



City of Westbrook

DEPARTMENT OF PLANNING

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**WESTBROOK PLANNING BOARD
TUESDAY, NOVEMBER 18, 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), Scott Herrick (Alternate), Anna Wrobel (Ward 4), Greg Blake (At Large)

Absent: Michael Taylor (Alternate), Dennis Isherwood (Ward 2)

Staff: Molly Just, Richard Gouzie, Diana Brown

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 process of a Public Hearing and asked speaker to come to the podium and ask questions and they will be answered after the Public Hearing

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

Ed Reidman we sent to the City Council a proposed Contract Zone. The City Council made modifications to it.

I will read the changes to the contract Zone as recommended by the City Council into the record: *the changes are underlined here in.

318 Contract Zone 8 - 500 Westbrook LLC Contract Zone

318.1 Purpose. This zone consists of approximately 61 acres of currently undeveloped land located between the Westbrook Arterial and Stroudwater Street. The purpose of this Contract Zone is to enable a high quality integrated, master-planned, mixed-use commercial development that will serve as a gateway to Westbrook from Exit 47, a regional economic hub and a destination for shoppers and visitors to the City, while maintaining an appropriate buffer along Stroudwater Street. The kind of development intended for this zone is further described in the “Stroudwater Place Vision Statement” by Thompson Design Group dated September, 2008 (“Vision Statement”).

It is of critical concern to the City that the development envisioned in this Contract Zone move forward in a way that protects and has minimal impact on traffic, noise or light pollution in surrounding neighborhoods (including the neighborhoods in and

around Forest Street, Haskell Street, Rochester Street, Stroudwater Street and Monroe Avenue), school facilities and currently active agricultural businesses.

- 318.2 **Permitted Uses.** The following uses are permitted in the 500 Westbrook LLC Contract Zone as a matter of right:
- Accessory Use
 - Adult Daycare
 - Bank Class 2
 - Business/Executive Suite Hotel
 - Business Office
 - Class A Lounge
 - Club or Lodges
 - Community Center
 - Conference/Exhibition Facility
 - Daycare Center
 - Dwelling, Multiple Family
 - Education Facility
 - Greenhouse or Florist
 - Grocery Store
 - Health Club
 - Home Occupation
 - Hotel/Motel
 - Intermodal Passenger Transportation Facility
 - Kiosk Vendor
 - Library
 - Light Manufacturing
 - Media Studio Class 1
 - Media Studio Class 2
 - Medical Office
 - Municipal Facility
 - Museum
 - Neighborhood Grocery
 - Outdoor Farmers Market
 - Outdoor Gathering Spaces, including, but not limited to picnic areas, parade/ fairgrounds, etc.
 - Outdoor Performing Arts Venue
 - Parking Facility
 - Public or Private Indoor or Outdoor Recreation or Sports Facility
 - Research and Development
 - Restaurant Class 2
 - Restaurant Class 4
 - Retail Class 1
 - Service Business
 - Theater
 - Veterinary Office

318.3 **Special Exception.** The following use is permitted in the 500 Westbrook LLC Contract Zone as a special exception under Section 204:
Child Care Center

318.4 **Performance Standards.** The following performance standards apply in the 500 Westbrook LLC Contract Zone:

A. Dimensional Requirements*:

(1) Minimum Building Setbacks:

- | | |
|------------------------------|----------|
| (a) from Westbrook Arterial | 20 feet |
| (b) from Stroudwater Street | 200 feet |
| (c) from side property lines | 20 feet |

- (2) Maximum Height 75 feet (exclusive of architectural features which may, upon approval of the design by the Planning Board during site plan review, extend above the roof of the building provided such architectural features do not increase habitable space).

B. Maximum Building Footprint. The total, cumulative footprint of all buildings within the Contract Zone shall not exceed 50% of the land area within the Contract Zone.

C. Maximum Gross Density. The total, cumulative amount of building footprint and impervious surface shall not exceed 78% of the land area within the Contract Zone.

D. Minimum Landscaping. At least 22% of the total land area within the Contract Zone must be landscaping. Stabilized grass surfaces shall be considered pervious landscaping.

E. Lighting. All outdoor lighting must be of the cutoff luminaire variety and must be installed so that no permanent direct lighting is emitted beyond the lot lines, except for special accent / event lighting oriented towards the Westbrook Arterial. No lighting shall be permitted on architectural features above 75 feet in height.

F. Buffer. A 50-foot buffer with berms and trees shall be maintained along the entire Stroudwater Street frontage, in order to maintain a continuous visual screen, except where a break in the screen is necessary to provide an emergency access route for public safety purposes.

G. Traffic Impact. Except for emergency vehicle access as determined to be necessary by the City's public safety officials, there shall be no motor vehicle

* The dimensional requirements established in this section apply to the Contract Zone as a whole and not to individual lots (if any) within the Contract Zone.

access between Stroudwater Street and the development, and the only access to the development shall be from the Arterial, or from a connector road which runs only between the development and the Arterial, except for emergency vehicle access as determined to be necessary by the City's public safety officials. At the time of site plan review, 500 Westbrook LLC must submit a traffic study providing all information set forth in Section 7 of the Maine Department of Transportation's Rules and Regulations pertaining to Traffic Movement Permits, as such may be amended from time to time.

- H. Parking. Because of the variety of uses proposed by 500 Westbrook LLC, various uses on the property will have different operating hours and different peak-period parking demands. In keeping with principles of optimizing resources, shared parking can therefore be utilized. The Table of Off-Street Parking in Section 505.1.A shall not apply within this Contract Zone. Instead, the number of parking spaces to be provided as each phase of the development is undertaken and in total shall be determined by applying best-practice traffic engineering standards for shared parking and in accordance with a parking management plan. Parking may be provided through a combination of surface parking and parking structures. At final build-out, the majority of parking shall be located in parking structures. Any surface parking, whether provided for an individual phase or for final build-out, shall be adequately screened from pedestrian ways and public streets. Because of the seasonal variation in parking demand for retail uses, a portion of the parking may occur on stabilized grass surfaces to function as overflow parking during peak periods or for special events, but otherwise to function as a fairground/parade ground, field, or other open area.
- I. Sustainability. Buildings and improvements shall, to the extent feasible, utilize materials, techniques and designs which incorporate then-current best practices for energy efficiency, sustainability and low environmental impact.
- J. The final square footage of the development and the square footage of any individual phase shall be determined by the Planning Board during the Site Plan review process. Both total square footage and retail are not to exceed 20% of the square footage depicted on the program diagram incorporated herein. In addition to any other applicable requirements, at each stage of the Planning Board's review process (including but not limited to the Master Plan Review and review of each individual phase) the Planning Board shall make specific findings that each of the goals described in Section 318.1 are met. At final build-out, the development shall include a mix of the following uses: (1) retail; (2) office space; (3) hospitality and food; and (4) sports and entertainment.
- K. In addition to the Performance Standards set forth herein, the development shall comply with Subsection 505.11 of the City's Site Plan Review Design and Performance Standards, except where qualified herein:
- (1) 505.11.3.A (1) Space and Bulk Standards shall not apply.

- (2) 505.11.3.A (2) (b) (ii-iv) Lighting standards shall not apply to special accent/event lighting.
- (3) 505.11.3.A (2) (c) The buffer or screening shall limit the decibel level of all sounds or noise that reach the property lines according to limits set by the Planning Board. After an initial inspection to determine that noise is being emitted, the Code Enforcement Officer reserves the right to hire a consultant or expert in the field of sound measurement. All services billed by the consultant or expert must be paid for by the owner of the property from which the sound is being emitted.
- (4) 505.11.3.B (1) (a) and (b) The Planning Board shall set such standards.
- (5) 505.11.3.B (2) and (3) The Planning Board shall set retail and non-retail hours of operation during the Site Plan review process.
- (6) 505.11.3.C Building Design Standards shall not apply.
- (7) 505.11.3C (1) Access management shall not apply.
- (8) 505.11.3 D (2) A traffic study shall be completed after each phase of the development and shall include, but is not limited to, the new Westbrook Middle School, Monroe Avenue, Rochester Street, Haskell Street, and Forest Street areas.
- (9) 505.11.3.D (3) The Planning Board may accept the impact study required by the State Informed Growth Act to the extent the Planning Board is satisfied that such study addresses the requirements of this subsection.
- (10) For the purpose of application of these performance standards to this Contract Zone the terms “residentially zoned occupied property” includes Residential Growth Area 1, Residential Growth Area 2, Residential Growth Area 3 and the Rural Zone.

318.5 **Conditions.**

1. Master Plan

- (a) All buildings within the zone shall be designed and constructed pursuant to an overall plan for development of the property that contemplates an integrated, internally unified mixed-use commercial development consistent with the Guiding Principles and the goals of this Contract Zone (“master plan”). The master plan will incorporate the following design principles:
 - High quality public spaces will be an integral component of the development as a whole and of individual phases.
 - The development as a whole and individual phases will be streetscape oriented – designed so that visitors will park in central facilities and then walk to their destinations, with building entrances located along and oriented toward the internal streets.

The Master Plan shall address the timing and type of public amenities, including, but not limited to, transportation alternatives, trail connections, outdoor gathering areas and other public spaces. It shall include an activation program, developed in consultation with the Westbrook Recreation Department, for the management of multi-use, active recreation fields. The ice skating facility shall provide for 2.5 free hours of ice time to Westbrook residents and Westbrook school-aged hockey teams each day. The schedule shall be developed in consultation with the operator and the Recreation Department.

- (b) In order to achieve the goals of an integrated, master-planned, mixed-use commercial development that will serve as a gateway to Westbrook from Exit 47, a regional economic hub and a destination for shoppers and visitors to the City, the master plan shall include a master lease or declaration of covenants containing restrictive covenants which preclude the following uses: “bargain” or “dollar” stores, wholesalers, sellers of distressed or salvaged merchandise and other retailers whose advertising, marketing practices or appearance, either interior or exterior, are not consistent with the kind of quality, destination-retail development described in the Guiding Principles. In addition, the master lease or declaration shall incorporate architectural design guidelines controlling matters such as streetscape design, façade treatment, appearance of public spaces, quality of common areas, location and appearance of kiosk vendors, signage, landscaping and lighting, placement of buildings with respect to the public spaces, and such other features of development which 500 Westbrook LLC deems appropriate to ensure a quality project and a quality experience for customers of and visitors to the development.
- (c) The master plan shall be submitted as part of the application for site plan review for the first phase to be constructed. Any subsequent revisions to that initial master plan shall be submitted as part of each application for site plan review for subsequent phases. Before approving any phase, the Planning Board must approve the master plan as being consistent with the Guiding Principles and meeting the requirements of this Contract Zone.
- (d) The development of the property shall be substantially consistent with the design principles articulated in the Guiding Principles and with the design concepts illustrated in the four depictions attached hereto and incorporated herein.
2. **Phasing.** The property may be developed in phases, with the Planning Board determining during site plan review what infrastructure improvements are required for the incremental development of each phase. At a minimum, an outdoor farmers market area and an intermodal passenger transportation facility must be constructed within two years after the first 100,000 square feet of commercial space is occupied. No more than 400,000 square feet of commercial

space may be issued a certificate of occupancy until an outdoor farmers market area and an intermodal passenger transportation facility has been constructed. No more than 800,000 square feet of commercial space may be issued a certificate of occupancy until a central common/outdoor gathering space has been constructed. No more than 1,200,000 square feet of commercial space shall be issued a certificate of occupancy until an indoor ice skating facility, arena or similar civic facility has been constructed, except that, as an alternative, the City and 500 Westbrook LLC may agree on a monetary contribution from 500 Westbrook LLC to assist the City in constructing or operating an off-site facility.

318.6 **Definitions.** As used in this Section 318, Contract Zone 8 – 500 Westbrook, LLC, the following terms shall have the following meanings:

- i. **Class A lounge.** An establishment which holds a Class X liquor license from the State of Maine, which qualifies as a “Class A Lounge” under the provisions of Title 28-A of the Maine Revised Statutes and is licensed by the Department of Health and Human Services as required by 28-A M.R.S.A. § 1065(5). This category excludes bottle clubs and restaurants that allow patrons to bring and consume their own alcoholic beverages.
- ii. **Business/Executive Suite Hotel.** A hotel that offers customary hotel services and amenities to the traveling public on a daily basis and also has rooms or suites available for longer term rentals, designed and intended to accommodate businesses or institutions and their employees, contractors or consultants who require temporary lodging while working on temporary assignment or relocating to the Westbrook area.
- iii. **Conference/exhibition facility.** A facility used for conferences, seminars and exhibitions, and entertainment, which may include accommodations for sleeping, food-preparation and eating, recreation, and meeting rooms, and retail sales and services that are offered primarily for the convenience of persons attending conferences, seminars or exhibitions at the facility. A conference/ exhibition facility which includes sleeping rooms for guests shall also be considered a hotel/motel, subject to the requirements of this ordinance applicable to hotels/motels.
- iv. **Health club.** A facility where members or nonmembers use equipment or space for the purpose of physical exercise. This term includes facilities commonly known as fitness centers or wellness centers.
- v. **Intermodal passenger transportation facility.** A building, structure or location where two or more modes of transportation intersect and passengers can transfer between modes.
- vi. **Kiosk Vendor.** An outdoor vendor selling food or consumer goods or services from a wheeled cart or a kiosk (a small structure with one or more open sides).

- vii. **Library.** A public and/or non-profit facility in which literary, musical, artistic or reference materials (such as books, manuscripts, recordings or films) are kept for use but not normally for sale.
- viii. **Museum.** A building having public significance due to its architecture or former use or occupancy or a building serving as a repository for a collection of lasting interest or value arranged, intended and designed to be used by members of the public for viewing with or without an admission charge.
- ix. **Outdoor farmers market.** An area designated for the seasonal selling at retail of vegetables, produce, flowers, orchard products and similar agricultural products, or farm-related products such as jams, jellies, syrups, dairy products, etc.
- x. **Outdoor performing arts venue.** An area designed and arranged so that it may be used for outdoor concerts or performances, including live or multimedia performances or showing of films or videos. It may include a bandstand, band shell, stage or other shelter for performers, and seating or seating areas for audiences, any of which may be permanent or temporary. This use category does not include drive-in theaters.
- xi. **Public or private indoor or outdoor recreation or sports facility.** An indoor or outdoor space, which may be publicly or privately owned, that is designed and equipped for the conduct of sports and leisure time activities, excluding water slides, amusement parks and racetracks, and which may include spectator sporting events.
- xii. **Research and development.** A laboratory or similar facility for investigation into the natural, physical or social sciences, which may include engineering and product development. Such use shall not involve the mass manufacturing, fabrication, processing or sale of products.
- xiii. **Restaurant Class 4.** A wine bar, winery, brew pub or similar establishment which serves for consumption on the premises wine, malt liquor, or low-alcohol spirits products, but not spirits, as those terms are defined in Section 2 of Title 28-A of the Maine Revised Statutes. A restaurant class 4 must serve food, but is not required to have a kitchen and the food need not be prepared on the premises. Restaurant Class 4 excludes bottle clubs and restaurants that allow patrons to bring and consume their own alcoholic beverages.
- xiv. **Theater.** A building or part of a building used to show motion pictures, or for drama, dance, musical or other live performances. This term includes multi-screen cinemas, but excludes drive-in theaters.

These are the changes to the Planning Board from the Council. This is what we are going to discuss. This is what the Council has asked us to give input to. We are not going to talk about all other previously discussed items.

Does the Staff have any comments at this point?

Molly Just I do not have anything to add to the highlighted items, I think the Chair captured everything.

I do know the applicant has proposed some clarifications to the language to make some of the areas cleaner, not any substantive changes. I do not know if they would like to make a brief presentation on those changes and the Board can discuss them and make them part of the recommendation to the Council.

Ed Reidman the developer certainly can testify at the public hearing, but my intentions is to act upon what has been presented to us from the Council and make no modifications from theirs. If there is cleaning up of language, I presume that will be minimal type of change and that will not need to come back to us.

Molly Just correct

Ed Reidman at this point is there anyone who would like to speak?

John Leavitt from Portland, these changes have been voted on with input from the City Council and Planning Board. I would hope that you approve these changes to let this project move on without further delay.

Alwyn Waite 117 Pride Street I would like to comment about the Planning Board's rating and you have scored a nine, a pretty good score.

On the first page I would like to bring to your attention; where it says minimum inspection, the second paragraph, I think that needs definition between minimum and maximum impact takes place. That is the easy part; the difficult part is what to apply it to. What you need to consider here is what you are going to apply this to. When does the minimum become a maximum? What I suggest is when the site and traffic plan is done that whatever the DOT says is the maximum for that street be accepted. If it exceeds that by a minimum, then something needs to be done and that is when you should take action.

On page three, traffic impact except for emergency vehicles. This is a perfect time to implement the chapter three Land Use Plan blue prints 2007, this talks about the Stroudwater area. I think the connection is already mapped out. You do not need to consider this now, but in the Site Review, this would be a good thing to take a look at.

On page 4, K3, it says noise is being omitted. I guess the true interpretation of that of noise being omitted is the Code Enforcement Officer has problems with birds signing, etc., I suggest you insert excess noise. At the end I would add; all services billed by the consultant must be billed for by the owner of the property for which the sound is being omitted. If there is excess sound, that sounds like you are proving someone guilty and they have to pay for it, whether they are guilty or not. That does not sound like an American or City of Westbrook's way to operate.

K8 All traffic studies shall be completed. At the second hearing it seemed like a free for all for what streets were going to be studied. That gets expensive and no one explained what the cost of a study is going to be. Every Street you study, I hope you can put an estimated cost on it. Limit the areas to be studied and they must have enforced regulations, especially at Forest Street. I look at Forest Street being one of the principle streets studied. When you look at the pedestrian

and automobile traffic on Forest Street which is newly paved and every bicycle lane is completely blocked. Children have a difficult time riding back and forth to school. Before you study that, it would be wise as to what should be done on the shoulders. You have cars blocking traffic, forcing them over the yellow line by aggressive drivers. You are going to have head on collisions. This is something that can start tomorrow to get the cars off the line. If you are going to do a traffic study you need to start being hardnosed and know how people are going to act. That is a major connection between the school and Main Street, with children going back and forth to school.

On page 5 the developer has designated so visitor's park in central facilities and walk to their destination.

Ed Reidman where is that on the page Mr. Waite?

Alwyn Waite that is on page five, second asterisk down

Ed Reidman that is not a subject for discussion tonight, that was previously sent to the Council and they have not made any changes to that section.

Alwyn Waite I thought they had sent the entire eight pages to you.

I am sure they did not exclude handicapped parking, for a handicapped access. I think they should revise that so it is understood.

On the Master Plan it says the ice skating facility; I would change that to an "a" ice skating facility. Where it says the residents and school age hockey teams each day, that is not a practical statement at all. You should probably add ice skating facility is operational and in use. It is not going to be operation every single day; it will be down for holidays and for maintenance.

Under "B" I want to make sure it does not prohibit farmers market.

Lets go to "6" under 2 phasing; it says strike out indoor ice skating rink, that must be the developer, the City would not say that. Then under the monetary contribution, it was said at the second reading that was not legal. It is unwise, improper and possibly illegal and does not present a good image to the City of Westbrook. It looks threatening to any developer that would want to do business with the City. Thank you for you time.

Ed Reidman anyone else want to speak?

Public Hearing Closed

Ed Reidman I did not hear any questions. At this point before we leave this section, would anyone from the developers' staff care to address any of the items that you had? Or do you want to pass?

Chris Vaniotis all the changes you have in front of you are changes that the applicant has agreed to in consultations with the City Council. We will answer any questions you have for any of them.

The language that Molly referred to are simply some cleaning up of a redundancy where a phrase is repeated twice, that kind of thing and we can take those up with Council.

Ed Reidman before the meeting this evening, I spoke to Mr. Isherwood earlier how could not be here tonight but did have a question about the green space. With the green space being 22 %, with the guidelines that the planning board set up, the question was how much of that will be green space parking?

Chris Vaniotis unfortunately Pratap is not here tonight and he would have the precise answer. I have talked to Jason, looked at the plans and did some rough calculations, the total amount of landscaping of “green area” is approximately thirteen acres, of that about four acres will be the parade ground area that can be used for overflow parking. So that is a little less than a 1/3 of the total landscaped area will be available for overflow parking.

Ed Reidman are there any questions from the Board?

No questions

1. **Call to Order**
2. **Approval of Minutes August 5, 2008, August 19, 2008 and September 2, 2008**

Rene Daniel moved to approve the minutes for August 5, 2008, August 19, 2008 and September 2, 2008 as presented.

2nd by **Cory Fleming**

The vote was unanimous in favor 7-0.

Continuing Business

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

1. Contract Zone – Stroudwater Place

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

The Business Professional Office District allows the master-planned development of a campus style atmosphere including business/professional office and light manufacturing uses with limited support retail and a landscape factor of 40%. The project requires a Comprehensive Plan Amendment which has been considered by the City Council.

Summary. The City Council has referred this item back to the Planning Board so that it may hold a public hearing and provide a recommendation on a number of proposed revisions to the

proposed Contract Zone. You will notice that the City Council has tentatively chosen 78% as the maximum gross density for the project and 22% as the minimum landscaping requirement. These were two performance standards that the Planning Board recommended for special attention by the City Council. Please see the accompanying letter from William H. Dale, our land use counsel. This letter outlines the justification for the City Council referral back to the Planning Board.

Ed Reidman our duty here is to review the modifications sent back to us from the Council and make a recommendation to them. We have heard testimony from two people. Are there any questions or comments from the Board?

Scott Herrick I have a question regarding the letter from William Dale, standards of review for the Planning Board in connection with the proposed changes to section 318 4 K, specifically 2, 3 & 4 and I do not know if we need to address that here or if those are considered *de minimus* changes.

Ed Reidman we are going to ask our legal authority.

Natalie Burns one of the issues that was addressed in the changes that the applicant presented was just that. There was some language added to subsections 3, 4 and 5 that would put a little bit of limitation upon the discretion to be exercised by the Planning Board. Mr. Dale felt that while the more general language certainly could be read to have an implied standard that it was preferable to put an explicit standard into it and the applicant's counsel did put some language in to accomplish that. We have reviewed that language and we think it is appropriate and we did discuss that and did feel that it was not a substantive change because that was discussed by the City's Legal Counsel at the City Council meeting and therefore the language we feel is an explicit statement of what was implicit in the drafted change to the City Council, before the Planning Board tonight.

Ed Reidman are you comfortable with that Scott?

Scott Herrick I am. I just wanted to clarify that was being incorporated because it was not in our final version, but in the memo.

Ed Reidman that is true about one of the comments that Mr. Waite had when he talked about handicapped and handicapped accessibility. Those laws are already in place and are required through State review and through our Code Enforcement review. There are some items that are there and are not mentioned because they are already on the books like the Fire Code.

Are there any other questions or comments?

Scott Herrick in 318.5 1A, in the added paragraph regarding free time for the City for an Ice Skating Facility, in my understanding there is no requirement or a promise by the applicant that an Ice Skating Facility will be constructed. There is a requirement that some Public Facilities or the language as proposed if approved money compensation is paid to the City to build a facility elsewhere. Right now there is no requirement to be constructed once they get to that phase and

even if it is an Ice Skating Facility. I understand that this is part of the Master Plan requirements and the Master Plan should address that, but I think we need to be aware that is a condition, that there is no guarantee that an Ice Skating Facility will be constructed.

Ed Reidman I do not know if the shaded paragraph on page five addresses your concern or not where it says the Master Plan shall address the timing of the Public amenities and the Ice Skating Facility shall be provided in it.

Scott Herrick that is what raises my concern because that paragraph specifically references the requirements for an Ice Skating Facility which we do not know if it will be constructed and there is no requirement that it will be constructed. So I do not want to give the false impression that no matter what happens the City is going to get 2 ½ hours of free skating time because like I said there is no requirement that an Ice Skating facility be constructed.

Molly Just if you look to page 6, number 2 in phasing the last sentence of that paragraph does require it as a requirement.

Scott Herrick only if they get to the last phase.

Molly Just that is correct and an Ice skating Rink or similar facility which by nature would be large and would be quite a burden on a smaller project, does make sense to me to put it towards the end of the project phase.

There is a requirement for a very large civic facility and at this point the applicant is intending to, as part of the vision, have that be an Ice Skating Rink. Also remember you will be part of the approval process, if this project gets that far.

Scott Herrick my point was... I understand they are required to build some civic facility, if they go above a 1.2 million square feet. The reference in the added paragraph said 2 ½ hours of ice time and if they build some other facility, I think there should be referenced that there will be equivalent benefit if they were to build a basketball court or some other type of Civic facility. If they choose not to build an Ice Skating Rink, I do not want the City to lose what they have bargained for here.

Ed Reidman I would suggest in our recommendation to the Council that the motion note that there is concern whether the ice facility will ever be built or not, but there should be a public improvement beyond the first two stated ones, which is the farmers market and the inter-modal transportation. Who ever decides to make a motion should include something to address that.

Cory Fleming I wanted to make same point that has already been discussed.

Ed Reidman other comments?

Anna Wrobel I would like to address Mr. Waite's concerns about the traffic impact which is a concern that I heard a great deal of both at the Planning Board Public Hearings in the past and also the City Council.

I completely agree with Mr. Waite, that when we do these studies we should know how people behave, especially how children behave because we are looking at areas that will include a Middle School and a High School that will have children on bikes, etc., erratic behavior sometimes and the traffic study needs to be very mindful of the fact that there will be children around as well as a lot of cars. Mr. Waite also emphasized Forest Street and I would like to look at that issue, more specifically on page 4 K (8) 505.11.3 (D) 2, a Traffic Study will be completed after each phase of the development and shall include but is not limited to the new Westbrook Middle School, Monroe Avenue, Rochester Street, Haskell Street and Forest Street areas. I do understand that it is not limited to these areas and that the Planning Board can request that other areas be included in a new traffic study. I am concerned that this particular portion does not also include Stroudwater Street itself. Because of access to Forest Street and Forest Street's direct access to the Arterial I get the feeling that all the promises that Stroudwater Street will not access this development maybe mute if Stroudwater Street, via Forest Street will become one extra long driveway into the project. There are plenty of people living mostly south of us and other areas as well that know quite well that Stroudwater Street can access Forest Street, Forest Street can access the arterial and the Arterial will access Stroudwater Place. There could be a lot of people that will come up Stroudwater Street instead of getting on the highway, just because it is more convenient for them to do so. I would like to see Stroudwater Street specifically added to this so that it is never neglected in a traffic study of this type.

Ed Reidman I can almost guarantee that MDOT looks at which streets and will not be limited to the number that are on here. If you would feel more comfortable by recommending to add Stroudwater Street to that portion of the motion, I do not see any problem with recommending to the Council that item be added and would be a minor change.

Other questions or comments

No Comments

Ed Reidman does anyone have a motion?

Rene Daniel moved to recommend to the Council that they approve the Contract Zone, Stroudwater Place, 500 Westbrook LLC, for the phased development of a mixed use project on approximately 60 acres generally located at 528 Stroudwater Street. Tax Map: 9, Lots: 3 and 3A, Zone: Business Professional Office District. Taking into consideration I would like to also recommend notifying the City Council that there were some concern regarding the Ice Rink Facility and the public improvement of the area and to also note that the traffic impact study should include Stroudwater Street.

2nd by Greg Blake

The vote was unanimous in favor 7-0

Ed Reidman this was unanimous in favor and will be sent back to the Council.

4. Recreation, Parks & Open Space Plan – The City is in the process of generating a first ever comprehensive plan for recreation, parks and open space citywide. Public

outreach has included 2 community meetings, distribution of a questionnaire to determine current utilization and wants and needs, and participation of a citizen stakeholder committee. The Planning Board is responsible for making a recommendation on the plan to the City Council. The plan will go to the City Council for a final decision.

Ed Reidman I talked to Mr. Isherwood earlier today and he sends his complements to you the consultants and the committee that created the plan. Mr. Isherwood and I are in favor of holding a Public Hearing on the plan by itself.

Molly Just The City is in the process of generating a first ever comprehensive plan for recreation, parks and open space citywide. Public outreach has included 2 community meetings, distribution of a questionnaire to determine current utilization and wants and needs, and participation of a citizen stakeholder committee. The questionnaire was distributed to all K-8 students for take home, was placed on the City's web site, was posted in the newspaper, was distributed by extensive e-mail distribution, and was distributed at City meetings. The Planning Board held two public workshops (4-15-08 and 6-17-08). Before the second public workshop a letter was distributed to large landowners as an additional measure to ensure outreach on this planning process.

In order to further respond to concerns of some large landowners you will notice that the Concepts Plan (page 26 of the accompanying Plan) has been revised to eliminate the illustration of the "parks in future subdivisions" concept and the trails that could ultimately connect them. While such parks are required with the Subdivision process the concept is outlined in the Zoning Ordinance and further described in the plan document itself. City staff, consultants and the stakeholder committee felt that this would be an okay compromise if it would address this concern of some large landowners.

Recreation, Parks & Open Space Plan

The primary strategies of the plan include many small parks and open spaces within a 1/4 mile walking distance of individual neighborhoods and a few large parks and open spaces spread throughout the City. Parks and open spaces are linked with "green" corridors using on and off road pedestrian and bike trails and paths. The overall objectives and the elements of the Concept Plan are described below. The Presumpscot River is used as the divide to describe the "north" and "south" parts of the City.

Overall Objectives of the Concept Plan:

- *Provide a long term vision that allows the City of Westbrook to plan for future growth and have people and companies want to reside within the City in part due to the recreation opportunities that the City has to offer.*
- *Create a system of parks and open spaces, large and small that are connected through the use of greenways, on- and off-road trails and sidewalks.*
- *Enhance the existing City owned parks and introduce new neighborhood parks.*

- *Ensure that under a complete “build out” scenario of the City, there are significant parks, open spaces and recreation opportunities readily available to people living, working or visiting the City of Westbrook.*
- *Increase the connectivity for pedestrians and bicyclists to existing and future parks and City owned facilities such as schools or a recreation center.*
- *Develop a bicycle system that is mainly off road, but identify the on road segments for future bike lanes within the right of way.*
- *Tap into local and regional bicycle planning efforts.*
- *Work with landowners to obtain easements where necessary to gain access to future parks, open spaces, recreation opportunities and trails.*
- *Capitalize on existing natural features as open spaces and recreation opportunities, while maintaining and protecting the integrity of those features.*
- *Use buffering to protect the visual aesthetics of farm fields from redevelopment in the south part of the City and maintain the woodlands, along the roadways, with redevelopment in the north part of the City.*
- *Ensure that the necessary conservation and planning tools for the implementation of the Concept Plan are appropriate for the specific areas throughout the City.*

Ed Reidman assuming that everyone has looked at the plan and read portions of it, the first discussion we need to have is do we want a Public Hearing? It appears that the members all want a Public Hearing; the question at that point is when can it be scheduled? Will it be the 2nd of December or will it go into January.

Molly Just I would request the 2nd of December

Ed Reidman can we make the notification requirements?

Molly Just this would require 30 days notice so we need to schedule this in January.

Ed Reidman may I have a motion to schedule the Public Hearing?

Rene Daniel moved to schedule a Public Hearing on January 6th, 2009 at 7:00 pm.

2nd by Cory Fleming

Rene Daniel is that the only thing that will be on the agenda that evening?

Ed Reidman no we will also have election of Officers and the Annual Report, if prepared at least three items and depending whatever else is sitting out there.

Whatever happened to the development on Main Street across from the old City Hall, Steve Noyes development?

Molly Just that project should be coming forward for the December 2nd meeting.

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Rene Daniel I was just concerned that a large population would like to have input and I would hate to schedule many items when we fully realize that this item may be discussed for a long time.

Molly Just there are a couple of projects on the burner that I believe can come forward in December.

The vote was unanimous in favor 7-0

5. Adjourn

Respectfully submitted by Linda Gain PECE Administrative Assistant

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