



# City of Westbrook

## DEPARTMENT OF PLANNING

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**WESTBROOK PLANNING BOARD  
TUESDAY, OCTOBER 16<sup>th</sup>, 2012, 7:00 P.M.  
WESTBROOK HIGH SCHOOL, ROOM 114  
MINUTES**

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

Absent: Michael Taylor (At Large), Greg Blake (At Large), Ed Reidman, (Ward 5), (Chair), Robin Tannenbaum (Alternate),

Staff: Molly Just, Richard Gouzie

**Vice-Chairman Rene Daniel 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.

**Rene Daniel** the two Public hearings planned for this evening, I need to remind you that all cell phones must be turned off. During the Public Hearing if you have questions, make sure you state your name clearly, address, your title and what business you own, if that is relevant. The questions you ask I will write down and ask at the end of the meeting to the Staff.

**Public Hearing - 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.**

**Molly Just** staff brought this forward as you know as we had spoken about given the level of interest, improving, redeveloping properties in our Gateway District, actually the Main Street, Larrabee Road corridor.

What we have found if you look a Zoning Map, you will see there are a lot of larger pieces of properties that most are fully built out, perhaps with more than one tenant, more than one use. The bigger the property, the more development on it, and the more tenants you have, the more signage needs you have.

We have a lot of signage as we all know and when you have property owners coming forward to improve their property which usually enhances the appearance of the area as well as increasing their bottom line, we would like to find a way to work with them. We are finding that our signage provisions work for us in a lot of ways and in some ways do not work for us right now there is no relief from the sign provisions. There is no way to get a variance, so if you have more signage than is allowed you must come into complete compliance. In some instances that will not make sense, from the business point of view and it does not seem to necessarily be equitable from a public policy point of view.

What we are doing is providing is a sliding scale for signage in the gateway district and at the same time we are enabling those properties, those businesses to come into conformance with our signage ordinance. That is the summary.

**Rene Daniel** any question from the Board Members before I go to the Public?

\*Editors Note: No questions

**William Plouffe** good evening Mr. Daniel and members of the Planning Board, I am an attorney with Drummond and Woodsum and I am here tonight representing Rowe Ford in support of this amendment that is here before you.

As you know Rowe Ford is an auto dealership on about seven (7) acres of land on the corner of Main and Larrabee Road in the Gateway Commercial District. Rowe has been there for forty-two (42) years and now wants to markedly improve the appearance of the Rowe Ford Dealership by altering three buildings on the site, the Rowe Dealership, the Hyundai Dealership and the Quick Lane facility. The façade of the buildings will be changed but the total footprints of the buildings will increase less than 20%. All of this has been approved by this Board, so I think you are familiar with the project subject to compliance with the sign regulations.

The issues within the sign ordinance that are addressed by the amendments that are here tonight came to light during the Rowe Ford application amended Site Plan review for its project. In many ways it is a case study how the current Ordinance language was written with a goal of gradually improving the appearance of businesses and other properties in the Gateway District. This actually acts as a disincentive to the improvement of business sites in the district.

Over the past several years the City has amended its Sign Ordinances in ways that made Rowe's signage non-conforming in two principle respects. First the amendments limited the total signage on a business site in the Gateway Commercial District to five hundred (500) square feet. An inventory of existing Rowe Ford signage shows approximately sixteen hundred and fifty (1650) square feet, all if it legally permitted over the years by the City of Westbrook.

The second issue that came up was the amendments lowered the maximum height of pylon signs to twenty-five (25) feet. The Rowe pylon sign on Main Street, which you are probably all familiar is thirty-two (32) feet high, legally permitted not that many years ago by the City of Westbrook.

City Staff interpreted the current sign Ordinance as Molly has just said as requiring Rowe to comply with new Ordinance standards for its new signs and signs that Rowe will be replacing. In other words if we are going to put up new signs as part of this project, replacing old signs, Rowe has to comply with the sign Ordinance as they read today. We agree with that.

City Staff also took the position that all of Rowe's post signage on the entire seven (7) acre plus Dealership conform to the current total area limitations that is five hundred (500)

square feet and the signage on the site that was not being touched as part of the project had to be removed or altered to conform to the new sign regulations.

These two (2) items, removing 1100 square feet of existing signage, removing signs that are legally non-conforming, even though they were not going to be touched as part of the project were major problems for Rowe and threatened the viability of the project and is a disincentive to the improvement that Rowe wants to make at this site which you all approved as part of the Site Plan application.

Rowe has worked with City Staff on this amendment that is before you tonight. It does two (2) things. It keys the total square footage of signage that is allowed on a business site to the size of the business lot. Secondly it applies the new dimensional sign standards to existing legal non-conforming signs which will not be altered as part of the project, only in cases where an amended Site Plan review approval is being sought for projects that involve an expansion of existing footprints by more than 20%. In other words a major renovation of a total site will trigger compliance with sign regulations. A small renovation which we think this is, less than 20% will not.

Let me explain the rationale to relating total signage to the size of the business property. The minimum buildable lot size in the Gateway Commercial District is 10,000 square feet sewerer lots and 20,000 square feet for non-sewerer lots, a ¼ of a builder's acre or a ½ builder's acre. The maximum signage for a property in the Gateway Commercial District is five hundred (500) square feet of signage. If you want to equate property with lot as the City has done, so a business on a 10,000 square foot lot can have 500 square feet of signage. However a business on a 300,000 square foot lot such as Rowe Ford is limited to the same 500 square feet of signage.

Assuming that this provision in the sign Ordinance is to limit visual clutter and negative aesthetic impacts, this regulation makes little sense. Five hundred (500) square feet of signage, spread over 300,000 square feet, roughly seven (7) acres has nowhere near the impact as the same signage spread over 10,000 square feet, about a quarter of an acre.

The proposed amendment, Section 404.3C of the Ordinance keeps the five hundred (500) square foot limit for properties of 40,000 square feet or less, so an acre. The amendment then provides the larger properties allowable signage area will be five hundred (500) square feet on the base amount for the first acre, 40,000 square feet and one hundred (100) square feet of each additional 40,000 square feet of land area. For the Rowe property as an example this would produce an allowable signage area of approximately 1100 square feet. This is about 1/3 less than now on the Rowe site. Rowe's project will actually have less than 1100 square feet.

\*\*Editors Note interruption by rumbling and the sound of an explosion

This concept of varying allowable sign area is actually already in the Sign Ordinance in another place, in the same section we find that total area of all signs permitted on the face of a building may not exceed one hundred (100) for every twenty-five (25) feet of building frontage. So there we already have the amount of signage keyed into the area of the face of the building. What we are talking about tonight is the amount of signage on the total lot keyed into the size of the lot.

As to the second proposed amendment the current Ordinance has to do with the height of the sign, the current Ordinance requires the business owner seeking amended site plan approval to modify all existing non-conforming signs on the project site, even though they are not part of the changes to the site to what the approval is being sought. Remember I said in the Rowe case

we have signs that are not going to be touched at all, from the project that Rowe is going to do. But the way the current Ordinance reads, even though we are doing a small percentage change not the entire lot, the current Ordinance says we have to bring all the signs into conformity, a huge financial disincentive. This can be extremely costly, this amendment before you tonight, section 404.8 provides this requirement only apply to major projects those that will increase the building footprint by at least 20%.

We believe the changes that we are proposing, and Staff is supporting, are reasonable and are completely in keeping with the goal of the improvement of the appearance of the Gateway District because existing businesses in the District and will not face the significant financial disincentives to improving their properties that are inherent with the current Ordinance. In other words, the way the Ordinance reads now there is a large incentive for businesses to stay and not improve their property because if they make any changes they require amended site plan approval, they have to change all signage and in the case of Rowe give up a lot of existing signage which has been there for many, many years.

So in conclusion we appreciate the cooperation of the City Staff in developing this proposal and we hope this Board will pass these amendments to the City Council with a favorable recommendation.

Thank you and I will be happy to answer any questions and Wally Camp from Rowe Ford is here as well.

**Wally Camp Jr** I am the President and owner of Rowe Ford Sales. As you know we have gone through the process of Site Plan approval, which we have, assuming the current law for signage is amended. I have put in motion this project except for the fact that signage is a real problem and so therefore, even though I want to be doing construction right now, I can not. The amount of money that I am preparing to spend for our business signs is significant. Even though we have a commitment with Lincoln Division and become a Lincoln Dealer who has not had representation here for over a year, I would find it very difficult to spend the money, if I could not get some changes.

Primarily we are a multi faceted business. We operate a four dealership and soon to be a Lincoln Dealership, also we have a Quick Lane operation that is a fast service business for vehicles and we additionally have a Hyundai Service operation. Because of these distinct four (4) businesses the signage to properly accommodate, the five hundred (500) square feet, in our case just does not work.

We do understand that the City wants to have an attractive and good looking Gateway to the City and we support that concept. We want to be a more attractive business people driving by but also for our customers. We understand the concept of trying to eliminate clutter, so even though we currently have 1600 square feet of signage, we are willing to bring that down substantially.

I have carefully gone through all our signs in a sign review and looked at every little sign, could I live with this one or live without this one. By going through that process I was able to say I could eliminate quite a bit and still do a good job with our signage. Unfortunately looking at that very carefully and methodically I could not realistically get down to 500, so that is why I am here this evening and I truly hope you can support this concept. Thank you

**John Koris** I work with Pike Industries, right across the street from Rowe Ford. We are impressed with what they have there already, so I am sure it will be just as good or even better

when they get done. We fall in the same category being in the same zone. I want to commend the City Staff for working through this and it looks like a really good compromise for the City and for Wally as well.

I just wanted to have the Board understand that we are looking at that as well. Thank You

**Douglass Gauvreau** 151 Main Street and I recognize some of you on the Board, if you do not know me; it is nice to meet you tonight. My concern when I got this notice of a Public Meeting tonight is I own a fairly small property an acres maybe even a little less then an acre. I put the building up on 1979, so I have been there for thirty-three (33) years and I put the sign up in 1979 and replaced it twice with a sign of a very similar size, all of the signs are conforming to the City Ordinances. My concern is that there is language in this proposal force the sign to be changed proportional to the size of the property.

My sign is one of the smaller ones out there on the strip and signs are very expensive, especially the electronics signs that show messages like time and temperature and are extremely expensive. For a small business like ours to be forced to change the sign if it comes to that, simply because our lot size does not conform to the signage that is there now would be a real inconvenience and a hardship.

We put the sign up about five years ago. We have four (4) Doctors in the practice and one (1) Doctor left this year and we have two (2) that have just joined us and we want to put their names up on the sign. My concern is I do not want to be forced to tear the sign down or remodel or redesign the sign at considerable expense for what I believe is a minimal visual impact in that area. If you drive down the strip our sign is a good sized sign but it is certainly not one of the largest signs around. We have fairly good frontage on that property but we do not go back very far.

I do not have an Attorney and I do not think I need one for what I am proposing tonight, I am throwing myself to the mercy of the Planning Board here and I ask that you really take this into consideration when you make the final approval. I think it will be a real hardship on us to change the size of our existing signage simply to re-conform to the fact that we have a smaller lot and maybe forced to make that sign smaller. I do not think it have a major impact on the appearance of the area and I think it would be a considerable hardship to go through that expense, especially as that sign has been there for thirty-three (33) years.

I think it looks like it is in compliance for what is in the area now. Thank you

**Ken Welch** I am the President of Napa Maine and am right across the street from Wally's facility and I have reviewed this whole thing and I think this is a reasonable compromise to what currently is in place. I would not be surprised if our signs would not be conforming if we chose to modify the facility that we have.

I think the original intention of the change was certainly noble for all the right reasons but as already been stated I believe that these changes would be very cost prohibitive and in a lot of cases would make the difference, if someone has a lot of signage as what Rowe Ford is going through now would really add a lot to the project.

I just wanted to say that I am in full support of the proposed amendment. Thank you

**John Malier** General Manager of Bill Dodge Auto Group, around the corner from Wally's place and I am here as well to show support for the amendment. Being an Auto Dealership, several buildings in the area and have done upgrades to our buildings and will be doing other

modifications to other buildings more than likely in the immediate future and signage is a big thing that we do and as Wally said it will be a detriment to us to have to re-do the signage, especially in our industry where signage is extremely important.

I just want to show my support to the amendment and think this is a fair compromise as well. Thank You

**Jeff Messer** President and owner of Messer Trucking Equipment on Warren Avenue here in Westbrook. We are not in the Gateway Zone; we are in the Industry Zone but I have reviewed the proposal that Rowe Ford has brought forward and I am in full support of it as well. Recently Governor LePage named Westbrook open for business and I think that this shows that the City is in support of business and moving Maine small business forward, so I recommend approval on this. Thank You

**Molly Just** Mr. Chair if I could interject for one moment, I think we have received some updates on the tremors that we felt. It was a 4.5 on the rector scale for an earthquake.

**Richard Gouzie** yes, they measured it at Lake Arrowhead.

**Molly Just** I just wanted to keep everyone up to speed, thank you

**Rene Daniel** anyone else like to speak?

**Josh Douglass** the General Sales Manager of Lee Auto Mall which is down the street from Wally's business. I will not take much of your time but add that I am here in support of the proposed amendments. I think it is a great compromise for what the City had initially intentioned and a compromise that will allow business to continue on a very substantial lot. Where we have no immediate plans for any renovations, we would find ourselves in a very similar situation from what Wally is experiencing right now, so again we are in full support of the amendment. Thank You

**Fran Mazoni** I represent Winn Stanley Enterprises, the current owner of the building on the corner of Main and Larrabee. When we first purchased that building we experienced of the down sizing of the signage requirement. It was a challenge but we made it. I think what Wally is proposing is a very good step in the right direction. The building that we own is a multi-tenant that sits on a little over seven (7) acres, about one hundred thousand square feet, it is a multi-tenant as I mentioned so there are different tenants that look for different signage identifications for people that are looking for their location.

I think what they have put together, as other people have said, is a very good start and I would appreciate on behalf of Winn Stanley Enterprises the Boards consideration to move along with what they are proposing. Thank You

**Rene Daniel** anyone else?

**Public hearing Closed.**

**Rene Daniel** Molly I only heard one statement close to a question, Dr Gauvreau statement.

**Molly Just** I have spoken to Dr. Gauvreau on the phone and his existing sign is well below and it is hard to imagine the sign reaching the maximum, let alone the sliding scale on that property so he does not have a problem. He does not have to change his signage in any way based on the language here.

**Rene Daniel** questions from the Board Members?

No questions

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

**Molly Just** essentially just what you have said Mr. Chair, in the last couple of years we have dealt with taking a look at some definitions. We have had users various zoning districts who like to do something in a zone and there have been questions as to what use this falls under or it falls under this use but it is not very well defined.

I thought I would take a look at all of the uses that we list in the zoning districts as permitted, permitted by Special Exception or in the case of our Manufacturing District, prohibited and make sure that we have defined them all. We have not, so what I have done is put together draft definitions for these uses that are currently undefined. That is what you have before you.

**Rene Daniel** questions from the Public? Any questions from Board members?

No questions

**Public Hearing closed**

**1. Call to Order**

**2. Approval of Minutes: September 25<sup>th</sup> and October 2<sup>nd</sup> 2012**

**Cory Fleming Moved to approve**

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

**The vote is unanimous in favor 5-0**

**Existing 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 an acre or less. It then provides that for larger properties, allowable signage area would be 500 sq. ft. for the first acre and 100 sq. ft. of signage for each additional acre of land area, not to exceed 700 sq. ft. This concept of varying allowable signage by area is already used in other zoning districts.

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 and or other impervious surface by at least twenty percent (20%).

*Proposed Land Use Ordinance Amendments Are Underlined*

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**404.3 Signs in Highway Services District, Gateway Commercial District, Business/Professional Office District, Industrial Park Zoning District and Prides Corner Smart Growth Area.** The following provisions apply to signs in the Highway Services District, Gateway Commercial District, Industrial Park District and Business/Professional Office District:

- 4. C. Area of Sign. The total area of all signs permitted on the face of a building fronting on a public street or parking lot may not exceed one hundred (100) square feet for each twenty-five
- 5. (25) Feet of building frontage; except that in the Industrial Park District, the total may not exceed two hundred (200) square feet. In the Business/Professional Office District the total may not
- 6. exceed the lesser of one hundred and fifty (150) square feet, or 5% of wall area on which the
- 7. sign(s) is (are) to be placed. The total area of all signs for a property located in the Highway Services District and the ~~Gateway Commercial District~~ shall not exceed five hundred (500) square feet. The total area of all signs for a property located in the Gateway Commercial District shall not exceed five hundred (500) square feet for the first acre and one hundred (100) square feet of signage for each additional acre, not to exceed seven hundred (700) square feet. The total area of all signs for a property in the Industrial Park District shall not exceed three hundred (300) square feet. The total area of all signs for a property in the remaining districts shall not exceed two hundred and fifty (250) square feet.

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**404.8 Variance and Nonconforming Uses.** The granting of a variance from these sign ordinance provisions is prohibited. Where a sign exists as a nonconforming use, it shall not be extended, altered or enlarged, except that routine maintenance is permitted. Any entity proposing a development requiring Site Plan Review shall, as a condition of any approval of such development proposal, be required by the Code Enforcement Officer to bring any signs into conformance with the provisions of this ordinance, accept as follows:

8.

9. Individual legally nonconforming signs which are within developments seeking amended Site Plan Review approval and which will not be altered as part of the proposed project are not required to be brought into conformance with this ordinance unless the development proposal involves at least a 20% increase in the total on-site building footprint or a change in use of the property. New and altered signs in such developments shall conform to this Ordinance.

**Molly Just** Mr. Chair I would like to share some amendments that were made on your request for some clarification, since your last meeting. You had requested a cap on the signage leaving an open end for the possibility on the amount of signage is not a good idea.

You had also discussed what equals improvements to property, is it building foot print or is it impervious surface generally? I have made some clarifications there. I did propose a cap on the total square footage for signage of 700 square feet and the language regarding what would trigger a project going through Site Plan review for signage to be brought into conformance, that 20% in building footprint as well or a change of use in the property, also any building footprint, impervious surface... let me rephrase this... If there is a building footprint increase on 20% or more or other impervious surface increase in 20% or more would need to be brought into conformance.

Those are the two changes that are proposed for your review.

**Rene Daniel** comments from the Board?

**Cory Fleming** I move to recommend this amendment to the City Council including the changes mentioned by Molly Just our City Planner.

2<sup>nd</sup> by Joseph Marden

The vote is unanimous in favor 5-0

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

*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, publicly managed, which provides a focus for the recreational, educational, social or cultural needs of the community. Services may be provided by not-for-profit entities.

~~10. **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.

**Rene Daniel** before going on, I wish to commend all of the Public that spoke on the prior item. I have been on the Board for a long time and this is the first time I have seen this many business representatives come before the Board on any topic, positive or negative. I am extremely impressed and thank you for choosing Westbrook and staying in Westbrook. Yes we are business friendly because of you. Thank you very much.

Sorry for the interruption Molly

**Molly Just** I respectfully request that the Planning Board recommend that the City Council adopt the proposed Ordinance Amendments by definitions for the uses that are currently undefined in the Land Use Ordinance.

**Rene Daniel** any questions from the Board?

No questions

**Cory Fleming** so moved

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

**The vote is unanimous in favor 5-0**

**5. Site Plan - Multi-Purpose Field – Small Hardy Road – Eric Dudley on behalf of the City of Westbrook for review of an approximately 1.5-acre multi-purpose field, 75- space parking lot, and future equipment/concession building on an approximately 11-acre portion of Tax Map: 20, Lot 10K, Zone: Rural District.**

**Project Description** – This proposal is for the establishment of a public multi-purpose field along Small Hardy Road, generally across from Country Lane. The project would include one improved playing field, a possible future storage building/concession stand, an informal grass field/overflow parking area and a 75-space paved parking lot. There would be no lighting and so activity would end by sunset. The property is owned by the Lane Construction Corporation and would be leased to the City of Westbrook for the purpose of operating and maintaining this public recreational amenity.

**Eric Dudley** we were in about a month ago with a sketch plan on this project, the proposal is to construct one multi-purpose field to be used for football, field hockey, lacrosse and Frisbee and whatever you would like to do.

Basically the project is located at the intersection of Small Hardy Road and Country Lane Ward Five near the Town line of Windham. The property is owned by White Brothers Construction and owned by Lane Construction. They have generously offered to lease the property for twenty-five (25) years which is renewable for the use by the City of Westbrook for an Athletic Field. They are also offering construction services to help build the field.

The field is shaded in green; our stormwater management is on either end of the parking lot, to manage the stormwater run off from the impervious surface from the parking lot area here near the road.

We propose to install twelve (12) fairly mature trees along the street line here and we have added three perennial plantings one each at the entrances, and one at the entrance to the field from the parking lot. Those will be comprised mostly of daylilies and ornamental grasses. We also propose to install two ground mounted signs, one at the driveway entrance to the property and one at the pedestrian entrance to the field.

Part of the project does create some wetland impacts, here and here. It is about 7700 square feet of wet land impacts. We have submitted to DEP for a tier one permit and also a stormwater permit by rule. We have gotten preliminary comments back and were favorable from Maine DEP.

With that I would entertain any questions.

**Dennis Isherwood** do we have a name for the field yet?

**Eric Dudley** no we do not, White Brothers Construction is interested in naming the field. They do have a process internally through Lane Construction in Connecticut where they have to get approval for that and we will be working through that process with them, with the donation of land and the vast majority cost of the construction they have the asked for the naming rights.

**Corey Fleming** will the field be rented out and will it be an income for the City of Westbrook?

**Eric Dudley** possibly it could be used that way. This will be run by Community Services Department like all other athletic fields are. They will be scheduling that as priority for local community events, it is not all for organized sports.

We have done rentals throughout the City and I believe we could on occasion do rentals on this field.

**Rene Daniel** just for clarity, the trees that are being planted, is it hardwood, fir or pine?

**Eric Dudley** they will all be deciduous trees. We are working out the details with Salmon Falls Nursery. They have requested to donate the trees. They have some larger more mature trees, more along the four or five inch caliper tree range and the owner of the nursery was good friends with Timothy White and he has asked to be part of the project.

**Rene Daniel** any comments? If not I would entertain a motion.

**Cory Fleming** moves the Site Plan application for the City of Westbrook, on Tax Map: 20, Lot: 10K (part), is to be **approved with conditions** with the following findings of fact and conclusions.

### **FINDINGS OF FACT**

#### **Utilization of the Site**

- The project has been laid out to minimize new site disturbance and impacts to wetlands.

#### **Adequacy of Road System**

- The proposal is for one formal multiuse field and an informal grass field/overflow parking area. The trips generated would be mostly during the off-peak hours and weekends and so should not pose a significant impact on the adjacent roadway system.

#### **Access to the Site**

- Access to the site would be via two access points along Small Hardy Road. There is adequate sight distance from both access points. Access would be separate from the adjacent quarry access point.

#### **Internal Vehicular Circulation**

- The layout of the parking lot and access points is such that there would be no dead end to the parking lot and, therefore, there is adequate provision for internal vehicular circulation. No waivers are requested.

#### **Pedestrian and Other Modes of Transportation**

- Pedestrian amenities would be provided for on-site but no amenities are proposed along Small Hardy Road as, given the rural nature of the neighborhood, there is no existing sidewalk system. However, there is space along the road frontage for a sidewalk to be constructed in the future.

#### **Stormwater Management**

- Adequate.

#### **Erosion Control**

- Adequate.

#### **Utilities**

- None are proposed at this time but potable water does exist in Small Hardy Road that could be extended to serve the site in the future. It is anticipated that portable waste facilities would be utilized to serve visitors.

#### **Hazardous, Special and Radioactive Materials**

- N/A.

#### **Technical and Financial Capacity**

- Adequate.

### **Solid Waste**

- Solid waste would be the responsibility of the City of Westbrook.

### **Historic, Archaeological and Botanical Resources**

- None identified.

### **Landscape Plan**

- Adequate.

### **CONCLUSIONS**

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

CONDITIONS

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated October 1, 2012 and plans dated September 24, 2012 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the Planning Board or the City Planner.
2. Consistent with Section 504.3, the Code Enforcement Officer shall not issue any permits until a site plan has been approved by the Planning Board and a mylar signed by the Planning Board. *Mylars must be submitted to the City within 90 days of Planning Board approval or the approval shall be null and void.*

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

**Rene Daniel** please thank the White Family and Lane Corporation for the entire project. It is about time Ward 5 has an athletic field.

**The vote is unanimous in favor 5-0**

New Business

**6. Comprehensive Plan – 2012 City of Westbrook Comprehensive Plan – In compliance with the Maine Growth Management Act, the City has updated its Comprehensive Plan. While this document replaces the 2000 Comprehensive Plan, the Comprehensive Plan Task Force, with input from the wider community, resolved to preserve and carry forward most of the land use recommendations for each part of the City.**

**Rene Daniel** it is all yours Molly.

**Molly Just** thank you Mr. Daniel. It is good to see two (2) members of the task force on the Planning Board this evening, Rene Daniel and Dennis Isherwood. Thank you both very much for being here. Also with us tonight we have our Task Force Chair David Haskell. Dave really led the Task Force through their task, what needed to be done for the process. Also here tonight we have Craig Freshly of Good Group Decisions. You will recall we worked with Craig to facilitate our group and community process. When you are working on a multi-year project it is good to have a neutral party facilitating group interaction. Craig has done a stellar job at that and continues to do so.

We have a two part presentation for you tonight, Craig will present the process. We are all about process, the State requires us to be all about process. We are taking a look at all parts of our Community over the next ten to twenty years so that involves working with larger community and as I said working with the task force. Craig will talk about the process, and then I will highlight changes in the Comprehensive Plan. The last Comprehensive Plan was conducted in 2000, the first new Comprehensive Plan that we had in a number of decades. So that was a very large and ambitious project. We were fortunate to have a good base to work from.

**Craig Freshly** good evening Mr. Chair, members of the Planning Board, it is nice to be with you tonight. As Molly explained, I am going to briefly explain the Comprehensive Plan process. I will show a brief slide show explaining the process, then. I will be happy to answer any questions, then back to Molly for an explanation of the plan.

- This process started back in the spring of 2010, when the Task Force Members were recruited for City Council and Planning Board briefings, early on.
- The Task Force began meeting in September and October
- Then we had 10 public input meetings in different Wards of the City with also what we call special interest groups, business leaders, people interested in education or recreation issues.
- We administered a public questionnaire, by email, website, newspaper and we had quite a few responses to the questionnaire
- On December 11 2010 we had our community visioning day at the Middle School. Several people came for ½ a day and talked about an ideal vision for Westbrook's future.
- January to February the Task Force developed a visioning statement.
- March of 2011 Planning Board was presented the Visioning Statement and there was also a Public Hearing on the Visioning Statement.
- April 2011 Task Force refinement of the Visioning Statement.
- May 2<sup>nd</sup> 2011 the City Council formally adopted the Vision Statement.

With guidance from the Task Force, we met nineteen times, to go Chapter by Chapter and essentially write the plan. What we did is work from the last plan and used it as a base and in each case we asked Task Force members what you would like to change from last time to what we have heard from the public input process and the new Vision Statement.

- February 16, 2012 published draft plan.
- April 2012 the City Council reviewed the Draft Plan
  - Public Meeting to review the Draft Plan
  - Online comments on the Draft Plan
- July 30, 2012 the Task Force discussed any final adjustments and approved final plan that you have before you tonight.
- October 16, 2012 Molly explains the plan to the Planning Board

Are there any questions about our process?

No questions

**Molly Just** Resulting from the 6-month public outreach process in 2010, the Westbrook Comprehensive Plan Task Force developed a vision statement which was adopted by the City Council as a measure to endorse the direction of the community planning process. The vision statement addresses the city as a whole and the city in four geographic quadrants. The visions represent a preferred future but do not close off unanticipated opportunities and the city should have the flexibility to respond to unforeseen circumstances.

To serve as the basis for our revised Comprehensive Plan, the residents of Westbrook have determined what we value about our City and envisioned how we would like it to be in the year

2021. For the most part we are satisfied with the current comprehensive plan, zoning and land uses, however the Vision for the City as a Whole and Area Visions are intended to represent our preferred future but not close off unanticipated opportunities or be unresponsive to unforeseen circumstances.

#### Vision for the city as a whole

Proud of its heritage and supportive of historic activities, Westbrook is a robust city with thriving businesses, attractive buildings, a traditional downtown main street, mature walkable neighborhoods, recreation areas, and an abundance of high-quality jobs.

Westbrook has always kept up with the times, evidenced today by making new uses of old buildings and the river that runs through downtown. Riverside parks, restaurants, shops, and activities attract residents and visitors. Downtown buildings are fully occupied with a mix of uses. Further in tune with the times, downtown Westbrook is a place you can live without a car. We embrace advanced information technology. Pedestrian ways and buses provide easy access to shops, jobs and activities. Westbrook hosts and continues to attract some of the world's most innovative companies with enviable industrial parks.

Westbrook's residential neighborhoods reflect the pride of the people who live there: safe, friendly, diverse, and welcoming. Intermixed among the neighborhoods, commercial, and industrial parts of the City are publicly and privately held fields and forests.

As it always has, Westbrook continues to invest in its future. We support sustainable development, which is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Westbrook schools provide young people with applied skills for the jobs of tomorrow, and provide opportunities for people of all ages and cultures to educate themselves. It is important to this vision statement that the Westbrook City government is known for its efficiency and provides regulatory and fiscal stability that encourages business investment while maintaining high-quality services.

#### Vision for areas of the city

*North Westbrook* is characterized by its predominantly residential nature with a commercial core along Bridgton Road. This area is generally located north of the Presumpscot River on the east and Cumberland Street on the west. There are attractive gateways into Westbrook along Bridgton Road. Future growth patterns target not only commercial growth but residential growth that demands minimal additional publicly-funded services and infrastructure. New subdivision projects along existing tree-lined corridors maintain a tree buffer along the road. Through voluntary public-private partnerships, additional passive and active recreational opportunities are provided that are attractive to all ages. Existing public facilities such as, but not limited to, the Community Center and City Forest off of Bridge Street are maintained and enhanced for public use. Additional commercial development is focused around the Bridgton Road corridor but small, neighborhood scale, retail uses are considered beyond this corridor. Expansion of the public sewer in this area is not anticipated unless supported by new and substantial development. The existing industrial area is fully utilized. New residential development is in keeping with

traditional residential character. We look for opportunities to upgrade roadways to include shoulders adequate to accommodate pedestrians and bicyclists.

*East Westbrook* is characterized as a commercial gateway into Westbrook from Portland. This area is generally located south of the Presumpscot River, north of the Westbrook Arterial and east of Stevens Avenue. East Westbrook includes a mix of commercial and residential uses. While the commercial properties in the gateway into Westbrook from Portland are maximized by the turnover of the auto-oriented businesses, the residential neighborhoods continue to be buffered, visually and acoustically, from commercial uses. Main Street is improved as a gateway using improved building and site design, underground utilities, landscaping and signage. The residential neighborhoods are long-standing and most often distinguished by tree-lined streets with sidewalks and a well-maintained housing stock that has architectural appeal. Public investment is put toward improved pedestrian and bicycle connections to the core of the downtown.

*West Westbrook* is characterized by a vibrant, pedestrian friendly downtown with easy pedestrian access to abutting residential neighborhoods. This area is generally located south of Cumberland Street, north of William Clarke Drive and west of Stevens Avenue. This area includes a long-standing residential neighborhood which is joined with the core of Downtown Westbrook by the Presumpscot River. Access to the Presumpscot River for recreational, educational and commercial visibility is enhanced through voluntary public-private partnerships. The Frenchtown neighborhood is improved by an upgraded streetscape and owner investment in buildings and properties. A sense of community and connection within the residential neighborhood and the downtown is of great importance in West Westbrook. This is supported, in part, through the establishment and improvement of mini-parks within walking distance and through ensuring that existing and future large-scale parks include options for all users, children, adults and dogs. Parks, both large and small, are established, owned, and/or maintained by the City and/or public-private partnerships. Residential density in the downtown and nearby is maximized. Public investment is put toward the implementation of the Downtown Streetscape Study recommendations that improve the pedestrian experience and maximize public use of public spaces. Public investment is also put toward the recommendations of the Riverfront Plan to extend the Riverwalk to the north side of the Presumpscot River via a new pedestrian bridge.

*South Westbrook* is characterized by a strong mix of residential, commercial, and agricultural uses with an emphasis on attracting businesses in growth sectors that embrace a respect for the built and natural environment. This area is generally located south of William Clarke Drive and the Westbrook Arterial. This area is divided by major roadways, (Saco Street, Spring Street, County Road and Stroudwater Street) and by the Stroudwater River. Gateways to the City in this area are clearly announced and designated. Where new commercial uses are proposed next to residential uses, there is a strong focus on compatibility. In order to enhance mobility and cohesion, the sections of the neighborhood are connected by pedestrian paths, both on- and off-road. As this area continues to build out, parks are planned and provided (via public-private partnerships as in the West area), and traffic-calming techniques are implemented where necessary. These features serve as an attraction for residents and workers, particularly in this area with many large employers. Public investment is placed on road and bridge improvements,

improvements in public facilities such as the Public Services building on Saco Street, and on pedestrian improvements.

## SUMMARY OF CHANGES BY TOPIC AREA COMPREHENSIVE PLAN 2000 TO 2012

### **Population and Demographics**

- Population has steadily increased in region particularly in areas nearby Portland, South Portland and Westbrook
  - Partially explained by real estate boom and bust 2003 through 2007
- Population of Westbrook is anticipated to grow to 18,025 by 2025
  - However, if rate of growth from 2000 to 2010 is repeated, then population would be closer to 20,000
- Westbrook no longer relies on one major employer and boasts a healthy mix of small, medium and large employers
- Poverty in Westbrook doubled between 2000 and 2009.
  - As of 2009, approximately 4,300 Westbrook residents experienced poverty
    - Approximately 40% of these were age 34 or under
    - Approximately 22% of these were age 17 or under
    - Approximately 15% of these were at primary working age (35-64)
    - Approximately 6% of these were age 65+

### **Existing Land Use**

- New zoning ordinance was adopted in 2004 reflecting 2000 Comprehensive Plan
- Nearly 1,000 residential units were constructed in Westbrook between 2000 and 2010

### **Economy**

- One-third of all Westbrook employees were in sales and office work in 2000
  - As of 2009, one-third of all Westbrook employees were in the management and professional field
- Westbrook's economy has not performed as well as neighboring towns and cities recently
  - The only municipality among neighbors to lose overall employment between 2000 and 2009
  - Westbrook's job growth has been at or near bottom of total employment growth
- Westbrook is one of two Maine municipalities that did not lose manufacturing jobs between 2008 and 2010
- 2007 Strategic Economic Development Plan Sets forth priorities in marketing and promotion, downtown revitalization, energy/utility cluster, regional cooperation, and grant opportunities

## **Housing**

- From 2000-2010, units with 3+ bedrooms grew to a higher proportion of total housing stock than previously (approximately 50% today)
- Newer homes with 3 or more bedrooms typically have higher property values than smaller and older homes.
- Difficult for first time homebuyers; entire country has experienced recent economic decline and housing “bust”; more stringent requirements for getting home loans

## **Transportation**

- Three main categories of challenges:
  - safety concerns
  - infrastructure age/condition
  - traffic capacity
- Local street resurfacing program funded at \$300,000 per year, down from \$500,000 in 1998
- Westbrook to pursue zoning changes for Bridgton Road corridor towards a smaller-scale traditional “main street” corridor

## **Public Facilities and Services**

- Current systems already inadequately maintained; future development anticipated
- Westbrook close to capacity for treatment of public wastewater; second plant likely needed soon despite small recent projects to increase capacity
- Likely increased need for sewer service in the northern portion of Westbrook due to additional development; community not supportive of related tax increase
- Former Wescott Middle School building now used as a citywide community center; needs renovations and maintenance upgrades

## **Recreation**

- 2000 Comprehensive Plan lacked a focus on a recreation plan for the city.
- 2012 plan includes:
  - Provide the community with a quality of life that is enhanced by recreation opportunities, parks and open space.
  - Provide services and amenities for the widest range of users possible.
  - Recognize the benefits of a multifaceted approach, including: active and passive opportunities; indoor and outdoor recreation; constructed as well as natural amenities.
  - Work with landowners using the principle of voluntary landowner participation.
  - Recognize the service demand created when land is developed for residential and commercial uses.

- Plan for future needs while budgeting for the maintenance and operation of existing and proposed recreation, park and open space amenities.
- Instill and appreciation for public and private facilities through stewardship.
- Identify opportunities to enhance services provided by the city of Westbrook through partnering with public and private organizations.

### **Fiscal Capacity and Capital Improvements**

- Consolidation of Services, Functions and Departments
  - The City has consolidated its human resources and finance departments into one human resource and one finance department for both the municipal and school functions of local government.
  - In 2004, public works, parks, cemeteries, downtown maintenance, and forestry functions consolidated into the existing public services department.
  - Fire and police functions have been consolidated into a department of public safety.
  - Westbrook and Windham currently exploring concept of extending sewer from Westbrook into the commercial core of Windham.
  - Recent explorations of sharing school buses/facilities and public service facilities among Westbrook, Portland and South Portland concluded not to be prudent at this time.
- Grants
  - Westbrook has aggressively sought funding for major capital projects from state and federal agencies as well as grant sources with great success.
  - Outside funds has helped to limit use of capital borrowing for projects such as the reconstruction of William Clarke Drive and improvements to the Wescott Building (community center).
- Revaluation in 2007
  - Citywide revaluation in 2007 resulted in lowered tax rate and increased assessed value ratio that took effect in 2008.
  - The increase in value between 2006 and 2010 is reflective of increased real property values; local property market peaked in 2007 and 2008 and has experienced a modest decrease in value, consistent with nationwide downturn.
  - City tries to balance low taxes rates with adequate provision of services.
- Capital Investment Plan
  - Pedestrian improvements in the downtown will serve to reduce local vehicle trips to and within the downtown, will enable increased use of the public transportation system and will serve as an attraction for economic development.
  - The public services facility on Saco Street will be rebuilt during the planning period, the Fred C. Wescott Building will be maximized as a space for community services

- and the Walker Library will have received interior and exterior maintenance that will preserve this public asset in the downtown for many years to come.
- Road and bridge improvements will maximize the efficiency of local, state and state-aid roadways.
  - If a sewer extension were to take place, then it should be located in an existing developed area.
  - Other growth-related priority improvements:
    - Reinvestment in elementary schools
    - Maintenance and expansion of wastewater and stormwater facilities.
  - Westbrook will continue to fund capital improvements using a combination of reserve funds, bond issues, annual appropriations and grant funding.

### **Future Land Use Plan**

- Current zoning ordinance adopted in 2004, a rewrite of the 1978 zoning ordinance
  - For the most part, current zoning is adequate to meet the vision for the City
- Changes recommended in the 2012 Comprehensive Plan are intended to be forward thinking and, in some cases, their implementation will be market driven
 

Two new zoning districts are proposed, along Bridgton Road and in the area of Larrabee Road and Main Street, to further clarify zoning objectives and focus more on design (cohesive development along corridors and improved visitor/resident experience)

That is the summary between 2000 and now – huge thank you to everyone

**Rene Daniel** thank you Molly. Are there any questions? Any comments?

**Dennis Isherwood** I hope the whole Planning Board takes the opportunity to read this in full, as we did. We did have a good foundation to start with on the Comprehensive Plan but we went through every sentence. Usually we would go through paragraphs fairly quickly but other times we would debate a sentence what seemed like an hour, the wording of each sentence. Like I said, we went through every single sentence and it was done with feeling. We all gave up a little and we all accomplished a lot.

I hope we can accept this and send this on to the City Council for their approval.

**Rene Daniel** I have served on many committees of a number of years and the first time I had the opportunity to serve on a committee that was being facilitated with Molly was the Street Scape and that impressed me the whole way you approached it.

I was on the 2000 Comprehensive Plan that was not the healthiest process because it was so long in between meetings.

The picking of the Chair, David who constantly kept the meeting going, kept the meeting focused. As you can see we started in 2010 and this was a lengthy process and David stuck with us and constantly encouraged us.

Molly, I think your whole strategy to get Craig and his firm involved was an outstanding decision and I think it made the whole process very open and I never saw so many people

involved in this process. I would go out on a limb and say this is the best committee I have ever served on. It is because of the people who worked so hard to keep us focused and on queue.

Westbrook is fortunate to have David as a resident and we are very fortunate to hire firms like Craig's firm.

I am pleased at the results of this document, yes we went through every sentence and every paragraph but I think this is a worthwhile document and I hope we support it and recommend it to the City Council to adopt. Molly great piece of work you have done a great job.

**Rene Daniel** I will entertain a motion to schedule a Public Hearing on the second meeting of November. November 20, 2012.

**Cory Fleming** moved to schedule a Public Hearing on November 20<sup>th</sup>, 2012

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

**The vote is unanimous in favor 5-0**

**7. Adjourn**

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