



City of Westbrook

DEPARTMENT OF PLANNING & CODE ENFORCEMENT

2 York Street

Westbrook, Maine 04092

(207) 854-0638

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**WESTBROOK PLANNING BOARD
TUESDAY, JANUARY 2, 2018, 7:00 P.M.
WESTBROOK HIGH SCHOOL, ROOM 114**

AGENDA

PUBLIC HEARING

- 1. 2017.31 – Amendment to the Land Use Ordinance – Medical Marijuana (Cultivation/Dispensary):** Establish requirements for operations of medical marijuana caregiver cultivation facilities in the Industrial Park Districts and medical marijuana dispensaries in the Gateway Commercial District.

REGULAR MEETING

- 2. Call to Order.**
- 3. Approval of Minutes.**
- 4. 2017 Chairman's Report**
- 5. Planning Board Election of Officers – Chairman and Vice-Chairman**
- 6. 2017.31 – Amendment to the Land Use Ordinance – Medical Marijuana (Cultivation/Dispensary):** Establish requirements for operations of medical marijuana caregiver cultivation facilities in the Industrial Park Districts and medical marijuana dispensaries in the Gateway Commercial District.
- 7. 2017.04 – Amended Site Plan – 20 School Street Commercial Building – Owner, MTR Development, LLC:** The applicant is proposing to amend their previous approval to construct a 3,285-square foot single story commercial building for a café and rental space. (*Previously approved project was a two-story commercial building.*) Tax Map: 33 Lot: 277 Zone: City Center District.

Deliberation of agenda items, including workshops, that have not been commenced by the Planning Board as of 10:00 p.m. may be rescheduled to the next regularly scheduled meeting.



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Westbrook, Maine 04092 (207) 854-0638

Fax: 1-866-559-0642

DATE: December 22, 2017

TO: Planning Board
FROM: Jennie Franceschi, City Planner
Cc: Plan Review Team

RE: January 2, 2018 Planning Board Meeting

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1. **2017.31 – Amendment to the Land Use Ordinance – Medical Marijuana (Cultivation/Dispensary)**
 2. **2017.04 – Amended Site Plan – 20 School Street Commercial Building – MTR Development, LLC**
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1. **2017.31 – Amendment to the Land Use Ordinance – Medical Marijuana (Cultivation/Dispensary)**

Ordinance Description:

To establish performance standards for medical marijuana dispensary or medical marijuana caregiver cultivation facility within the City of Westbrook and specify locations for use.

Project History:

November 2009 – State of Maine approved legalizing, regulating and taxing marijuana for medicinal purposes, known as the “Maine Medical Use of Marijuana Program”

November 2016 – State of Maine legalized marijuana for recreational use

June 5, 2017 – City of Westbrook approved a 6-month moratorium ordinance on medical growing (cultivation) facilities & dispensaries.

June 20, 2017 – Planning Board Workshop

August 1, 2017 – Planning Board Workshop

October 3, 2017 – Planning Board Workshop

January 2, 2018 – Public Hearing

Staff Comments:

Since the enactment of the Maine Medical Use of Marijuana Act, communities have been seeing a steady rise in medical marijuana growing facilities locating within their communities. The proposed ordinance establishes performance standards for medical marijuana dispensaries and medical marijuana caregiver cultivation facilities, as well as locations where these uses are considered permitted within the City. The intent of the proposed ordinance is as follows:

1. Define the use Medical Marijuana Caregiver Cultivation Facility and Medical Marijuana Dispensaries, as well as associated terms
2. Permit Medical Marijuana Caregiver Cultivation Facility in the Industrial Park District and Medical Marijuana Dispensaries in the Gateway Commercial District as a conditional use

3. Establish performance standards to all growing facilities that includes a 500-foot buffer from established “sensitive uses”, as defined in the ordinance, and require specific life-safety measures to facility infrastructure.

Action for the Board’s consideration:

- Consider public comments provided
- Provide any further feedback on ordinance
- If any amendments are proposed to the document, add in the motion after ordinance “as amended by the Planning Board”

Motion:

- 1) Motion to recommend the proposed ordinance for adoption by the City Council.**

2. 2017.04 – Amended Site Plan – 20 School Street Commercial Building – MTR Development, LLC
Tax Map: 33 Lot: 277 Zone: City Center District

Project Description:

The applicant is proposing to amend their previous approval to construct a 3,285-square foot single story commercial building for a café, conference room, associated child play area and office rental space.

Meeting History:

- February 24, 2017** – Neighborhood Meeting
- March 21, 2017** – Sketch Plan Meeting
- April 6, 2017** – Village Review Committee Meeting
- April 15, 2017** – Site Walk
- May 2, 2017** – Public Hearing
- December 5, 2017** – Workshop on amended site plan and elevations
- January 2, 2018** – Amended site plan final review

Staff Comments:

1. Final elevation plans need to be title blocked and provide architects company information.
2. Please show how structure addresses the 70% articulated criteria on sides facing streets.
3. Provide by December updated final plan sets in both mylar and paper, with signature block.

Motion:

The Amended Site Plan application to construct a 3,285-square foot single story commercial building for MTR Development, LLC, Tax Map: 33 Lot: 277 Zone: City Center District is to be **(approved with conditions/denied)** and the following finding of fact, conclusions and conditions as stated on pages 3 through 5 of the Staff Memo dated December 22, 2017 are adopted in support of that approval.

Site Plan – Finding of Fact:

Utilization of the Site – *Adequate.*

Adequacy of Road System - *Adequate.*

Access to the Site – *Adequate.*

Internal Vehicular Circulation - *Adequate.*

Pedestrian and Other Modes of Transportation - *Adequate.*

Stormwater Management - *Adequate.*

Erosion Control - *Adequate.*

Utilities – *Adequate.*

Hazardous, Special and Radioactive Materials – *N/A*

Technical and Financial Capacity - *Adequate.*

Solid Waste – *Adequate.*

Historic, Archaeological and Botanical Resources – *Questions regarding soil contamination – We are not aware of any laws or ordinances that would mandate an environmental study of this site at this time. As with any construction project, if materials are encountered during construction that are potentially hazardous, the Owner would notify Maine DEP and remediate the contaminated area in accordance with Maine DEP requirements. – Response from applicant*

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.
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** to the 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 dependent upon, and limited to, the proposals and plans contained in the application dated April 6, 2017 and amended November 9, 2017 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 City Planner or the Planning Board.
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.
3. Prior to any permits being issued for the project:
 - a. All Staff comments must be addressed.
 - b. Review of building elevations to be consistent with submitted documentation or testimony.
 - c. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator
 - d. An updated construction schedule needs to be provided to the City as well as points of contact.
 - e. Best management practices shall be adhered to during all ground disturbance operations. All Street Catch basins in the vicinity of earthwork operations shall have silt sacks installed & maintained for the duration of the work.
4. Prior to commencing any work in the City Right-of-Way, the applicant must obtain a road-opening permit from the Public Works Department.
5. Prior to the first Occupancy Permit issuance:
 - a. All parking lot/access improvements must be installed and provide documentation of maintenance contractor for Stormwater Best Management Practices.
 - b. The second story space needs to be visually finished space.
6. Prior to release of the performance guarantee, the site will be in compliance with the approved plan and as-built plan provided in City approved format for the GIS system.
7. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance. On January 15th every year, a copy of the maintenance log for the previous year for the stormwater treatment features associated with this project needs to be provided to the Planning Office.
8. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
9. Signage shown in this packet was not final and would need to be reviewed for consistency with the VROZ, and a sign permit must be applied for through the Code Enforcement Dept. and size of size will need to be reviewed and approved of as part of that process.