



City of Westbrook

DEPARTMENT OF PLANNING

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MEMO

DATE: June 24, 2008

TO: Planning Board
FROM: Molly Just, City Planner
Cc: Plan Review Team
Recreation & Conservation Commission
City Council

RE: July 1, 2008 Planning Board Meeting

Items in this memo:

1. Land Use Ordinance – Section 404 – Sign Regulations in the City Center District (p. 1)
2. Sketch Plan – Pike Industries (p. 4)

5. Land Use Ordinance – Section 404 – Sign Regulations

Summary.

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

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

Background.

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

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

Major Concepts

City Center District Sign Types Allowed	Existing Regulations	Draft Regulations
Blade (overhanging)	No	Yes
Awning (overhanging)	No	Yes
Freestanding "Pylon"	Yes	No
Freestanding Ground Mounted	Yes	Yes
Sandwich Board	Yes	Yes
Message Board	Yes	No
Information "Direction" Signs	Yes	Yes
Time and Temperature	Yes	No
Banners/Community Events	Yes	Yes
Building Mounted	Yes	Yes
Small Tenant Listing Sign	Not called out	Yes
Comparison of Major Concepts		
Illumination (turn off required)	No	Yes
Number of building mounted signs allowed	2 per tenant per exterior face of building along a street or parking lot.	1 sign (total) per exterior face of building along a street or parking lot. May be coupled with an awning sign, sandwich board sign, and freestanding ground mounted.
Materials (metal allowed)	No	Yes
Materials (plastic allowed)	Only on buildings with 4 or	On buildings with 4 or more

more stories

stories **or** where a sign consists solely of individual letters the letters may be routed faced plastic and internally lit or externally back lit.

Outreach.

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

Since then the draft sign regulations have been revised based on that feedback to an extent consistent with the intent of the City Center District. On April 16th a letter went out to landowners and business owners notifying them of an upcoming Planning Board meeting and providing them with the existing and draft sign regulations. Public notice was sent to all landowners in the City Center District notifying them of this public hearing and notice was also posted in the newspaper and at City Hall.

Changes Based on Feedback

Comment	Staff Response
Incorporate building materials into signs.	Most building materials would be allowed on the signs.
Keep in mind the character difference between the east and west ends of Main St.	We are trying to establish consistency in signage in the City Center.
What about allowing business names on directional signs.	There are other opportunities to incorporate business names.
Provide examples of encouraged and discouraged signs.	This can be done.
Allow projected light signs	This would not necessarily be in character with the smaller scale of our downtown and might overwhelm the space within and surrounding such a sign.
Time and temperature signs are enabled by State law.	State law does not require that such signs be allowed.
Once the amendments are adopted allow for low cost loans for a limited time to encourage reinvestment.	We will follow through on this idea.
Have something available to the public explaining the benefits of renovating signage.	We will follow through on this idea.

Why approve regulations that don't require replacement of non-conforming signs?	We cannot do this.
What about signage for interior and upper story tenants?	Most commercial buildings in Westbrook are one or two stories and therefore have fewer tenants and enough opportunity for signage given the ability to put multiple tenants on the primary signage and we have added the option of a small tenant listing sign at entryways.
The City needs to send out a letter to landowners and business owners letting them know they are/will be non-conforming.	This can be done.
Limit window signs on first floor only.	Done.
Goose neck lights are not energy efficient.	This depends on the type of bulb used.
What about a routed-face plastic letter sign.	The draft regulations have been changed to allow for this type of signage.
Lighting standards are too vague.	This has been addressed.
Allow concrete as a material.	Done.
Characterize the sign cut-off time as energy efficient.	Done.
Round the clock lighting allows more advertising time	This is not energy efficient and promotes light pollution particularly if the business is not open for business to the public.
LEDs can be very bright.	We regulate intensity.

6. Sketch Plan – Pike Industries

Project Description – Pike Industries proposes to relocate and consolidate its aggregate processing and hot mix asphalt paving operations to its property on Spring Street. Pike proposes to expand the existing approximately 32 acre quarry permitted by the State in 1971 to a total of approximately 48 acres in size. The quarry would be excavated in two phases. The existing quarry has an additional life expectancy of 80 years and the expansion quarry would have an expected life of 40 years.

Aggregates from the quarry would be processed through the primary jaw and then transported by conveyor or truck for additional processing including secondary crushing, screening, and washing, and then stockpiled for sale or for use on-site at the hot mix asphalt plant.

The hot mix asphalt plant would include aggregate storage bins, a new high tech 400 ton per hour hot mix asphalt plant, 6 hot mix asphalt storage silos, and 4 above ground storage tanks for fuel and liquid asphalt. Aggregates would be hauled by bucket loaders from the stockpiles to the aggregate storage bins for use in the production of hot mix asphalt pavement.

As part of the permit approval process, Pike is conducting field studies including noise, traffic, visual, air, wetlands and stormwater management to assist in addressing the impacts of the proposed project.

Update. Since the May 6 2008 Planning Board meeting the applicant has pursued acquisition of an adjacent parcel owned by Blue Rock Industries. Incorporation of the Blue Rock parcel would allow for the following changes to be made to the project:

1. Relocation of the proposed asphalt plant from the western most portion of the Pike property to the Blue Rock parcel along Spring Street;
2. Use of the existing Blue Rock entrance further south on Spring Street as the primary entrance for truck traffic and use of the existing Pike entrance further north on Spring Street as a secondary entrance restricted to employees and service and emergency vehicles;
3. Utilization of the existing Blue Rock buildings for offices, a quality control testing lab and equipment maintenance garage;
4. Relocation of the existing platform scales and scale house from their current location to the Blue Rock parcel;
5. The expansion quarry would be approximately 600 feet from the western property line and there would be an earthen berm along the western side of the expansion quarry.

In addition to Site Plan approval, Phase II of the project would require permitting by several other agencies including:

Maine Department of Environmental Protection (DEP)

- Performance Standards for Quarries Notice of Intent to Comply
- Location of the asphalt plant
- Relocation of aggregate processing facility
- Quarry expansion
- Variance for External Drainage
- Variance for Excavation into Groundwater
- Air Emissions for Crushers and Asphalt Plant

Maine DEP and Army Corps of Engineers (Stream Crossing and Wetlands Alteration)

- Natural Resources Protection Act

Maine DEP and US Environmental Protection Agency

- National Pollutant Discharge Elimination System
- Spill Prevention Containment and Countermeasure Plan

Maine State Fire Marshall Office

- Above Ground Storage Tank Permit

Maine Department of Transportation

- Traffic Movement Permit

Staff Comments:

- Sketch Plan.
 1. All existing and proposed functions must be depicted on the plans.
 2. The applicant should depict all areas of tree preservation.
 3. The primary crusher should be depicted.
 4. The location of stockpiles should be depicted.

- **Transportation.** The applicant must provide more detailed information regarding the interior travel route, parking, loading, as well as an analysis and details for any on-site and/or off-site traffic improvements necessitated by the project. More detail should be provided on the stream crossing.
- **Environmental.** Given the potential amount of interior truck traffic and the weight of the trucks once loaded with material, a larger buffer to Clark's Brook may be appropriate. A 100' buffer might be more appropriate.
- **Noise.** The applicant has stated that the project would comply with the state requirement for noise at the lot line of 60 dBA. Given the nature of what is producing the noise this may be too high. The crushers would produce the most noise based on the project as proposed and this type of sound is very harsh and even at 60 dBA may be too much.

SITE PLAN REVIEW

Findings of Fact and conclusions for the **Westbrook Planning Board,**

The Site Plan application for Pike Industries on Tax Map: 5, Lots: 11, B-3 and 10, is to be (~~approved with conditions/denied~~) with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- Phases I and II are spread over the property from east to west in a manner that would enable logical placement and operation of the proposed quarry, crusher and asphalt plant uses.
- Full use of the site, as proposed, would require crossing of Clark's Brook.

Adequacy of Road System

- This will be explored further with the Final Plan review.

Access to the Site

- Two access points would be provided along Spring Street.

Internal Vehicular Circulation

- This will be explored further with the Final Plan review.

Pedestrian and Other Modes of Transportation

- The interior vehicular route and any necessary on-site and/or off-site improvements to the transportation system will be further explored with the Final Plan review.

Stormwater Management

- Final Plan review.

Erosion Control

- Final Plan review.

Utilities

- Any changes to the utility system must remain underground.

Hazardous, Special and Radioactive Materials

- N/A.

Technical and Financial Capacity

- Final Plan review.

Solid Waste

- Solid waste will be the responsibility of the property owner.

Historic, Archaeological and Botanical Resources

- Final Plan review.

Landscape Plan

- A more defined landscape and buffering plan will be required in the Final Plan.

Others

CONDITIONS

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.~~
3. ~~The proposed site plan will not cause an unreasonable burden on an existing water supply.~~
4. ~~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.~~

5. ~~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.~~
6. ~~The proposed site plan **will** provide for adequate sewage waste disposal.~~
7. ~~The proposed site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.~~
8. ~~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.~~
9. ~~The proposed site plan **conforms** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.~~
10. ~~The developer **has** adequate financial and technical capacity to meet the standards of this section.~~
11. ~~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.~~
12. ~~The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.~~
13. ~~The proposed site **is not** situated entirely or partially within a floodplain.~~
14. ~~All freshwater wetlands **have** been shown on the site plan.~~
15. ~~Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.~~
16. ~~The proposed site plan **will** provide for adequate storm water management.~~
17. ~~The proposed plan **will not** negatively impact the ability of the City to provide public safety services.~~

CONDITIONS

1. ~~Approval is dependant upon, and limited to, the proposals and plans contained in the application dated June 13, 2008 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.~~