appropriate speed in that section of roadway.

Again it is a static sign and people will look at it once a day if they are driving by. It is not intended for them to have a lengthy look back; it is intended for them to indicate the Bank is open and the time and temperature and information purposes.

Those are the major comments we have heard and tried to address during this process, we hope you will vote favorably and reconsider your views to date.

Bill Kaney with Smith & Elliott located in Saco. I have not had the opportunity to be before the Board in my twenty-three years but I will say I have been involved a great deal with Contract Zoning especially in the City of Saco where we have approximately fifteen Contract Zones and numerous amendments to the Saco Ordinance. One of the reality of those is just like here the Planning Board gets to review them first and I would say probably less than half of the Contract Zoning agreements or amendments have been recommended by Planning Board. The reality is, they go to the Council, the Council votes

them up or down and in my experience the Council has been voting them up and then it comes back to the Planning Board when the Board has already said no. You are placed in a tough frustrating position and I understand that.

The reality is that we have a new ordinance in Westbrook and the Ordinance essentially allows this sign to exist. It has been imposed upon you by the legislative body which is now the legislation we now have to live with. Again, we understand that you did not like it and you did not recommend it. It is now the law that we have to deal with and the law that unfortunately this Planning Board has to accept, subject to reasonable conditions, one that Mr. Chairman has already talked about the hours that the sign would be on or off. I think the Council only addressed one end of that. Mr. Merrill has suggested the other end time at the beginning. I think there is some logic to that while commuting to work at that hour of the morning would give them an opportunity to see what message the Bank may want to show them on there way to work.

I understand the position you feel you have been placed in, I hope we can respect what the Council did and what the Council has now said and is law in Westbrook, that we have to live with as the terms imposed at this time and we would urge you to vote in favor of sign that is being proposed by the Bank.

Cory Fleming I will withdraw my earlier motion from the previous meeting.

Ed Reidman we are back to the original square; you will find in Molly's memo on page four that we have a motion to approve with conditions or to be denied and we just withdrew the motion to deny. I have framed a proposed second condition if anyone wants to make it, and the proposed second condition says:

1. *The sign shall be operated in compliance with the amendment to the Hannaford Brothers Contract Zone.*

Then I would like to have read into the record the hours of operation as stated within that amendment... "You read it earlier today" "shuts the sign off ½ hour after closing... I am not in favor of allowing a ½ hour before opening.

Natalie Burns Mr. Chairman, could I suggest some language for the condition?

The sign can be turned on no earlier than the commencement of business hours of the bank and shall be turned off no later than ½ hour after the bank business hours. Bank business hours shall be those hours of operation established by the contract zone for the site, which are Monday through Wednesday, 7:30 – 5:00; Thursday through Friday, 7:30 – 6:00; Saturday, 7:30 – Noon.

Paul Emery if the purpose of illuminating the sign is to let people know that the Bank is open, then would it make sense to be turned on with the opening of the Bank, then ½ hour before it is actually open?

Natalie Burns the language I gave you would tie it to the commencement of business hours, not ½ hour before.

Paul Emery and if it is going to be closed then the sign should go off at the time they close.

Ed Reidman we do not have any choice on that as what the Council did was to modify the existing Hannaford Contract Zone; they placed that as part of their approvals.

Anna Wrobel moved the Site Plan application for Saco & Biddeford Savings Institution on Tax Map: 33, Lot: 57, is to be **approved with conditions** with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

Adequacy of Road System

- The proposed amendment would not place a burden on the road system.

Access to the Site

- Access to the site would be from Hannaford Drive from William Clarke Drive.

Internal Vehicular Circulation

- Adequate.

Pedestrian and Other Modes of Transportation

- The Applicant proposes to continue the sidewalk that extends into the Hannaford site from William Clarke Drive. The applicant proposes to construct a pedestrian link to the sidewalk planned along William Clarke Drive and to provide a bicycle rack near the entrance to the proposed bank.

Stormwater Management

- Adequate.

Erosion Control

- Adequate.

Utilities

- Any changes to the utility system must remain underground.

Hazardous, Special and Radioactive Materials

- N/A.

Technical and Financial Capacity

- Adequate.

Solid Waste

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

Historic, Archaeological and Botanical Resources

- N/A

Landscape Plan

- Adequate.

CONCLUSIONS

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

CONDITION

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated July 15, 2008 and plans dated October 2007 and February 2008, supporting documents, materials, and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the Planning Board.
2. The sign shall be turned on no earlier than the commencement of business hours of the bank and shall be turned off no later than ½ hour after the bank business hours. Bank business hours shall be those hours of operation established by the contract zone for the site, which are Monday through Wednesday, 7:30 – 5:00; Thursday through Friday, 7:30 – 6:00; Saturday, 7:30 – Noon.

2nd by Greg Blake

5-2 in favor (Paul Emery and Rene Daniel opposed)

New Business

11. ~~Final Site Plan and Village Review – Legacy Publishing – Construction of a parking lot with screening on property located at 10 Speirs Street. Tax Map: 33, Lot: 196, Zone: City Center and Village Review Overlay Zone.~~
12. Final Site Plan – St. Anthony’s of Padua – Barba + Wheelock Architecture, on behalf of St. Anthony’s of Padua Catholic Church, for site improvements to property located at 295 Brown Street. Tax Map: 33, Lot: 261, Zone: RGA1.

Rene Daniel before we start this conversation I want to disclose that I am an active member of the St. Anthony’s parish and I will not recluse.

Paul Emery I am also an active member and will not recluse.

Ed Reidman is there any objections to having Rene Daniel or Paul Emery voting on this issue?

No objections

Margret Ennis I am here representing Barbara Ann Wheelock. Our office met with Molly Just, Eric Dudley and Jerre Bryant on July 30th of this year. We discussed this submission. There are a few things that I would like to bring to your attention. This submission is identical to the one that was before you about a year and half ago, with one exception and that is that we are going to do less grading then we had previously said. Yet this less grading change had been approved by the previous City Planner, Brooks More. The packet that you have in front of you has an updated letter about the capacity from the Portland Water District. This re-submission is due to a delay in the construction start.

I have landscape architect Tone Muench with me to go through the changes.

Molly Just I think the Planning Board needs an overview of the minor modification background of the project and that will be the Board's call.

Ed Reidman I assume the Board would like to see what the changes are. It says in the memo that waiver... Has that already been granted or are they asking for it tonight?

Molly Just that was granted last time but that site plan has expired, so they need to ask again.

Tony Muench I am a landscape architect in Portland and I have been working on the project from the very beginning. Really there is only one change, in the original project it had a lower court yard with a retaining wall and all the planting was on top of the wall. Because of the structure and the cost of development there were some major issues with the existing walls that are a lot deeper there. What we have done is simply not excavate that and so doing there is no deep grading, everything else remains the same. The lighting and the exact number of plants it just does not have a 4 to 6 foot high wall. The only other thing we have done in terms of layout change is move the steps over and minor reconfiguration here on the dumpster location that needs to be moved. The entire change is near the center of the lot. All the other elements of the site are the same, the calculations, the drainage, the water, the vehicular access; nothing else has been changed from the original submission.

Molly Just the applicant is requesting a waiver of the parking requirements of the Ordinance, Staff supports this waiver in conjunction with the proposed easement to the City. The parking provided is less than what would be required.

The applicant proposes an alternate landscape plan that will place a significant reduction with the amount of landscaping in the area of the parking lot side of the building. That is the area that most people approach the Church. I would think that with such a magnificent building, you would want to create an entrance as grand as possible and landscaping is a big part of that. Planning Staff does not support approval of the alternate landscape plan.

The Portland Water District recommends that a proposed Fire Service connect to the eight inch water main on Reserve Street which will create adequate Fire flow.

Any existing unused domestic water connection serving the building must be shut and cut at the main.

Ed Reidman does the plan as they currently exist; show the connection that the Water District has recommended?

Tony Muench I believe they do.

Ed Reidman does it also show the cutting off of the existing domestic water connections that must be cut at the main?

Tony Muench I do not know if it is on the drawing but it is noted on the drawing.

Ed Reidman we should add those two conditions at the very end. We would add two additional conditions number three and number four. One for the Portland Water District on page six staff comments three and staff comment four.

May I have a motion to grant the waiver on the parking requirements as recommended by staff?

Rene Daniel moved to grant the waiver.

2nd by Anna Wrobel

Vote unanimous in favor 7-0

Anna Wrobel I just need to understand about the alternative landscaping. On the picture that you had before, there is that smaller rectangle over to the left is that what we mean by the alternative landscaping plan that staff is unhappy with?

Molly Just yes

Anna Wrobel and the larger image is approved or acceptable to staff?

Molly Just yes

Rene Daniel I am not accustomed to give waivers. When it comes to landscaping and you have such a structure as you have and you are going to re-structure or re-display the entrances to this building that was built in the 1930's you need to make it as attractive in the long term as possible.

I would not be in favor of alternative plan. I am just amazed on the possible greenery that you are using. I am assuming that the junipers for the total of 110, is basically to hide the hill and to hide the more difficult places to care for the lawn.

I am also amazed that you are only planting two lilac bushes. I know there is always a budget and I think we need to do better than that. I am glad you are putting Ashes, American Elms, Hawthorns, Winterberry and Yews in.

Just so I am clear, what was approved a year and a half ago in the landscaping on the sidewalk side of where the parking lot is, has that changed any?

Tony Muench that is the same

Rene Daniel so the only thing you are asking to change is the green buffer zone between the worshipping building and the parking lot.

Tony Muench right, that is true and the quantities are the same as before.

Rene Daniel on the map that you are showing us now where the front entrance of St Anthony's is, in bold letters it says annual bed along not decorative fence. Annual bed to me is not landscaping. In the generic world yes, I want to see something permanently there. I can not imagine people planting flowers every year. The other thing I do not remember, it says: relocated sculptures and benches on the outside of the structure where the stair tower is now. I do not remember voting on that.

Tony Muench as part of the original...

Margret Ennis what you are referring to is the St. Mary's garden which will be part of design as a tribute to that parishioners from St. Mary's. The idea was to salvage some of the exterior elements over at St. Mary's before; I believe there is a statue of St. Mary and two benches that are going to be coming over. I think that is what you are remembering from before.

Rene Daniel was that part of the original plan?

Molly Just I am not sure how it could be part of the original unless it was contemplated well before the church was taken down to incorporate those items on to this site. It is something that you can act on today as this is a new site plan.

Rene Daniel Tony can you speak to me about the stock pile shrubs relocated location to be determined in the field as you walk in to the Church?

Tony Muench there are shrubs on the ramp side that will be relocated.

Rene Daniel the tree on the right that has been removed, will that be replaced?

Tone Muench that could be replaced, it has not been discussed.

Rene Daniel it would be more attractive if placement of similar trees that would go along the whole venue of the front.

The lighting, I need a little more information on the lighting.

Tone Muench the original designer is not here. I do not have a big plan, but on the 11x17's it shows the lighting that is lighting the parking area on the southerly part of the lower parking area and of course they are all shielded and meet the standards that are required.

Rene Daniel are they the lights that were discussed with Planning and Code Enforcement?

Rick Gouzie I am not sure

Molly Just it is my understanding that the lighting has not changed since the prior approval and our lighting standards have not changed since that time either.

Margret Ennis just to address one issue I believe that when the first lighting plan was originally before the City of Westbrook, I believe my office met with Mr. Gouzie, the Fire Marshall and the City Engineer, to make sure that everything was up to code and as Molly said the Code has not changed since then, so I do believe that we are still

Rene Daniel I do agree with what you are saying, it has nothing to do with the code. You can either have a two dollar flash light or a two hundred dollar flash light, and they will appear differently even though they do the same function, both meets code.

I do not want a beautiful building to look like it has a two buck flashlight.

Molly Just is your concern the quality or the appearance or the amount of light.

Rene Daniel I do not have a problem with the amount; I am concerned with the style. I certainly would not want a style that you find at our local airports, i.e. car dealerships. I would not want light to interfere with the neighborhood. I want the people that go to the meeting space to be safe but I certainly do not want to ruin their lives with having bright lights.

Margret Ennis I think if you turn to the last four pages of your packets you will see some cut sheets for the light fixtures, if that is helpful.

Rene Daniel it is, it is a perfect example of styles that I do not like.

Anna Wrobel Rene, is it your optimum view, the style of the lighting pole themselves should be other than what you are seeing? Do you want them to look a certain way to enhance the Church?

Rene Daniel I think a good example would be like the river walk, an old style, a traditional style.

Anna Wrobel can make that sort of thing a condition of approval?

Rene Daniel Anna, my idea is to give the citizenry the ability to walk and view from one end of the river to the other and it would behoove us to have the same style lighting so it looks similar and was planned and it had a natural flow around the City. I think we need to keep that though under consideration, so the citizens will not think that projects are just thrown together.

I am sure the costs can not be huge amounts of difference.

Margret Ennis I can not speak to the cost but I would request ... I can not picture that the light fixtures look like on the River Walk. But the building has a lot of art deco elements to it and I do not know what the other light fixtures look like, could we say something perhaps not an exact match, but perhaps something complementary, that would signal that you are approaching a special different area that would give us more design choices.

As I can not remember what the light fixtures look like, I can not comment if there would be appropriate for the Church.

Molly Just Mr. Chair, in the past we have crafted conditions that say the applicant will work with staff to find a lighting that is more appropriate to the lighting along the River Walk and would also fit in to the theme on Church site.

Anna Wrobel I agree that there should be some consistency and I am equally concerned that the lighting compliment the church.

Molly Just I think staff and the applicant understand what you are saying.

Ed Reidman I would caution that there should be some latitude for the architect and the staff because your other concern that is part of these plans is the lighting at the site, the volume of lighting and the photometric of what is going on, you do not want to loose the ability for people to see after dark in that area by placing a different style of light fixture, it

may not convey the light the same way as to what was proposed. I do not have any objection to adding that as a condition.

Are there other comments with regard to this?

No comments

Ed Reidman there is a proposed motion and to which we were going to add two additional elements under conditions, now we have three. Can I have a motion?

Cory Fleming moved the Site Plan application for St. Anthony's of Padua on Tax Map 33, Lot 261, is to be **approved with conditions** with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- The project has been engineered to take advantage of the topography of the site.

Adequacy of Road System

- The road system is adequate to accommodate the proposed internal improvements.

Access to the Site

- No new curb cuts are being proposed.

Internal Vehicular Circulation

- The project proposes to improve internal circulation for both passenger and emergency vehicles.

Pedestrian and Other Modes of Transportation

- Internal walkways have been provided.
- Handicapped parking spaces have been provided.

Stormwater Management

- Final Plan review item.

Erosion Control

- Final Plan review item.

Utilities

- No Issues at this time.

Hazardous, Special and Radioactive Materials

- None have been identified in the application.

Technical and Financial Capacity

- No Issues.

Solid Waste

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

Historic, Archaeological and Botanical Resources

- The site is currently developed.

Landscape Plan

- A landscape plan has been provided.

Others

- **Parking:** The Site Plan Review Ordinance dictates that at least 0.3 off-street parking spaces must be provided per seat in the church. Based on the applicant's stated seat count of 581, 175 off-street parking spaces must be reserved. This is 75 more spaces than provided on the site following the proposed improvements.

As we all know, St. Anthony's (formerly St. Hyacinth's) has been used as a place of worship for many years. The Church has always managed to accommodate all of its parishioners, and their parking needs, with minimal impact to the neighborhood. As noted in the application materials, the Church is a grandfathered use that is now serving fewer parishioners than previous historical levels. As such, it is our recommendation that the Planning Board grants a waiver of the parking requirement and approves the planned improvements with a minor modification.

The proposed consolidation of the three Catholic Churches in Westbrook will result in a greater number of parishioners traveling to the area by automobile. As a result, a greater number of parking spaces will be needed to reduce impacts on the surrounding neighborhood. The City owns land between the Church and the Presumpscot River. For several years the City has eyed this property as a potential location for future parking. This parking could serve both the needs of the Dana Warp Mill area and St. Anthony's Church. While it is unclear at this time when the City will develop this parking lot, it is clear that an easement across the St. Anthony's parking lot will be necessary for access. Accordingly, we would like to request that an easement be provided to allow for future access to the City owned property.

CONCLUSIONS

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

CONDITIONS

1. Approval is dependant upon, and limited to, the proposals contained in the application dated January 16, 2007 and revised to August 12, 2008 and the plan dated May 24, 2007 and revised to August 12, 2008 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the Planning Board.
2. St. Anthony's parish shall provide an easement to the City of Westbrook to access the parcel identified as tax map 33, lot 258. The easement shall run along the West side of the property where the existing entrance drive exists. The easement shall continue along the South side of the St. Anthony's property to provide egress on to

Reserve Street. An approximate location of this proposed easement is located in the Planning Memo on page 12, dated September 2, 2008.

3. The applicant will work in conjunction with the City Planner to provide appropriate lighting for the site.
4. The proposed fire service will be connected to the 8" water main along Reserve Street in order to provide adequate fire flow.
5. The existing unused water connection serving the building shall be shut and cut at the main.

2nd by Anna Wrobel

Rene Daniel is the changing the entrance from the rectory side of Brown Street, going down to the lower parking lot, has that always been one way or has that changed?

Molly Just it has functionally always been one way.

Rene Daniel hence leaving the parking lot to Reserve would be one way?

Molly Just going to Reserve would be one way.

Rene Daniel why did the project go beyond the allotted time?

Margret Ennis finances

The vote was unanimous in favor 7-0

Molly Just I was wondering if you were going to make a recommendation on the alternate landscaping plan.

Anna Wrobel do we need to with the oral representations, my assumption has been that we were going to do the landscaping plan as of the larger diagram.

Molly Just did the applicant agree to that? The applicant did not commit to that.

Tony Muench we did not commit for or against it. Is the Board in the position to decide in the same way as the lighting issue?

Ed Reidman it is my understanding the Board can say: I move to reconsider the previous motion.

Natalie Burns exactly, then the motion is on the floor and if someone wanted to further amend that motion to clarify this issue you could do so. You all voted in favor so anyone can make the motion to reconsider.

Rene Daniel I move that we reconsider our previous motion.

2nd Anna Wrobel

The vote 6-1 in favor (Paul Emery opposed)

Rene Daniel I would move the previous motion and add an amendment saying that the original landscaping plan would be the one accepted not the alternative.

Moved the Site Plan application for St. Anthony's of Padua on Tax Map 33, Lot 261, is to be **approved with conditions** with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- The project has been engineered to take advantage of the topography of the site.

Adequacy of Road System

- The road system is adequate to accommodate the proposed internal improvements.

Access to the Site

- No new curb cuts are being proposed.

Internal Vehicular Circulation

- The project proposes to improve internal circulation for both passenger and emergency vehicles.

Pedestrian and Other Modes of Transportation

- Internal walkways have been provided.
- Handicapped parking spaces have been provided.

Stormwater Management

- Final Plan review item.

Erosion Control

- Final Plan review item.

Utilities

- No Issues at this time.

Hazardous, Special and Radioactive Materials

- None have been identified in the application.

Technical and Financial Capacity

- No Issues.

Solid Waste

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

Historic, Archaeological and Botanical Resources

- The site is currently developed.

Landscape Plan

- A landscape plan has been provided.

Others

- **Parking:** The Site Plan Review Ordinance dictates that at least 0.3 off-street parking spaces must be provided per seat in the church. Based on the applicant's stated seat count of 581, 175 off-street parking spaces must be reserved. This is 75 more spaces than provided on the site following the proposed improvements.

As we all know, St. Anthony's (formerly St. Hyacinth's) has been used as a place of worship for many years. The Church has always managed to accommodate all of its parishioners, and their parking needs, with minimal impact to the neighborhood. As noted in the application materials, the Church is a grandfathered use that is now serving fewer parishioners than previous historical levels. As such, it is our recommendation that the Planning Board grants a waiver of the parking requirement and approves the planned improvements with a minor modification.

The proposed consolidation of the three Catholic Churches in Westbrook will result in a greater number of parishioners traveling to the area by automobile. As a result, a greater number of parking spaces will be needed to reduce impacts on the surrounding neighborhood. The City owns land between the Church and the Presumpscot River. For several years the City has eyed this property as a potential location for future parking. This parking could serve both the needs of the Dana Warp Mill area and St. Anthony's Church. While it is unclear at this time when the City will develop this parking lot, it is clear that an easement across the St. Anthony's parking lot will be necessary for access. Accordingly, we would like to request that an easement be provided to allow for future access to the City owned property.

CONCLUSIONS

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

4. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed site plan **will** provide for adequate sewage waste disposal.
7. The proposed site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed site plan **conforms** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed site plan **is not** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
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4. The proposed fire service will be connected to the 8" water main along Reserve Street in order to provide adequate fire flow.
5. The existing unused water connection serving the building shall be shut and cut at the main.
6. The original landscaping plan would be the one accepted not the alternative

2nd Cory Fleming

Ed Reidman any comments from the architects?

Margret Ennis so what we will do is remove from consideration the alternate landscape plan on page C 5.1, yes.

Ed Reidman the motion is back and has been modified

The vote was 6-1 in favor (Paul Emery opposed)

13. Special Exception – T & M Development, LLC, Extractive Industry, Methodist Road – Sebago Technics, on behalf of T&M Enterprises, LLC for the expansion of a previously approved extractive industry (A.K.A. Quarry) project generally located at 409 Small Hardy Road. Tax Map: 20, Lot: 10 and Tax Map: 17, Lots: 12 & 13, Zone: Rural.

Ed Reidman I understand the application in front of us is complete. I will take a motion to find the application complete.

Cory Fleming moved to find the application complete

2nd by Anna Wrobel

The vote was 5-0 in favor (Paul Emery abstained – Dennis Isherwood out of the room)

Paul Emery I may at some point be entering into a business arrangement with the applicant, Mr. White. Any business done will be in another Town and will not be in Westbrook and as far as I can see should have no connection to the T & M Enterprises, extractive Quarry. I will leave it up to the Board members if they wish that I remain or recluse.

Ed Reidman does anyone object to Mr. Emery participating in the discussions and the voting.

Anna Wrobel does Legal Counsel have any issue with this at all?

Natalie Burns no, there is not an existing contractual relationship; there is no existing financial relationship. I think that Mr. Emery wanted to bring this to the Boards attention now in case these were to happen in the future, to allow the Board to decide. This is absolutely not a conflict of interest, under the statute, as long as he can tell you that he has

September 2, 2008

not prejudged anything and the fact that he might in the future have this relationship, but it does not influence his decision making now, is what the Board should consider.

No problems

Ed Reidman does the Board want to hold a Public Hearing on this item? Mr. White, we will schedule the Public Hearing and you can make your full presentation at that point. Most of the members have heard you before and have given you approval before, not that we will give you approval again, we do now what you are going to present.

Mike White okay

Ed Reidman when would we hold the Public Hearing?

Molly Just that Public Hearing would be on Tuesday, September 16th.

Rene Daniel moved to schedule the Public Hearing for Tuesday, September 16, 2008.

2nd by **Dennis Isherwood**

The vote unanimous in favor 7-0

14. 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