



City of Westbrook

DEPARTMENT OF PLANNING

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WESTBROOK PLANNING BOARD TUESDAY, JUNE 3, 2008, 7:00 P.M. WESTBROOK HIGH SCHOOL, ROOM 114 MINUTES

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

Absent: Scott Herrick (Alternate), Anna Wrobel (Ward 4), Greg Blake (At Large), Michael Taylor (Alternate)

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.

1. Call to Order

Continuing Business

2. Land Use Ordinance – Section 404 - Sign Regulations in the City Center District – The intent is to create a more streamlined, yet comprehensive, and user friendly set of regulations for signage that acknowledges existing businesses downtown while recognizing the City’s goal for a more pedestrian oriented setting with a greater mix of uses to boost the overall success of downtown Westbrook.

Staff memo reads as follows:

Land Use Ordinance – Section 404 – Sign Regulations

Summary.

City staff is in the process of updating regulations for signage in the City Center Zoning District (generally downtown Westbrook) of Section 404 – Sign Regulations. The existing and draft sign regulations are attached for reference. Signage for other commercial districts will be addressed at a later time as necessary.

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With this update our intent is to be content neutral and to streamline the sign regulations and fill in gaps that are missing from the current regulations. The existing regulations are not comprehensive enough to meet today’s needs given the advanced lighting, materials, and design technologies and the new businesses that are attracted to downtown Westbrook. Signage has a significant impact on the overall image and environment downtown where there is a greater amount of development and that development is more compact than in other areas of the City.

Background.

The City Center District was established to return downtown Westbrook to a prominent regional service center and includes an overlay of design standards to encourage new development consistent with the goal to revitalize downtown. Consistent with the vision for the City Center District, our intent is to create a more streamlined, yet comprehensive, and user friendly set of regulations for signage that acknowledges existing signage while recognizing the City’s goal for a more pedestrian oriented setting with a greater mix of uses to boost the overall success of downtown Westbrook.

Our ultimate objective downtown is for visitors to park once while visiting a number of businesses and for downtown residents to walk to work, shopping, and entertainment destinations. Therefore we need to introduce sign types and sizes that are more scaled to the pedestrian such as awning, blade, and sandwich board (currently allowed) signs. Another part of increasing the use mix and attracting residential uses downtown will be reducing light pollution going forward. Residents will likely not want to experience light trespass from neighboring business signs. We are proposing a cut-off time for signs as well as introducing additional language regulating the brightness levels on-site and light trespass off-site.

Major Concepts

City Center District Sign Types Allowed	Existing Regulations	Draft Regulations
Blade (overhanging)	No	Yes
Awning (overhanging)	No	Yes
Freestanding “Pylon”	Yes	No
Freestanding Ground Mounted	Yes	Yes
Sandwich Board	Yes	Yes
Message Board	Yes	No
Information “Direction” Signs	Yes	Yes
Time and Temperature	Yes	No
Banners/Community Events	Yes	Yes
Building Mounted	Yes	Yes
Small Tenant Listing Sign	Not called out	Yes

Comparison of Major Concepts

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Illumination (turn off required)	No	Yes
Number of building mounted signs allowed	2 per tenant per exterior face of building along a street or parking lot.	1 sign (total) per exterior face of building along a street or parking lot. May be coupled with an awning sign, sandwich board sign, and freestanding ground mounted.
Materials (metal allowed)	No	Yes
Materials (plastic allowed)	Only on buildings with 4 or more stories	On buildings with 4 or more stories or where a sign consists solely of individual letters the letters may be routed faced plastic and internally lit or externally back lit.

Outreach.

In early December staff met with representatives from sign consulting firms that do business in Westbrook in order to get input from professionals with significant experience in creating signs and addressing the signage needs of the local business community. Our overall objectives and major concepts were generally well received and these professionals provided helpful input and guidance. At the beginning of January staff circulated a letter to downtown businesses notifying them of this project and of a Planning Board Workshop which would provide an opportunity for public input. The January 8th Planning Board Workshop was a valuable opportunity to get initial feedback from the Planning Board and the community in an informal setting.

Since then the draft sign regulations have been revised based on that feedback to an extent consistent with the intent of the City Center District. On April 16th a letter (see attached) went out to landowners and business owners notifying them of this Planning Board meeting and providing them with the existing and draft sign regulations.

Changes Based on Feedback

Comment	Staff Response
Incorporate building materials into signs.	Most building materials would be allowed on the signs.
Keep in mind the character difference between the east and west ends of Main St.	We are trying to establish consistency in signage in the City Center.
What about allowing business names on directional signs.	There are other opportunities to incorporate business names.
Provide examples of encouraged and discouraged signs.	This can be done.

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Allow projected light signs	This would not necessarily be in character with the smaller scale of our downtown and might overwhelm the space within and surrounding such a sign.
Time and temperature signs are enabled by State law.	State law does not require that such signs be allowed.
Once the amendments are adopted allow for low cost loans for a limited time to encourage reinvestment.	We will follow through on this idea.
Have something available to the public explaining the benefits of renovating signage.	We will follow through on this idea.
Why approve regulations that don't require replacement of non-conforming signs?	We cannot do this.
What about signage for interior and upper story tenants?	Most commercial buildings in Westbrook are one or two stories and therefore have fewer tenants and enough opportunity for signage given the ability to put multiple tenants on the primary signage and we have added the option of a small tenant listing sign at entryways.
The City needs to send out a letter to landowners and business owners letting them know they are/will be non-conforming.	This can be done.
Limit window signs on first floor only.	Done.
Goose neck lights are not energy efficient.	This depends on the type of bulb used.
What about a routed-face plastic letter sign.	The draft regulations have been changed to allow for this type of signage.
Lighting standards are too vague.	This has been addressed.
Allow concrete as a material.	Done.
Characterize the sign cut-off time as energy efficient.	Done.
Round the clock lighting allows more advertising time	This is not energy efficient and promotes light pollution particularly if the business is not open for business to the public.
LEDs can be very bright.	We regulate intensity.

Ed Reidman asked for any comments from the Board.

No comments

Ed Reidman asked what would happen when an existing sign malfunctions, deteriorated or damaged, what would happen after this new Ordinance has been adopted?

Molly Just said once the language has been adopted by the City Council, we are going to send a letter to people who are non-conforming under these provisions. The sign can be maintained as is, that is allowed. Should the business owners wanted to make changes to the sign; they would have to come into conformance with these provisions.

Ed Reidman asked about blade signs. Is there an Insurance provision that coincides with blade signs as they overhang the Public right of way?

Molly Just said currently there is not. The proposed language provisions would require that.

Dennis Isherwood asked about the illumination of a sign. How will we monitor or enforce this?

Molly Just said that a plastic sign, such as the Hammond Lumber sign in Portland has are not allowed in Westbrook.

The language that does discuss the illumination intensity is handled by the types of lighting we allow through the bulk, character and size of lights. The lighting methods cover that issue as well.

When you talk about the intensity of light we say:

A lighting fixture that directly or indirectly illuminates a sign must be designed so that the light source itself is shielded from view and does not shine directly into the right-of-way or onto adjacent property under different ownership.

This is designed to be a common sense definition for the intensity of light. When talking about sign types allowed and the sign types allowed, would get at not allowing that bulk of light.

Ed Reidman asked the Board for any question or comments.

No Comments

Rene Daniel moved to schedule a Public Hearing on July 1st, 2009 at 7:00 PM.

2nd by Cory Fleming

The vote was unanimous in favor 5-0

New Business

Rene Daniel moved to adjourn to workshop.

2nd by Paul Emery

The vote was unanimous in favor 5-0

Workshop: Note – Public comment will be accepted during workshop

3. **Recess to Workshop**

Ed Reidman explained that workshop allows for Public Comment that normally can only be heard at a Public Hearing.

4. **Sketch Plan – Dresser Subdivision - Oak Engineers on behalf of Dana Dresser for construction of residential development on an approximately 41-acre parcel located at 442 Brook Street. Tax Maps: 19 and 22, Lots: 47 and 10, Zone: RGA-2.**

Staff Memo reads as follows:

Project Description – Dana Dresser proposes to construct residential development on approximately 41 acres on property generally located at 442 Brook Street. The site is currently undeveloped, is wooded and includes significant ledge outcrops and steep slopes. The applicant has provided six development options for the Planning Board to review and provide feedback on in a Sketch Plan setting. All options include single-family detached homes except for Options E and F which incorporate attached condominium units. The applicant will further describe each option and will further describe their preferred option.

The 41 acres extends approximately 4,500 feet from Brook Street. Our Ordinance allows for an 800 foot dead-end road length. The applicant provides only two options, out of six, that are in conformance with this requirement, of which the applicant has been advised. With Final Subdivision submission the applicant may request a waiver of the dead-end road length requirement (Sec. 502.5.C.1.c).

Staff Comments:

Options B and C are generally in conformance with our Ordinance requirements for road length and connections. Of the options provided, staff would recommend Option B as it begins to approach the desired open space concept recommended in the draft plan for recreation, parks and open space. However, under this option, Lot 24 would need to be changed to open space in order to provide a more usable and flat open space option that is centrally located.

Steve Bradstreet Oak Engineers on behalf of Dana Dresser presented aspects for the construction of residential development on an approximately 41-acre parcel located at 442 Brook Street. Tax Maps: 19 and 22, Lots: 47 and 10, Zone: RGA-2.

Option D is a standard single lot subdivision, with approximately 19 lots, with open space and a proposed trail system. However this does not meet the dead-end requirement standards of the City of Westbrook.

Option E is looking at a road that is 800 feet long to a hammer head. Off this road we would be able to develop seven lots. On lot four we are proposing a private road to enter a condominium development that using the density factors; it allows up to forty-six units.

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The client would like to see single family homes, but is not cost effective because of the limitations coming into the site. That is why we are requesting the Board to waive the dead end length of the road, so approximately seventeen to eighteen lots could be considered. If that is not conceivable, we would look at a shorter road, and then go into a private development on one lot that would have condominiums.

Ed Reidman disclosed an ex parte communication with Steve Bradstreet. Steve Bradstreet called me and asked about the waiver considerations that the Planning Board could do for the length of the road. I told him it was a Board decision and could only be considered at a public Planning Board meeting.

The staff recommends options B & C as seen in the memo.

Mr. Reidman asked what the difference was between a private road and a public road on the standards.

Molly Just said whether it is public or private, if it is a dead end street it has to be no longer than 800 feet unless the Board waives that standard.

Ed Reidman asked for any questions or comments.

Steve Bradstreet asked for clarification on the private road length standards. It was our understanding that the private road did not need to meet the 800 foot length requirement.

Molly Just read the provision for the street length as follows:

(c)Dead End Streets and Private Rights-of-Way. A dead-end street or private way shall have a maximum length of 800 feet with either a cul-de-sac with a minimum turning radius of 35 feet or a T-intersection utilizing a 30 foot x 30 foot hammerhead. A dead end street, either public or private, may not begin from any point along another existing or proposed dead end street. A private right of way may only be taken off a City Street, while a driveway may be taken off either a private right of way or a City street. (Ord. of 03-07-05)

A driveway for a condominium complex could extend the length off a private way.

Steve Bradstreet said that was my understanding, I should not have used the term road or street.

Molly Just said this would apply for options F and E. Option F is a driveway extending to a condominium complex and Option E includes single family lots on a private/public road dead end and then a driveway to the condominium complex.

Steve Bradstreet said yes.

Ed Reidman said whether it is a road or a driveway, I am sure the Fire Department would oppose anything longer than 800 feet.

Steve Bradstreet said the Fire Department has expressed that already.

Rene Daniel asked Steve for an example of a 12% grade.

Steve Bradstreet said that an 8% grade would be Presidential View.

Ed Reidman said that the Marriott's driveway in South Portland is a 12% grade.

Rene Daniel asked what Cole Street's grade is.

Rick Gouzie said that would be closer to the 12% grade.

Rene Daniel asked what length the 12% grade would be.

Steve Bradstreet said right now there is an existing 12% to 13% grade, but keeping it at 8% we have an extensive cut. If we are able to come off Brook Street immediately you have much less cut and that is what concept F is looking at as it would be a driveway to a Condominium Complex. Option D or E we would have to maintain at 8%.

We have already asked Eric Dudley if the City of Westbrook would waive the 8% for a Public Road and he said no.

Rene Daniel asked how much ledge is in the area.

Steve Bradstreet said there is ledge out crops everywhere on site. We anticipate that ledge is two feet down below surface everywhere and figure to be cutting through at the deepest point twenty feet of ledge.

Rene Daniel asked how much top soil is located where the homes would be.

Steve Bradstreet said there is top soil but it is primarily forest duff. There is not a lot of organics, but enough to support septic fields with no more than 24 inches. Although near the wetland areas you tend to get organic build ups in those locations.

Rene Daniel asked if they have found any vernal pools.

Steve Bradstreet said no.

Rene Daniel explained that he historically is not in favor of any waivers unless it is a really good reason. Rene also stated that he is not in favor of a dead end off a dead end, whether it is a street, road or driveway.

How close is the entrance to Lunt Drive?

Steve Bradstreet said approximately 200 feet. That had been reviewed with Eric Dudley and was accepted.

Rene Daniel asked how far this project was from Wildwood Circle.

Steve Bradstreet said approximately 2500 feet.

Rene Daniel asked what your frontage on Brook Street is.

Steve Bradstreet said the frontage on Brook Street is 150 feet with access from a right of way on an abutting parcel.

Rene Daniel asked for his reasoning not to have two means of egress.

Steve Bradstreet said that both entrances are at 12% grade. This is excess for four hundred thousand dollars just to get the ledge out, not considering the cost of building the road.

Rene Daniel asked how much tree cutting will happen.

Steve Bradstreet said once you get to the hammerhead, to extend that it would be the width of the right-of-way.

Going towards Brook Street at the widest location maybe 100 to 125 feet wide to get the road built.

Rene Daniel asked how much drainage is there.

Steve Bradstreet said the drainage is proposed on the public road all curb and storm drain going to detention basins for storm water quality and quantity control.

Rene Daniel asked how much history of the property he is aware of.

Steve Bradstreet said about eighteen months.

Rene Daniel said he was wondering about the formation of ice in that area.

Steve Bradstreet said he did not have that information.

Cory Fleming said as I understand this project, staff favors option B & C, where the client prefers Option D & E. What are you projecting cost wise for the overall project.

Steve Bradstreet said if you look at the first 800 feet of road, Option B & C is double to option D & E and it actually is more than that as we need the cross road connection which meets the "fire road" connection requirement which happens to be in the deepest ledge cut location. Beyond there the road cost are approximately the same.

Paul Emery said using concept E or F, coming off Brook Street you have a 12% grade.

Steve Bradstreet said we will put in a public road and will meet the 8% standard and if a private road we would be close to 12% grade.

Paul Emery said Concept F, look between units 9 & 10, there is another grade.

Steve Bradstreet said the topography there is steep, that is why you do not see any structures.

Paul Emery asked if you need to blast there also.

Steve Bradstreet said that any place on site even for building foundations we will probably have to blast and for the road infrastructure, the water line and storm drains we would need to blast also.

Paul Emery said if you take Concept F that would be a private road beginning on Brook Street, correct?

Steve Bradstreet said correct

Paul Emery said if you go with Concept E you would have a public road to the hammerhead.

Steve Bradstreet said correct

Paul Emery asked if there are any guarantees in Concept E that no additional road work would be needed after the road was accepted, due to something like drainage causing erosion like what happened on Presidential Way.

If I understand correctly Concept F's road work would be the responsibility of the Association.

Molly Just said that the City of Westbrook will not look the other way should a problem arise with a private way. The City of Westbrook could incur expenses even if it is a private way.

Paul Emery said the Engineer feels using the 25 year storm calculations this is something that can be handled.

Steve Bradstreet said yes.

Ed Reidman asked for any public comments.

Katherine Searles 486 Brook Street said as an abutter my concern is the run-off that you were just speaking about. Am I going to have that run – off onto my property? There will be a large number of homes abutting my back property line. Plus the excessive blasting, will that effect my or well? Do I have any protection from that?

Steve Bradstreet said the Storm water is designed by City and DEP standards that any of the storm water that is currently coming off the site at any one location can not be increased after the project is constructed, so what are needed are detention ponds.

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When constructing the foundations, some drainage may be re-directed so we could build some berms to alleviate the problem and redirect the flow into area drains that comes out to the road or into other detention ponds.

The City of Westbrook and DEP standards state that pre development and post development drainage have to match, so we are unable to increase any drainage after the project has been developed. We also must improve the water quality.

Blasting standards are addressed by the State of Maine standards and are in most City Ordinances. Any house surrounding the project (a certain radius that I am unsure of) must have a pre-blast survey. You need to video tape foundation and windows especially outside, and then you go inside the house and video tape sheet rock walls, ceilings, foundations and windows. So then you have a record before any blasting is done.

Ed Reidman asked Rick Gouzie if we had Blasting requirements in the City of Westbrook Ordinance.

Rick Gouzie said yes and the City of Westbrook standards have the same requirements as the State Standards.

Paul Emery asked where the sewer is going, from what point to what point.

Steve Bradstreet said the sewer is all on site septic fields. That is based on the topography of the area. Ground water flow follows the terrain and will flow toward Brook Street.

Paul Emery asked how you are going to handle the septic with the lack of top soil as stated earlier in the meeting.

Steve Bradstreet said the original eighteen lots have already had the test bitts performed. We would place what we call gang systems that would accommodate three or four condominiums in one system, but in the same location as if there was one house there instead. The size of the system changes because you are having the three or four units going to it. If we have passing soil in a location whether a single family home or a few condominiums we would use the same location.

Paul Emery asked at maximum build out are you anticipating any issues with these systems.

Steve Bradstreet said they have not been designed. We have come to the Board with a sketch plan to get a feeling of what will be accepted for development.

Ed Reidman said you talked about one detention pond and a need to have access to it. Will the access be off your road?

Steve Bradstreet said yes. Wherever the detention pond is we would provide a gravel base to the detention pond. We would have that access for maintenance purposes.

Ed Reidman asked for further comments

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No Comments

Steve Bradstreet asked for an indication from the Board, such as a straw pole in regards to waivers for a dead end. I need an indication for our design standard.

Ed Reidman said he will ask the Board members their opinions and he believes that Rene Daniel has already expressed his opinion.

Dennis Isherwood said he is his personal opinion is he is against waivers. He listens to the Fire Department and they are adamant against this waiver. I have to take their needs into considerations.

Paul Emery said he has no problem approving waivers as long as the design works.

Cory Fleming said she echo's Public safety concerns and would not vote in favor of any waivers. Cory added that the City of Westbrook has started an Open Space plan and would request that you consider the Open Space Plan during your design plan for the project.

Ed Reidman said that generally speaking I am against waivers also, even though I approved the last waiver as it was only for 300 feet. I usually follow the Fire Department's recommendations. A question that could be asked would be would the Fire Department be able to better serve the area with a special piece of equipment? I do not have the answer, but the developer could inquire about such equipment.

Rene Daniel moved to return to regular session

2nd by Dennis Isherwood

The vote was unanimous in favor 5-0

5. Resume Regular Session

6. Adjourn

Respectfully submitted by Linda Gain PECE Secretary

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