



City of Westbrook

DEPARTMENT OF PLANNING

WESTBROOK PLANNING BOARD TUESDAY, NOVEMBER 20, 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), Michael Taylor (At Large), Greg Blake (At Large), Robin Tannenbaum (Alternate)

Absent: Ed Reidman, (Ward 5), (Chair)

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.

Public Hearing - 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.

Molly Just what I want to do is briefly say what this evening is about, who we have here with us and then I will turn it over to a couple of other folks, then it will come back to me for a quick presentation of the document and that will be my presentation, then we can start the Public Hearing.

With me and the Team tonight, we have Craig Freshly, the group facilitator that the City hired for the past two years to really facilitate the group aspect of this process. This process has been about stake holder participation and Craig facilitated all of that for us. I think it made the process go smoother, most likely faster. In my experience these processes' can go for four (4) years. I think in large part Craig's ability to keep things moving and keeping everyone happy by making them work together we have gotten here when we have.

We also have the Task Force Chair, David Haskell with us and he will speak to us about roles and when we get to the Public Hearing hopefully all of the Task Force Members will speak. We have Task Force Members representing all wards, Business Owners, Large Land Owners, members of the Zoning Board of Appeals, the City Council, the Planning Board, and the Recreation Conservation Commission. We have people from a diverse cross section of the City. That is the Committee and its leadership.

Craig Freshly good evening members of the Planning Board and members of the Public, I am going to briefly remind us all of the process that we have gone through to get us to this point.

- In the Spring of 2010, when this Task Force Members was first assembled. There were City Council and Planning Board briefings, in the Fall of that year.
- The Task Force began meeting in September and October and started off with getting Public input.
- 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 2nd 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
- November 20th, 2012 Public Hearing

David Haskell Ward One, I have the pleasure of being the Chair of the Comprehensive Plan Task Force. One of the things that I found most interesting was working with the diversified group of Citizens that we had, not only on the Committee itself and the dedication each member made and they input made... it was interesting as some people were strong with their ideas, they listened to other but presented themselves, very civilly, very eloquently and was a wonderful Committee to work with.

The Public has been extremely helpful with their comments and ideas. They were at the Middle School, they have come to the Ward meetings, and they have given us tremendous support and great ideas

It has been a pleasure to be the Chair of this Committee working with all the fine individuals from this City and working with Molly and Craig.

We do look for more input before the vote this evening from you to let us know how you feel about what has taken place. Believe me, we are very happy with the final project that is going before you and then to Council. Thank You very much

Molly Just 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.

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 walk able neighborhoods, recreation areas, and an abundance of high-quality jobs.

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.

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+

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.

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.

I have highlighted the changes since the 2000 Plan. The State requires we re-write our Comprehensive Plan every ten (10) years, so that is what we were doing. I think we had a great time doing it, I enjoyed our meetings. Thank you very much.

Rene Daniel I would like to open the Public Hearing to the Audience.

Ann Peoples I live in Ward Four at 22 Garfield Street and I represented Ward Four on the Comprehensive Update Committee. I am also a retreat from the 2000 Committee and went through that process then. Just to give you a little historic context, when we sat down to work on the 2000 Comprehensive Plan, we had not done anything with our Planning Ordinances or our Zoning Ordinance since the 1970's. We changed completely out of all recognition from the way we were Zoned and the way our development was going on.

It was incredibly important that we sit down and do this as a document that would guide us to the best and highest use of the resources that we have in the Community. To that end we spent almost three and a half years working on that and it was a struggle. We finally came up with a very good plan. It was a plan that everyone could buy on to. It was not perfect and not everyone agreed with every single sentence in it but everyone in consensus could deal with it. It served us well for ten (10) years. We had very few problems with changing the Zoning Ordinance that was another huge process, the actual re-writing of the Zoning Ordinance.

Coming to the re-write this year, ten (10) years later, it was wonderful to me, to realize that while we had some tweaking to do and we had some updating to do, we really did not have to go back and reinvent the wheel. Everyone we worked with was very helpful, respectful, and forthright with their opinions and their ideas. We did not agree on everything but we managed to find a place that we could all live with.

I am very proud of the product that we produced, I think there will be minimal changes in the Zoning Ordinance and will not be a painful process. I think it positions us to go into the next ten (10) years as to what will work well. Obviously it is a living document and will change as conditions on the ground changes.

I hope you had a chance to go through it and I hope that you will support it. Thank You

Rene Daniel someone else?

Sandra Good 197 Bridgton Road, right across from all that nice new construction. I am interested in knowing some of the specifics, changes in Zoning on the 302 Corridor. Especially as to what type of area can someone drop a building in, considering that I have already been inundated?

It is very difficult to live with this type of mixed use in my residence. I am probably one of the few people that have been mostly affected by it.

This entire summer at 7:00 am... pounding, the entire week my house is shaking because of the work they have done. It was ten times worse than any little earth quake we had after that.

I see the need for balance of business, but resident's needs... there needs to be some stricter, harder things going on, I should not have to listen to that seven days a week as a resident, especially starting at 7:00 am.

One of my biggest concerns is also lighting. I do not know if anyone else thinks that sign on the Doctors Office is more hideous, it lights up the entire inside of my home. I foolishly went to him and asked him to address the problem and he chose not to. I do not think his lights need to be on at 3:00 am, for a Dentist Office. If I understand the Zoning Ordinance, because it is mixed use, they are allowed to leave that light on. The light lights up my back yard, let alone through my entire house. I would like to see those lighting issues addressed from here out. I do not know if there is anything that can be done about that light, but those are things that I think need to be taken into consideration when planning these mixed uses in residential areas.

I would be concerned with how scaled back are these requirements going to become so I do not have a business three (3) feet from my house. Take really seriously into account that there are residents that have dealt with a lot there. Thank you

Rene Daniel anyone else?

Mike White good evening members of the Westbrook Planning Board. I was on the Task Force and am from Ward five, it was a very enjoyable process that I did not think would be enjoyable when we started. Craig had a lot to do with that. He did a very good job facilitating the process and I think it did save us a lot of time.

I will try not to be redundant and will share one perspective that I gained going through that process. It was four or five meetings into the process; I finally figured out where I was born and grew up and still live in the City of Westbrook and not the Town of Westbrook. That was a little bit of a water shed, mental thing for me, that it is a City, not a Town. A City by its very nature has conflict, has these problems that we are speaking about. You are never going to make everyone happy all the time but I think as Anne said, we had a very good Comprehensive Plan done in the year 2000 and we had to make some changes to that as time marches on plus we were mandated by the State. The dynamic that creates a City also creates conflict. We all cannot live on a mountain.

I think that we have struck the right balance. I agree with other speakers that I do not see this triggering a major update to Zoning. I think that the City has gone through quite a process with the re-zoning that we have already done. I personally have dealt with zoning... whether I agreed with it or not, I think it is clear and concise. As a contractor I like plans and specs, so I know what I am getting involved in.

I think the City of Westbrook has done a good job with that and will going forward. I am proud to have participated in that process and I am proud to be a citizen of the City of

Westbrook. I hope this Planning Board can recommend the acceptance of this to the Council and I hope the Council will accept it. I think it is a good document. Thank You

Rene Daniel anyone else?

Philip Brown I live in Ward 5 on Hardy Road and I represented the Zoning Board of Appeals on the Comprehensive Plan Task Force. I have little to add to what has already been said, except to reinforce that I believe we had on our Committee representation from various points of view. We had a great process that has been summarized by Craig and David.

I think the product before you is worthy of your support. It certainly has mine. Thank You

Rene Daniel anyone else?

Misty Munster I am a resident of Ward 4 and I live on Brown Street. I do not have much to add as a member of the Task Force. Just to reinforce what everyone else had to say is this was a very collaborative process, we took input from the Community and we really listened to what they had to say, thought about it as a group as to what to put into the document. I think we tried to listen to everyone and to each other.

I cannot stress enough how much I support this document, the process and how smoothly I think it went considering what this kind of task entails. I whole heartedly support it and I hope that you will recommend it to the City Council. Thank you

Rene Daniel anyone else?

Dennis Isherwood I enjoyed being on the Task Force. It was a short two year stint and it went by very quickly. Craig thank you so much for keeping everything in line. We had some rules and we sat next to someone different each time, it was like being in school again. Craig reminded me on a Nun I had in the eighth grade and kept us shhh... the look. We kept in line and we kept to business our meeting went quick a quick two hours and we accomplished quite a bit. It seemed like we did. We argued a lot and we agreed a lot, it was a give and take; every meeting was a give and take. We fought hard for what we really believed in and we gave up some things that we believed in.

It was very enjoyable. It started off great at the meeting at the Middle School, one of the best meetings I had ever been to. The Public was there and they all stood up and spoke their minds, it was good and it started us in the right direction and I think we went on from there.

I really enjoyed working with this group, it was great. As I looked down the list, Ward 3 only had one person, Margaret Innis, who made such an impression on me that her commands on the English Language will... everything was worded perfectly. Margaret saw to that and she is a wonderful woman and I hope to see a lot more of her in Westbrook Politics.

I had one person who had his mind in the sewer with me this whole time, my push for sewer down 302 and thank you Dave I appreciate it. We were the only two unfortunately, no one else saw that but sometime in the future I am sure it is going to happen, it has to happen.

Everyone else made such an impression on me. I was so fortunate to work with all of you, I learned so much. Molly, thank you so much for supplying those dinners and just taking care of us, carrying all your materials up three flights of stairs when you were seven months pregnant. I am sure it was no easy task but we all appreciated it even if we did not say so. We appreciate you, a very smart, classy lady.

My old friend Rene, what can I say, just always there? We have been friends for a long time. Taught my Daughters the fine arts and something they use to this day which is Drama. Probably the most important thing they learned in school and it has served them very well. Thank you very much for being there and thank you all, I appreciate it.

I hope everyone will support this and send this on to the City Council.

Rene Daniel I as Ann, I am a re-tread. Dennis is correct; I thought the Craig was one of my Nuns that I had also.

I was in the 2000 Comprehensive Plan and we had a great deal of input with the nucleolus group that was there. I want you to realize that it was a good group, a good working group and we got a lot of things done. I want you to focus into the word "nucleolus". When Molly went to the Planning Board and then to the City Council to get permission to bring Craig on, I was not necessarily sold on it. I think it was an extremely wise move as that removed Molly from being the Facilitator and was actually was the note taker and really heard a lot of comments.

What I really enjoyed about the group was it was a vast group of people. When I was on the Comprehensive Plan of 2000, there were about eight of us. In the 2010, I would say with all the citizens that participated at the Middle School and all the land owners, small and large land owners who felt very comfortable coming to speak with us in the morning and evening. What really impressed me was the cross section of people, we had some very large business leaders, Idexx, Sappi, Pike and we had very active business leaders, Mike White voice their view and their perspective that was totally different then our perspective. We had school leaders voicing their concerns about the Wards, the building of homes, where businesses should be, where the roads should be.

We had the Ward participation and Dennis was right, other than the one lone voice from Ward 3 all the other Wards were very well voiced at those many meetings, the walk of life, education and knowledge that was in that room was unbelievable. I was also impressed by the City Council how they had members there. As Anne, Mike and Phil... we have served on a lot of Committees since I have been active in Westbrook, I would go out and say without any qualms, this was the best run group, the best spoken group, the best opinionated group, the most concerned about Westbrook that I have ever seen. The one center of focus that everyone had there is the love of Westbrook, the importance of its history, past, present and future. The importance of the land owners' rights and the care that they wanted, to make sure that every single land owner was respected and got what they should have and wanted; while taking into consideration of the whole population of Westbrook.

I was very honored to be chosen to be on that group. I would encourage my fellow Board Members to voice a strong yes to move this forward to the City Council and we should recommend this.

Would anyone else like to speak?

Public Hearing Closed

Rene Daniel Molly, can you give briefly some specifics about the 302 corridor?

Molly Just actually we are going to be looking at land use recommendations for the Prides Corner area, very shortly, perhaps January or March. We are not looking to be more permissive on things like lighting. Lighting is a performance standard in the Zoning Ordinance and when we go to write the Zoning language, we will see if we can tighten up lighting standards. What we will be focusing on is building placement on the lot, architectural character, ensuring traffic flow. There are so many curb cuts on 302 that it gets hard to move through there to get to your destination faster. We will be looking to address that but I think what I was hearing if I can address Ms. Goods' concerns, we will need to work with you one on one to see if there are any violations. We will be working to make sure that buildings cannot get any closer to their residential neighbor; in fact we will need to make sure that there are provisions in the language that address buffering. In summary we will make sure that buffering is a main component.

Rene Daniel another question that Ms. Good brought up. Is it possible for a Contractor to work on a construction site seven days a week?

Richard Gouzie in our Ordinance, we do not have any... in our Noise Ordinance is the only thing that talks about any type of construction, and that is usually for the street work. As far as Residential work, we have nothing that says that they cannot work from 7:00 o'clock in the morning, we do not restrict any of the hours.

Rene Daniel in a Business area, the same thing?

Richard Gouzie the same thing.

Sandra Good 197 Bridgton Road Ward 5 is there is no Ordinance of any, is this something that can be added and looked at? As a residential person working on your house, yes on Sunday sometimes you need to do that, but if you are building a business, not a residential house but a business and you are in a residential area should that be something that could be curbed. Maybe just Sunday we could have one day of peace and quiet that you do not have business construction being pounded. It was a very, very difficult summer for us.

Rene Daniel if the Planning Board in its meeting recommends sending it forward, the City council is required to hold a Public Hearing also. I, who feels the same as you would like to recommend you bring up that topic because they are the legislative portion, we are only an advisory portion. Since we are all pro-business we are also pro residents and I think your question is a valid question and that is the forum it should be asked in. Thank you for bring this concern up.

1. Call to Order

2. Approval of Minutes: October 16th 2012

Michael Taylor moved to approve the minutes of October 16th, 2012

2nd by Cory Fleming

The vote is unanimous in favor 7-0

Existing Business

3. **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.

Michael Taylor I move that the Planning Board recommends for adoption the 2012 Comprehensive Plan to the City Council.

2nd by Greg Blake

Rene Daniel any discussion?

Greg Blake I have a question for Molly. The two new zoning districts that are proposed, would those be coming up separate in future meetings where we would have to adopt those?

Molly Just that is correct

The vote is unanimous in favor 7-0

4. **Extension of Site Plan Amendment and Special Exception Amendment – Springbrook Nursing Home** – Westbrook Operations, LLC., for a 12-month extension of the Site Plan Amendment and Special Exception Amendment originally granted on December 6, 2011 for the development of a 9,385 square foot addition to an existing nursing home on an approximately 6.63 acre site located at 300 Spring Street. Approval of the proposed extension would reset the start by date to December 6, 2013 and the complete by date to December 6, 2015. Tax Map: 8, Lot: 3. Zone: RGA-1.

Ray Meade Director of Construction for Genesis Healthcare, as the Chairman stated we were before you almost a year ago for a proposal to build an addition to add eleven rooms to our Springbrook Facility with the renovation to the existing building.

That project was scheduled to start in March of this year, but was put on hold because of some legislative moves that took place in Washington. There was an 11.1 % cut in Medicare which related to approximately... let me put it this way, well over hundred million dollar cut in revenue at the Genesis Healthcare. We are a very large company, but that cut was fairly dramatic. What we did on the interim was we made cuts within the Company; unfortunately most of our cuts were with our additions, renovations and construction projects and this was one of them.

2013 as long as we do not jump over the Fiscal Cliff or whatever is going to happen, looks a lot better for our company and we do have this project scheduled for construction in 2013, obviously with the approval from the Board and with the extension of our permit.

That is what has happened and I am open to questions if you have any. The project has not changed, the plans have not changed, nothing has changed, and it is actually all the same.

Rene Daniel any questions from the Board?

Michael Taylor currently there is site work going on?

Ray Meade no that is Stroudwater Landing

Michael Taylor you are anticipating enough revenue?

Ray Meade this is scheduled for March of 2013. With the cuts within the company, one thing we cannot stop is building additions and building new buildings, we scaled back in 2012 and that will pick back up in 2013.

Michael Taylor Molly, is this their first extension?

Molly Just that is correct. For clarification they are asking for the extension in good time before it has expired, so they are acting in good faith.

Rene Daniel anyone else? If not, I would entertain a motion.

Michael Taylor I move that we approve the Extension of Site Plan Amendment and Special Exception Amendment – Springbrook Nursing Home Westbrook Operations, LLC., for a 12-month extension of the Site Plan Amendment and Special Exception Amendment originally granted on December 6, 2011 for the development of a 9,385 square foot addition to an existing nursing home on an approximately 6.63 acre site located at 300 Spring Street, Tax Map: 8, Lot: 3. Zone: RGA-1.

2nd by **Cory Fleming**

Greg Blake do we need a start date?

Molly Just that is correct, so the motion would be to extend the start date to December 6th, 2013

Michael Taylor I agree in the motion.

Rene Daniel Ms. Fleming

Cory Fleming yes

The vote is 6-1 (Dennis Isherwood opposed)

5. Contract Zone – 102 Cumberland Street – The Elms -Scott Balfour for a Contract Zone that would include preservation of the existing historic building and enable a broader range of commercial uses to operate within the building which sits on an approximately 1 acre

property located at 102 Cumberland Street. Tax Map: 40, Lot: 206, Zone: RGA-1, Village Review Overlay Zone and General Development Shoreland Zone.

Contract Zone – 102 Cumberland Street – The Elms

Overview. In 2011, the applicant submitted a request for a rezoning of the subject property, operating as The Elms bed and breakfast, from Residential Growth Area-1 to City Center District. The applicant would like to have the ability to use and eventually market the property for a broader range of commercial uses than that allowed in the RGA-1 district. At the direction of the City Council, during the subsequent months the applicant and staff and the administration worked together to reach a compromise solution between the City Center District and the Residential Growth Area 1 Business Office Overlay Zone that was recommended by the Department of Planning. The attached Elms Contract Zone (the Contract Zone) is a compromise that satisfies the goals and objectives of the applicant and the city.

Context. The Elms is a significant historic structure and is located within the Cumberland Mills Historic District on the National Register of Historic Places. The Cumberland Mills Historic District designation was one of a handful of National Register designations that took place in the last 15 years or so in order to preserve some of Westbrook's signature historic areas and buildings. Other designations included the old Westbrook High School, Walker Memorial Library, the Vallee Family House, the Nathan Harris House and the Warren Block on Main Street. *The property is located in the Village Review Overlay Zone and the General Development Shoreland Zone and both zones will continue to govern the use of the property with adoption of the Contract Zone.*

Conclusion. The Department of Planning supports the Contract Zone request. The Contract Zone is consistent with the Comprehensive Plan recommendations for the area and the Recreation Conservation Commission has voted to recommend approval of the Contract Zone. The Planning Board must conduct a public hearing and make a recommendation to the City Council regarding the Contract Zone.

Scott Balfour 102 Cumberland Street, it was interesting to sit through the Comprehensive Plan Committee conversation about being a City vs. a Town, because when I started this project... can I ask how many were here when I was here about a year ago for my presentation? All but one, okay. About a year ago I was here before the road work started and the trees came down, I took a moment to ask what will the future with me and the building be.

The building is right across from the Industrial Zone; I had a forty-five minute slide show that Molly has asked me not to present again that showed my building and the surrounding location that is residential on one side and Industrial on the other and the Business Center District on the other. I went over the history of the building and what it had been used for in the past and went through a long process, came before the Board and made my forty-five minute presentation, came back to the Board and had a Public Hearing, except there was question if notice was done properly, so I came back a third time to the Planning Board, for the Public Hearing, then it was moved on to the Council and made the presentation to convert that to the City Center District again on the Council and at that point the Chairman asked, did you ever consider a Contract Zone. I said no coming from the suburbs moving to the City they were

against Contract Zones so I never even considered it. I found out with the recommendation of the Council, going back to the City Planning Board, it would be something I could actually work with.

We came up with another proposal, we worked with Molly, the Windham Planner that filled in during Molly's leave and took the Zone we got from the City Center and got rid of a lot of things, like Neighborhood Grocery, Media Studio Class 2, one of the classes of retail and moved the other to Special Exception, Educational/Vocational.

We worked through the process, line by line and have come back with this proposal for the Board's review. The building will have a better chance to support itself; the more it can support itself the more it can be maintained.

This is my presentation; it then has to go to a Public Hearing, and then your recommendation or not to send it on to the City Council. I will be glad to answer any questions, but I do not want to rehash all the history if you feel you have already had enough explanation.

Rene Daniel Molly, we are looking to schedule a Public Hearing? Is this the time to ask questions, or should we wait for the Public Hearing?

Molly Just I think if you have any issues with this you should ask the questions now, because once the Public Hearing has been held and there are substantive changes made in that environment, then the applicant would have to come back again, another Public Hearing, so not would be the time to discuss any major issues.

Rene Daniel any questions from the Board?

Rebecca Dillon I have a question under the performance standards? It is not clear to me under "A", it just states preservation of historic and then it goes on to talk about the destruction or demolition of the building, is this saying the demolition of the building would be allowed under this change? It is not clear to me what that is saying.

Molly Just this Contract Zone does not require that the building be there in perpetuity. What we are doing is replacing the existing of the property. We approve Contract Zones for unique situations or for projects that offer a Public benefit. Often times we get to historic preservation and get Elderly Housing. With the case of Stroudwater Place we received a lot of Public amenity that was changed for a lot of density development where that was not allowed. In this case we recognize that the value of the property is in that building so we have great confidence that the building will be preserved. However if it is not preserved this clause kicks in and the City Council can say we approved this Contract Zone, pretty much because we saw the benefit of that building as the building is on the National Registry of Historic Places. That building has significant cultural and architectural value to the City of Westbrook. So that is why we would approve this Contract Zone, so if the building is demolished the City could bring the Zone back to the current Zone it has now.

Rebecca Dillon that leads to my next question, I have seen in other Contract Zones that has a specific purpose; this is of a concept...

Molly Just I would not say this is a concept, what we need to do is the building right now is not commercially viable to allow pretty much only one commercial use of the building. We want to make it more feasible to preserve the building and by allowing more commercial uses then are currently allowed in the Zone we help to facilitate doing that. At the same time we do that in exchange for preservation of the building. Given that we are not going ahead and buy the property ourselves, we are not requiring however should the building go down, the City can take a look at changing the Zoning back.

Michael Taylor Scott, if we accept this Contract Zone with you, would you be okay with it and would not return again to make change again? Are you looking at something down the road as a project for that building? What is your thought so you do not come back again asking for...

Scott Balfour I do not anticipate that I will be back here again on this. Talking about process and one of the things I never considered is why can't Day Care go there? That is a very busy street at 8:00 o'clock in the morning. That was great input from the City, so it was a discussion that came up with this and yes the only thing I would think you will probably see in the short run coming from Windham down the street, there is no signage on that side of the street. I would put up a sign and that will be the only immediate change that you will see in the short run. I do not have longer plans then that.

Michael Taylor there was something in there about a bank...

Scott Balfour that has been eliminated.

Molly Just that is correct

Rene Daniel anyone else?

Joseph Marden does the property meet all the performance standards as is right now? The lighting, the noise, all that stuff, signage, parking.

Molly Just that is correct

Robin Tannenbaum would this Contract Zone transfer to a future owner?

Molly Just it is tied to the land

Robin Tannenbaum is there anything to keep it from being demolished?

Molly Just One thing that is unique to Westbrook is that the property is in the Village Review Overlay Zone and when you demolish a building in the Village Review Overlay Zone you do need approval from the Planning Board.

Robin Tannenbaum so there is some check for that, it is not on your list.

Molly Just that is correct, the Planning Board has never denied a demolition but it does require approval from the Planning Board.

Robin Tannenbaum can you remind me what you have pulled out of the Zone?

Scott Balfour Media Studio Class 2, Municipal Facility, Neighborhood Grocery, Parking Facility, Private Indoor Recreation Facility, Retail 1 and 2, I do not know which one was put in the Special Exception, we added Funeral Home, took out Food Cart Vendor, we took out Day Care, Child Care and things like that. Special Exception we took out a Church a Community Center, Home Day Care, Light Manufacturing Research and Development and took out Theater.

Robin Tannenbaum can another building be built on that site?

Molly Just it would allow for building expansion.

Robin Tannenbaum what about a free standing building on the property?

Molly Just yes that would be allowed. Mr. Gouzie has just reminded me that the property is entirely within the Shoreland Zone, it is in the General Development Shoreland Zone that is our most permissive Shoreland Zone because it encompasses our Down Town, the setback is only 25 feet, but there would be stipulations for development on the property.

Scott Balfour with parking and the Shoreland Zone, it gets narrowed down very quickly.

Rene Daniel anyone else? The last time you had mentioned the moving of the bridge and all the construction, I had empathy for you and then when they took the trees down, then when I crossed the bridge and saw your building in its entirety and I think your building looks even grander.

Is there a motion to hold a Public Hearing?

Michael Taylor I move to hold a Public Hearing on this.

2nd by Cory Fleming

Rene Daniel we need a date

Molly Just we are looking at December 18th.

Rene Daniel any conversation

The vote is unanimous in favor 7-0

6. Adjourn

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