



City of Westbrook

DEPARTMENT OF PLANNING

WESTBROOK PLANNING BOARD TUESDAY, OCTOBER 2nd, 2012, 7:00 P.M. WESTBROOK HIGH SCHOOL, ROOM 114 MINUTES

Present: Ed Reidman, (Chair) (Ward 5), Rene Daniel (Vice-Chair) (Ward 1), Rebecca Dillon (Alternate), Joseph Marden (Ward 3), Dennis Isherwood (Ward 2), Robin Tannenbaum (Alternate), Cory Fleming (Ward 4)

Absent: Michael Taylor (At Large), Greg Blake (At Large)

Staff: Molly Just, Richard Gouzie

Chairman Ed Reidman called the Westbrook Planning Board meeting to order at 7:00 p.m. in Room 114 of the Westbrook High School.

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.

1. **Call to Order**
2. **Approval of Minutes: September 18th and 25th, 2012**

Rene Daniel moved to approve the September 18th, 2012 minutes as presented.

2nd by Cory Fleming

The vote was unanimous in favor 7-0

New Business

3. **Land Use Ordinance Amendments – Sections 404.3(C) and 404.8 – Sign Regulations Gateway Commercial District and Nonconforming Signs – To establish a more equitable signage allowance in the Gateway Commercial District wherein the allowable square footage of signage would be proportional to parcel size. The proposed amendments would also provide a path to bring non-conforming signage into conformance with the Land Use Ordinance.**

Overview. This is a proposal to amend the allowable signage provisions for the Gateway Commercial District. The proposed amendment to section 404.3.C keeps the 500 sq. ft. limit for properties of 40,000 sq. ft. or less. It then provides that for larger properties, allowable signage area would be 500 sq. ft. for the first 40,000 sq. ft and 100 sq. ft. of signage for each additional

40,000 sq. ft. of land area. This concept of varying allowable signage by area is already used in other parts of the sign ordinance.

The current sign provisions require existing nonconforming signs to be brought into conformance with development requiring Site Plan approval. The amendment to section 404.8 provides that this requirement would only apply to substantial projects, those that will increase existing building footprints by at least twenty percent (20%).

Ed Reidman our duty to set a public hearing for the language.

Molly Just both of these items on the agenda tonight are staff initiated. The first one as you are aware, we have seen a lot of activity on the Gateway Commercial District, generally the Main Street and Larrabee corridor. A lot of businesses want to expand their building footprint, expand parking or otherwise improve to increase business there.

As you know we have added the fee in lieu of landscaping provision so that property owners can help us to achieve our beautification and traffic safety objectives while they are also able to improve their property. Most of which are entirely built out. What we are trying to do here is acknowledge another challenge that a lot of these properties are facing which are sign regulations, signage. There are a lot of larger properties here and we have one maximum square footage allocation for signage. So, no matter the size of your site you have just one option for signage.

What we are doing here, whether you want to call it a sliding scale or an amount proportionate to your properties... we are trying to be more flexible to the amount of signage you are providing, so based on your site size is the amount of signage you can have.

We are also putting in a provision for properties with nonconforming signage can bring that signage into conformity in a more gentle fashion than is what is currently required. You are required to come in conformance with the sign regulation when you seek site plan approval. We are providing a manner to do that for nonconforming signs.

That is essentially what you have here and we can talk about specific language if you like.

Ed Reidman is also covers the Highway Services District.

Molly Just no this is only for the Gateway Commercial District.

Ed Reidman that is not the way it is written.

Molly Just what this does is allows for more signage in the Gateway Commercial District. It is essentially saying that the status quo is maintained, in the Highway Services District, but in the Gateway Commercial District you can have more signage based on your lot size.

Ed Reidman question or comments?

Dennis Isherwood am I reading this correctly? Is this five hundred square feet?

Molly Just that is correct.

Dennis Isherwood that is awful large.

Molly Just yes it is and that is why we proposed to allow more signage only in the Gateway Commercial District. If you think about what is in the Gateway Commercial District right now there is Westbrook Crossing, Rowe Ford, there are several large car dealerships. The properties are several, several acres in size and they also often have more than one tenant.

When you are dealing with a situation like that more signage does not look out of scale in the environment, you have a lot of development covering a lot of land and across that one parcel you have only five hundred square feet, would not, and might not serve the needs of the businesses there. For example on the Ford property they have about four times the allowable signage right now. You can make an argument either way whether or not it currently looks appropriate but to only have five hundred square feet of signage is pretty hard to imagine, there are several tenants and certainly several brands of automobiles or arguably dealerships on that site right now.

To adequately sign all the activity that is going on there in only five hundred square feet is rather difficult so what we are doing here acknowledging the 100 Larrabee Road that you just looked at a few months ago to increase the parking that is another example of a property that has multiple tenants on a large piece of property. The signage needs can increase with a number of tenants but essentially just keep in mind when you are dealing with one large piece of property, a lot of development on that property, the signage is sort of averaged out or spread out over the property.

Right now what is allowed is five hundred square feet so we are not increasing the base amount of signage, what we are doing is saying the larger the property, the more signage you can have.

Cory Fleming when we are talking about five hundred square feet, you are talking about four or five signs other than one large sign.

Molly Just correct

Dennis Isherwood Molly, do we have a maximum sign size or could it be a ten by fifty foot sign?

Molly Just we do not address that here. That is not addressed and that is something we can work on.

Ed Reidman this is not something new; the modification of the Sign Ordinance. I know that when RMS came across the river, they wanted to put a sign on the building and we had to modify our Sign Ordinance. I know when one of the Real Estate Offices opened up of Route 302 they wanted to modify... I am concerned about the wording not with the change. I think it leaves it in a gray area where it says "and". I would feel more comfortable if it were changed to say: *The total area of all signs for a property located at the Highway Services District shall not exceed five hundred feet.* Then start the properties located at that Gateway Commercial District with the verbiage that is written there.

Does anyone agree with me? I see some nods coming up and down.

Are you comfortable with that?

Molly Just we are going to need to look at the maximum size, so I can come back to you with the language.

You are going to need a cap on the amount of signage, is that correct?

Rick Gouzie no he is talking about...

Ed Reidman just separating the two districts.

Molly Just absolutely

Ed Reidman so it is clear where the Gateway is in the new provision. Shall we look at the nonconformance one, if anyone has any comments?

Joseph Marden what is the biggest lot in the Gateway Commercial District?

Ed Reidman how big is your lot?

Wally Camp 7.13 acres

Rick Gouzie Pike is the largest.

Joseph Marden so it could get out to the fifteen hundred, two thousand square feet allowable signage.

Molly Just it won't get up to that, we are going to work on that. It won't get up to that.

Editors Note - Wally Camp spoke from the audience and was inaudible to the editor

Ed Reidman this is linked primarily to increasing building size.

Molly Just the nonconformity?

Ed Reidman no, I slipped back into the previous one. IT says the current sign provisions have nonconforming signs be brought in to compliance, the amendment... no I am still in...what happens if you run into a situation where as we had on the other side of Main Street where they are increasing the parking lot? Or is it the size of the building that governs the sign?

Molly Just no, if you are looking at the nonconforming language?

Ed Reidman yes

Molly Just the 20%? It is...this is talking about an increase in building footprint, so building footprint for a change in the use.

Ed Reidman so the sign ordinance provision, unless it was nonconforming would not have affected the increasing the size on the other side of the street for parking?

Molly Just that is correct

Joseph Marden when I think of building foot print, I think of the foot print of the building. Will this apply to additional stories?

Molly Just no

Rene Daniel two questions, are we beginning to chew away at our entire Ordinance that we have worked on for the last four years? To make exceptions so...

Molly Just in this case I would not say so. Our sign provisions really for anywhere other than the City Center District aren't very thoughtful as to what is going on each district. You will recall a couple of years ago we came in with specific provisions for signage really in the downtown. That is our jewel, well right now we have a lot of activity in our gateway and what we are trying to do here as well as what we were trying to do with the fee in lieu of open space provision is acknowledge that businesses are trying to expand, trying to look better, trying to acknowledge our zoning regulations.

We are trying to really take into consideration what is going on. What is there now that can't affect necessarily that the lot sizes there, we want the gateway development. Gateway development typically happens on larger lots. If you have a larger lot, you will have more development. Having one maximum square footage does not necessarily work. You will see in a lot of zoning ordinances... we have an example in the City Center District as I was just talking about, the downtown where we have building mounted signage is proportional to the amount of building frontage, so the area of the building that fronts on the street, a percentage of that area can be allocated to signage. The more building you have the more signage you have, that is the same concept we have here.

I would say we are not trying to chew away at our Ordinance, we are trying to fine tune it where we need to.

Rene Daniel I see the difference between a sign of a business and a sign not being intrusive, it does not block off anything but the building.

I personally am against the signage that is there now. I have yet to find one in the Gateway area that impresses me. I was impressed the other day with the business on the corner of Spring Street and Main Street, that is a really nice sign, it is smaller and I thought in the downtown we were going small and now in the Gateway we are going large?

Molly Just we are not necessarily going large, we are acknowledging that there are larger properties so therefore more total signage, a greater number of signs across a larger piece of property.

Rene Daniel it just seems to me like election time; how colorful can you get for a sign and how much blockage can you hide from someone else. Driving down the gateway now, you have signs that block other businesses, or properties.

Molly Just I am wondering Mr. Daniel if you are comfortable with the signage at Westbrook Crossing?

Rene Daniel yes

Molly Just that is the type of development more in keeping with the type of development we are looking for in the Gateway District. Auto dealerships, you can argue whether they are allowed or not and we argue that they are not allowed in that district. They will phase out over time; all do respect, however, those large properties are not going anywhere. Westbrook Crossing is on a large piece of property, it also has a large amount of signage that was approved with the project.

So it is appropriate to have a lot of signage if you have a lot of development and a lot of tenants. Another comparison would be Stroudwater Place, the pictures that we saw of what Stroudwater Place could be that is going to have a lot of signage because there is a lot of tenants there, a lot of development. So if you just look at the numbers, the maximum number and do not take into account that can be a lot of different signs to advertise a lot of different tenants, it can look gross.

You have to keep in mind what we are looking for in this District. We are looking for perhaps another Westbrook Crossing, something similar to that. A large scale office building will need a lot of signage, a hotel, what we saw when Pike Industry presented their ideal scenario, for their Main Street property, that was a Stroudwater Place kind of development. That is going to need a lot of signage.

We are trying to be cognoscente of what is there now, help it come into conformance because the fact is if you have four times the allowable signage, it is very difficult to say, no you have to get rid of the vast amount of your signage and cut it down to 500 square feet. That is very difficult to do. We are trying to acknowledge what is there allow signage proportional to your site size and help you come into conformance, if you are out of conformance with the regulations.

Rene Daniel Thank You

Ed Reidman for those of you who have not gone through a Comprehensive Plan before; once we do a Comprehensive Plan, we are supposed to do one every 10 years. What the Comprehensive Plan does is set a direction for the City to go in.

As a result of that sometimes the Ordinance that governs what we are already doing does not fit where we want to go, so therefore you modify them. The last time we did a Comprehensive Plan we did an awful lot of revisions to the Ordinance and undoubtedly there are certain things that should have been done. Then again, it was not a problem then but this is one of the problem areas that we have found are coming forward and this will make a minor correction.

Whether we should have waited until the Comprehensive Plan was done and approved, I do not think so. That is what is going on.

We have talked about changing the area of the sign to get rid of what bothered me and does anyone have any comments on the variance and nonconformance's and the new verbiage going in there?

Seeing none, could I have a motion to have a Public Hearing on October 16th at 7:00 pm?

Rene Daniel so moved

2nd by Cory Fleming

The vote is unanimous in favor 7-0

4. Land Use Ordinance Amendments – Section 201 - Definitions– To establish definitions for those allowed uses that are not currently defined.

1.Land Use Ordinance Amendments – Section 201- Definitions

Overview. This is a proposal to add definitions for those uses that are permitted but not defined in our Land Use Ordinances. There are also two definitions that are to be amended and the amended language is struck thru.

Bed and Breakfast Class 1. A dwelling ~~occupied by the owner as his principal place of residence~~ in which not more than 10 rooms are rented on a daily basis, and where meals may be provided.

Cemetery. Land used for the burial of the dead, and dedicated for cemetery purposes, excluding columbarium a, crematories, mausoleums, and mortuaries.

Car wash. The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Community Center. A common building, place, area or other facility which provides a focus for the recreational, educational, social or cultural needs of the community.

~~**Community Center.** A common building which provides a focus for recreational, educational, or cultural activities where for profit commercial or industrial activities shall not be permitted.~~

Florist. A retail business whose principal activity is the selling of plants which are not grown on the site and conducting business within an enclosed building.

Greenhouse. A building inside which plants are grown, all or part of which are sold at retail or wholesale.

Funeral Home. A building used for the preparation of the deceased for burial and display of the deceased and rituals connected there with before burial or cremation. A funeral home, as defined for purposes of this code, includes a funeral chapel.

Golf Course. A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways and hazards. A golf course may include a club house, restrooms, driving range, and shelters as accessory uses.

Hospital. An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including as an integral part of the institution related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

Library. A public and/or non-profit facility in which literary, musical, artistic or reference materials are kept for use but not normally for sale. Community events and social services may also be offered.

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.

Nursing Home. A facility established for profit or non-profit, which provides nursing care and related medical services on a 24-hour per day basis to individuals due to illness, disease, or physical or mental infirmity. Provides care for those persons not in need of hospital care. For the purposes of this Ordinance, a nursing home shall include only those facilities which have been certified, or which will be certified prior to the issuance of any use permits, by the State of Maine Department of Health and Human Services as meeting all licensing and operation regulations for skilled nursing facilities or intermediate care facilities.

Veterinary Clinic. A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

Ed Reidman you will find it in your Ordinance and where it is crossed out, the verbiage is there, relatively simple thing. Apparently we have a chance for a B & B to be where the principle owner would not be living on site.

Do they have to have a food and service license?

Rick Gouzie yes

Ed Reidman the other thing is we crossed out the second community center because it was duplication?

Molly Just no if I could explain. I have actually added some language to that definition. So when you make a motion this evening, I will read out the language and it will show on your screen, the language that I have added to that proposed definition is in bold.

We had not in Westbrook had a Community Center managed by the City of Westbrook until now. Now we have a Community Center, on Bridge Street, so we just had a workable definition. Now we know what it takes to operate a Community Center is really a lot of groups and you provide as many services as you can in that location.

The definition that we have proposed is;

Community Center. A common building, place, area or other facility, publically managed which provides a focus for the recreational, educational, social or cultural needs of the community, services may be provided for not for profit entities.

The existing definition would go away and be replaced with this one.

Cory Fleming so a privately held building and I am thinking of the Teen Center that would not qualify as a Community Center now, because you said publicly managed.

Molly Just that is correct

Ed Reidman is it necessary to have that in there?

Molly Just publically managed, yes.

Ed Reidman why?

Molly Just this is written for our Community Center. The Mission Possible can be a service business perhaps.

I have a planning book with many definitions and have cobbled this definition that works for the Administration and the Director of the Community Center, based on existing and anticipated needs for the Community Center.

Ed Reidman I can picture three years from now and in a budget crunch the City finds other operations for the Community Center. Therefore it is run by a private entity not a public entity.

Molly Just but we still own it and therefore manage it. Services right now are provided by outside entities, we do not have staff to provide yoga or knotting classes.

Ed Reidman but the whole thing is controlled by the Director that runs the building and runs all the services in it, under her. I am talking about the City going to some private company and say do it.

Molly Just but we still own the building and the property, right?

Ed Reidman that is not publically managed; you do not manage the building if you have someone else in the building acting as the manager.

Rene Daniel I have major problem, not with the Center, I have a problem with the Bed and Breakfast Class One.

I enjoy going to a Bed and Breakfast and when I traveled for the University, I always stayed at a Bed and Breakfast. The better ones are owned and the owner is there, that is why you say Bed and Breakfast otherwise then that it is called a motel or boarding house.

I think we have only one in Westbrook, so that leads me to believe that the owner has requested this. Not necessarily the City.

Molly Just no the owner is actually requesting a contract zone to allow this and other uses for the property and that will come forward hopefully in November. We still have Bed and Breakfast class two in that definition or use the owner must live there.

What I wanted to do here is to provide flexibility if the use remains. If the Bed and Breakfast remains, the Elms remains as a Bed and Breakfast that the owner would not live there but the use would still be provided.

Rene Daniel is there a license mandate on the number of rooms? Can a Bed and Breakfast be up to five rooms then when you hit the sixth room it now becomes a different classification?

Molly Just the Bed and Breakfast class two is up to five rooms/

Rene Daniel a Bed and Breakfast class one would be 10 rooms. Do we have any in the City of Westbrook?

Rick Gouzie other than the Elms, no.

Rene Daniel I just think this is an oxymoron. To me a Bed and Breakfast, the owner provides a breakfast meal or a supper meal, depending on what they want and lives there. I just have a problem with that one.

Molly Just I am not wedded to it and I am fine to have it stay as is.

Ed Reidman anyone else?

Joseph Marden to be in a principle place of residence how much during the year do you have to live there? Is it nine months or six months?

Ed Reidman six months in Florida.

Rick Gouzie six months and a day, right?

Ed Reidman correct

Robin Tannenbaum I share with Mr. Daniels sense of what is and is not a Bed and Breakfast. I would assume that even if ten rooms and the owner does not live there, someone in the management would live there. That is a different licensing issue that someone in the management capacity needs to be there twenty four – seven.

It may not be appropriate to ask this, but what the intent is by changing this, the owner can move out, the owner can rent more of the rooms than presumably and make it a more robust business?

Molly Just there is no malintent; it is so the owner does not have to live there all the time.

Robin Tannenbaum could we do something as simple as changing what it is called? It is a Bed and Breakfast Class Two or a small inn with six to ten bedrooms for rental.

Rick Gouzie in that case you are changing Building and Fire Codes with the different classifications.

Ed Reidman does anyone want to modify the language provided for Bed and Breakfast? Mr. Daniel, anyone else?

***Editors note** Board members nodded

Ed Reidman can I have a motion to hold a Public Hearing on October 16th?

Rene Daniel so moved

2nd by Cory Fleming

Ed Reidman everyone understands the motion?

The vote was unanimous in favor 7-0

5. Adjourn

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