



# City of Westbrook

## DEPARTMENT OF PLANNING

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### WESTBROOK PLANNING BOARD MINUTES TUESDAY, MAY 17, 2011, 7:00 P.M. WESTBROOK HIGH SCHOOL, ROOM 114

Present: Ed Reidman, (Chair) (Ward 5), Dennis Isherwood (Ward 2),  
Rebecca Dillon (Alternate), Michael Taylor (At Large), Scott Herrick (Ward 3)

Absent: Greg Blake (At Large), Cory Fleming (Ward 4), Rene Daniel (Vice-Chair) (Ward 1),

Staff: Molly Just

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

Ed Reidman we are reconvening the public hearing which was rescheduled to tonight from the 19<sup>th</sup>.

**1. Public Hearing – Land Use Ordinance Amendments – Section 201 Definitions, Section 204 Special Exception, Section 301 City Center District, Section 302 Residential Growth Area 1, Section 303 Residential Growth Area 2, Section 304 Residential Growth Area 3, Section 305 Prides Corner Smart Growth Area, Section 306 Rural District, Section 307 Highway Services District, Section 308 Business Professional Office District, Section 309 Gateway Commercial District, Section 310 Industrial Park District, Section 311 Manufacturing District. The proposed changes are primarily for “housekeeping” purposes. The changes include treating traffic impacts for changed or expanded uses uniformly across zoning districts. In addition, the changes address “assembly” uses, such as churches and theaters. Such uses were special exception uses in the prior ordinance and are allowed “by-right” in the current ordinance. It is common practice for uses that may generate increased traffic in “bursts” and/or that may have hours of operation that are outside the norm for a neighborhood to be allowed by special exception approval. The special exception approval process allows such conflicts to be managed while still allowing the use.**

Ed Reidman the way we run a public hearing is we will receive a presentation, in this case from the staff, then we will open the public hearing and what I would ask is, if you wish to participate in the public hearing that you come to the microphone and give us your name and your address. After the public input is done, if there have been any questions which I will note, I will then ask them of the staff. After that we will open the discussion to the Board.

Molly Just The proposed amendments to the Land Use Ordinances (“Ordinance”) involve performance standards and uses that are currently included in the Ordinance but that are not addressed appropriately in all zones.

Essentially when we re-wrote the Zoning Ordinance in 2004 we put uses that had been allowed as special exceptions in the prior Ordinance and we made them by-right uses in the current Ordinance. We are calling these uses; assembly uses that include movie theaters, clubs, lodges, churches and that kind of thing.

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These uses have different impacts on neighborhoods and we wish to review impacts such as lighting at night, traffic impacts that are different from the surrounding uses and buffering that maybe necessary. We want to make sure that these uses are allowed by special exception.

The proposal does involve all zoning districts, so we had to notify the entire City. We sent out a lot of notices and had a few inquires asking what we are proposing such as; if there are any actual developments that are proposed? I told them no, this is a City initiated Zoning Amendment and this is just housekeeping.

**Ed Reidman** at this point we are ready to go into the public participation and again I would remind the people to come to the podium and give us your name and your address.

Do either of you wish to speak to this item?

\*Editors Note unidentified member in the audience: “not really we are just here to listen”.

**Ed Reidman** what Zone are you in, do you know?

\*Editors Note - unidentified member in the audience: Prides Corner

**Ed Reidman** if you look at the Prides Corner one...

**Molly Just** Mr. Chair, I have the language up on the screen

**Ed Reidman** this would add churches as a special exception, right?

**Molly Just** the specific changes to Prides Corner are to remove movie theaters from permitted use that are uses that allow no extra review; and insert them as a use in the special exception field. Church, club or lodge, community centers were not allowed in that district, they are being allowed now, and historically they had been allowed so we do not want to make anyone non-conforming. We are keeping up with the status quo of the neighborhood as is and we are making sure that impacts are being looked at.

\*Editors Note - unidentified member in the audience: “you know you have two churches there”...\*additional comment inaudible\*

**Ed Reidman** no, we are not going to take those away, they will still be there. If they were to come before us for an expansion of their use, the City would look at the parking requirements and they would have to come before the Planning Board.

### **Public Hearing Closed**

**Ed Reidman** does the Board have any questions?

No questions

### **2. Call to Order**

### **3. Approval of Minutes**

**Michael Taylor** moved to approve the April 5<sup>th</sup> and April 19<sup>th</sup>, 2011 minutes as written.

2<sup>nd</sup> by Rebecca Dillon

The vote was unanimous in favor 4-0

CONTINUING BUSINESS

4. Land Use Ordinance Amendments – Section 201 Definitions, Section 204 Special Exception, Section 301 City Center District, Section 302 Residential Growth Area 1, Section 303 Residential Growth Area 2, Section 304 Residential Growth Area 3, Section 305 Prides Corner Smart Growth Area, Section 306 Rural District, Section 307 Highway Services District, Section 308 Business Professional Office District, Section 309 Gateway Commercial District, Section 310 Industrial Park District, Section 311 Manufacturing District. The proposed changes are primarily for “housekeeping” purposes. The changes include treating traffic impacts for changed or expanded uses uniformly across zoning districts. In addition, the changes address “assembly” uses, such as churches and theaters. Such uses were special exception uses in the prior ordinance and are allowed “by-right” in the current ordinance. It is common practice for uses that may generate increased traffic in “bursts” and/or that may have hours of operation that are outside the norm for a neighborhood to be allowed by special exception approval. The special exception approval process allows such conflicts to be managed while still allowing the use.

**Ed Reidman** there was one letter in our packet would you include the letter in the record?

**Molly Just** absolutely

**Ed Reidman** now we are back to reviewing the item. In reviewing the material, in the Business Professional District currently no churches are allowed, in the Manufacturing District that is the same situation, already in the Industrial Park District churches are allowed as a special exception already and we are adding churches to the Highway Services District, the Gateway Commercial District and the Prides Corner Smart Growth Area District as special exceptions in all cases.

**Molly Just** that is correct

**Ed Reidman** that is all the questions I had. We needed to hold a public hearing and then make a recommendation to the Council.

Are there any questions from the Board?

**Michael Taylor** I am just trying to understand this so any viewers will also understand; I am looking at the City Center District, what encompasses the City Center District, from what street to what street?

**Molly Just** Main Street from generally the rotary on the Portland end, to Saco Street and a little beyond those, Longfellow, New Gorham, Main Street end.

**Michael Taylor** why is not a church included as a permitted use even though there has always been a historic district to have at least six or seven churches already lining Main Street?

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**Molly Just** historically churches have been allowed as a special exception uses. We are being consistent with where we were in the past and how they are typically treated in many Municipalities, it is still an allowed use but if there was a larger assembly use, movie theater a church a community center that would quite likely have a higher trip generation then your smaller churches or Mission Possible Teen Center, for example, so it is really making sure we have an understanding of potential impacts of any assemblies.

**Michael Taylor** so basically our concern is that we are worried that a church for instance might change a use and for Sunday only and now the church might sell the church to a community group and go to a higher use in the district. Is that what we are concerned about, they would have to come to the Board for a special exception?

**Molly Just** change of use would require a special exception.

**Michael Taylor** I am trying to understand why we are looking at churches in any of the districts.

**Molly Just** not sure why you are focusing on churches...

**Michael Taylor** or a community center or theater, especially in Prides Corner where you have the drive-in out there, essentially which is not a permitted use for that area, correct?

**Molly Just** we are not changing anyone from a conforming use to a non-conforming use. If the use was already allowed it is still allowed. What we are trying to do as I have said is to look at the potential impacts. If you have a residential area and for instance on 302 or off 302 is predominately residential.

If you were to add what is a modern movie theater in that area that would have a significant impact; lots of cars at different times of the day, later into the night, so lots of lights rotating around that parking lot. You would need to look at buffering, you would need to look at times for the parking lot lights to be turned off, you would need to be concerned about hours of operation, there are lots of things to look at.

Another example would be if a community center with ball fields went into that neighborhood... We get calls about ball fields on Bridge Street, a fair amount of the time about the lights; they are on until they need to turn them off. It is just a matter of compatibility with the neighborhood. If we have the applicant come in, say what they want to do, if everything appears fine, there is no concern from the community or staff or Planning Board then go for it as is, otherwise we would have to look at ways to mitigate potential conflicts.

**Michael Taylor** what about something like a Bingo Hall in Prides Corner? It was a bowling alley, then a high stakes bingo hall and now it is a flea market.

**Molly Just** are you asking specifically about a bingo hall?

**Michael Taylor** I am just saying if I were to open a high stakes bingo hall like it used to be on 302, where the old bowling alley used to be...

**Molly Just** I do not think that anyone could afford to just open a bingo hall, so I am wondering how to categorize that.

**Michael Taylor** like an entertainment center, maybe reopen...

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**Molly Just** indoor recreation; in Prides Corner if we are focusing on Prides Corner, a private indoor recreation center such as a bowling alley or a health club is not under the list of permitted uses and not under special exceptions.

\*Editors Note - inaudible comment from a member in the audience.

**Ed Reidman** I will liberally let you speak and if the room was full I would not.

\*Editors Note - an unidentified member in the audience: “there was a Greek restaurant there”

\*Editors Note - additional inaudible comment\*

“That is a large building there that is good for some sort of use. There is a lot of potential to do something.”

**Ed Reidman** probably the best example in recent history is when the church on Main Street was converted from an active church to a community center for teens, known as Mission Possible. If this is enacted by the Council it would have required them to come before the Planning Board.

I have a question for our legal attorney. it is my understanding that special exceptions are really permitted uses that allow people to say that the impacts are adverse to the expansion or whatever is going to happen. In other words they have the right to be there but unless the right is taken away from them for some valid reason...

**Natalie Burns** the only valid reason that could be if they do not meet the standards that are set forth on the special exception.

**Molly Just** going back to the location that we were discussing earlier, the bingo hall is actually zoned Highway Services District and private indoor recreation it is allowed there.

**Ed Reidman** anymore questions or comments?

**Michael Taylor** moved to recommend the changes from the Planning Department to be moved to the City Council.

201.91.a Theater. A building, or part of a building, used to show motion pictures or for drama, dance, musical or other live performances.

204 Special Exception.

204.1 **Granting a Special Exception.**

D. Performance Standards. That the use granted is compatible with adjacent land uses and that it meets the following performance standards:

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(9) Parking and Circulation. The layout of vehicular and pedestrian traffic patterns must provide for safe interior circulation, separation of pedestrian and vehicular traffic, and storage of plowed snow and the parking shall comply with the parking requirements set forth in Section 505.1 A-D, regardless of whether the special exception requires site plan review, and

301 City Center District.

301.1 <b>Permitted Uses.</b> The following uses are permitted in the City Center District as a matter of right:	
Accessory Use	Home Occupation
Bank Class 2	Hotel or Motel
Bed and Breakfast Class 1 & 2	Library or Museum
Business Office	Media Studio Class 2
Child Care Center	Municipal Facility
<del>Church</del>	Medical Offices
Club or Lodge	Neighborhood Grocery
<del>Community Center</del>	Parking Facility
Congregate Care Facility	Private Indoor Recreation Facility
Day Care Center	Restaurant Class 2
Dwelling, Single-Family	Retail Class 1 & 3
Dwelling, Two-Family	Service Business
Dwelling, Multiple-Family	<del>Theater</del>
Educational/Vocational	
Food Cart Vendors	
Greenhouse or Florist	

301.2 **Special Exception.** The following uses are permitted in the City Center District as a special exception under Section 204:

- Bank Class 1
- Church
- Community Center
- Home Day Care Provider
- Light Manufacturing and Research and Development
- Theater

Notwithstanding the requirements of Section 204.1.D(9), special exception uses other than home day care providers shall not be required to provide off-street parking.

302 Residential Growth Area 1.

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302.1 <b>Permitted Uses.</b> The following uses are permitted in the Residential Growth Area 1 as a matter of right:	
Accessory Uses	Funeral Home
Bed & Breakfast Class 2	Greenhouse or Florist
<del>Church</del>	Home Occupation
<del>Community Center</del>	Library/Museum
Congregate Care Facility	Municipal Facility
Dwelling, Single-Family	Neighborhood Grocery
Dwelling, Two-Family	

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

- Bed and Breakfast Class 1
- Day Care Center
- Adult Day Care
- Dwelling, Multiple-Family
- Medical Office
- Hospital
- Home Day Care Provider
- Church
- Community Center

L. Traffic Impact. The traffic pattern from a change or expansion of use must be designed so as to maintain the existing traffic operations levels of service and pedestrian safety within 200' ~~a reasonably determined distance from~~ of its point(s) of ingress or egress.

303 Residential Growth Area 2.

303.1 <b>Permitted Uses.</b> The following uses are permitted in the Residential Growth Area 2:	
Accessory Use	Cemetery
Bed and Breakfast	Greenhouse or Florist
<del>Church</del>	Home Occupation
<del>Community Center</del>	Nursing Home
Congregate Care Facility	Adult Day Care Center
Dwelling, Single-Family	Municipal Facility
Dwelling, Two-Family	Farm

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

- Neighborhood Grocery
- Dwelling, Multiple-Family
- Medical Office

- Hospital
- Day Care Center
- Home Day Care Provider
- Church
- Community Center

M. Traffic Impact. The traffic pattern from a change or expansion of use must be designed so as to maintain the existing traffic operations levels of service and pedestrian safety within 200' of its point(s) of ingress or egress.

304 Residential Growth Area 3.

304.1 <b>Permitted Uses.</b> The following uses are permitted in the Residential Growth Area 3:	
Accessory Use	Farm
Cemetery	Greenhouse or Florist
<del>Church</del>	Home Occupation
<del>Community Center</del>	Municipal Facility
Dwelling, Single-Family	Neighborhood Grocery
Dwelling, Manufactured Housing	Private Recreation Facility
Dwelling, Two-Family	

304.2 **Special Exception.** The following uses are permitted in the Residential Growth Area 3 as a special exception under Section 204:

- Day Care Center
- Adult Day Care Center
- Nursing Home
- Congregate Care
- Home Day Care Provider
- Church
- Community Center

P. Traffic Impact. The traffic pattern from a change or expansion of use must be designed so as to maintain the existing traffic operations levels of service and pedestrian safety within 200' of its point(s) of ingress or egress.

305 Prides Corner Smart Growth Area.

305.1 <b>Permitted Uses.</b>	
Accessory Use	Light Manufacturing
Automobile Repair	Medical Offices

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Banks Class 1 & 2	Municipal Facility
Business Office	Retail Classes 1, 2 & 3 (footprint limited to 20,000 square feet)
Dwelling, Single-family,	Service Business
Dwelling, Two-family,	<del>Theater</del>
Dwelling, Multi-family	
Home Occupation	

305.2 **Special Exceptions.** The following uses are permitted in the Prides Corner Smart Growth Area as a special exception, subject to the requirements of Section 204:

- Child Care Center
- Day Care Center
- Home Day Care Provider
- Congregate Care Facility
- Church
- Club or lodge
- Community Center
- Theater

306 Rural District

306.4 Performance Standards. The following performance standards apply in the Rural District as a special exception, subject to the requirements of Section 204:

O. Traffic Impact. The traffic pattern from a change or expansion of use must be designed so as to maintain the existing traffic operations levels of service and pedestrian safety within 200' of its point(s) of ingress or egress.

307 Highway Services District.

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307.1 <b>Permitted Uses.</b> The following uses are permitted in the Highway Services District as a matter of right:	
Accessory Use	Media Studio Class 1 & 2
Business Office	Municipal Facility
Car Wash	Neighborhood Grocery
Child Care Center	Private Indoor Recreation Facility
<del>Club or Lodge</del>	Restaurant Classes 1 & 2
Day Care Center	Retail Classes 1, 2, 3
Education Facility	Service Business

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Greenhouse or Florist	Veterinary Office or Kennel
Medical Offices	

307.2 **Special Exceptions.** The following uses are permitted in the Highway Services District as a special exception under Section 204:

- Industry
- Retail Class 4
- Church
- Club or Lodge

308 Business Professional Office District.

308.1 <b>Permitted Uses.</b> The following uses are permitted in the Business/Professional Office District:	
Business Office	Restaurant Class 2
Farm	Retail Class I (restricted to 2,000 S.F.)
Industry	Media Studio Class 1
Media Studio Class 2	<del>Membership Club or Lodge</del>
Municipal Facility	Neighborhood Grocery
Greenhouse or Florist	Hotel
Parking Facility	Accessory Use

O. Traffic Impact. The traffic pattern from a change or expansion of use must be designed so as to maintain the existing traffic operations levels of service and pedestrian safety within 200' of its point(s) of ingress or egress.

309 Gateway Commercial District.

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309.1 <b>Permitted Uses.</b> The following uses are permitted in the Gateway Commercial District as a matter of right:	
Accessory Use	Municipal Facility
Auto Repair Service	Neighborhood Grocery
Business Office	Private Recreation Facility
Child Care Center	Restaurants Class 2
Day Care Center	Retail Class 1, 3 & 4
Greenhouse or Florist	Service Business
Hotel/Motel	Telecommunication Towers
Industry	<del>Theater</del>

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Media Studio Class 1 & 2	Veterinary Office or Kennel
Medical Offices*	Vocational Education Facility

309.2 **Special Exceptions.** The following uses are permitted in the Gateway Commercial District as a special exception under Section 204:

- Dwelling, Multiple Family
- Church
- Theater

P. **Traffic Impact.** The traffic pattern from a change or expansion of use must be designed so as to maintain the existing traffic operations levels of service and pedestrian safety within 200' of its point(s) of ingress or egress.

310 Industrial Park District.

310.1 <b>Permitted Uses.</b> The following uses are permitted in the Industrial Park District as a matter at right:	
Accessory Use	Municipal Facility
Business Office	Neighborhood Grocery
Industry	Private Indoor Recreation Facility
Media Studio Class 1	
Media Studio Class 2	Vocational Educational Facility

310.2 **Special Exceptions.** The following uses are permitted in the Industrial Park District as a special exception under Section 204:

- Child Care Center
- Extractive Industry
- Church
- Club or Lodge
- Theater

K. Traffic Impact. The traffic pattern from a change or expansion of use must be designed so as to maintain the existing traffic operations levels of service and pedestrian safety within 200' of its point(s) of ingress or egress.

311 Manufacturing District

L. Traffic Impact. The traffic pattern from a change or expansion of use must be designed so as to maintain the existing traffic operations levels of service and pedestrian safety within 200' of its point(s) of ingress or egress.

**2<sup>nd</sup> by Dennis Isherwood**

**The vote was unanimous in favor 4-0.**

**5. Adjourn**

*Respectfully submitted by Linda Gain PECE Administrative Assistant*  
THANK YOU