



PLANNING & CODE ENFORCEMENT



Planning & Code Enforcement

2 York Street
Westbrook, Maine 04092
Phone: 207-854-0638
Fax: 866-559-0642

WESTBROOK PLANNING BOARD

**Tuesday, January 17, 2023, 6:30 P.M.
Westbrook High School – Room 114
125 Stroudwater Street**

AGENDA

1. **Call to Order**
2. **The Planning Board will consider holding an executive session pursuant to 1 M.R.S.A. Section 405(6)(E) to meet with the Board's attorney concerning the legal rights and duties of the Planning Board inviting the Director of Planning and Code Enforcement, Senior Planner and City Solicitor to attend.**



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WESTBROOK PLANNING BOARD
Tuesday, January 17, 2023, 7:00 P.M.
Westbrook High School – Room 114
125 Stroudwater Street

This meeting will be offered as a hybrid meeting, accommodating both in-person and remote participation.

Where public comment is permitted, members of the public attending remotely will have the opportunity to provide remote oral testimony. If you wish to speak during a Public Hearing or Public Comment, use the “Raise Hand” function through Zoom (or dial *9 on your phone) when instructed by the Planning Board chair.

Zoom Link: <https://us02web.zoom.us/j/81700741385>

Dial-in (audio only): 1-646-558-8656

Webinar ID: 817 0074 1385

AGENDA

1. **Call to Order**
2. **Approval of Minutes**

NEW BUSINESS

3. **2021.31 – Site Plan Extension Request, Site Plan Amendment – Stroudwater Apartments – Westbrook Development Corporation – Stroudwater Apartments LP:** The applicant is requesting a one-year extension to the March 1, 2022 site plan approval for a 55-unit affordable senior housing development. The applicant is further requesting an amendment to the site plan to increase the building footprint by 414sf and revise the parking lot layout. Tax Map: 034 Lot: 221 Zone: City Center District Use: Dwelling, Multiple-Family
4. **2022.27 - Site Plan, Subdivision, Village Review – Conant Street – Acre Properties, LLC:** The applicant is requesting a 9-unit multi-family dwelling located on Conant Street. Tax Map: 032 Lot: 066 Zone: City Center District, Village Review Overlay Zone Use: Dwelling, Multiple-Family

WORKSHOP

5. **2023.01 – Site Plan, Subdivision – 185 Park Road - Landbank, LLC:** The applicant is requesting an 11-unit subdivision located on Park Road. Tax Map: 048 Lot: 083 Zone: Highway Services Use: Dwelling, Multiple-Family
6. **2023.02 – Amendment to the Land Use Ordinance - §335-5.9 Gateway Commercial District - Dirigo Center Developers, LLC:** The applicant is requesting an amendment to the Land Use Ordinance to allow Restaurant Class 3 as a permitted use within the Gateway Commercial District.



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PLANNING & CODE ENFORCEMENT

DATE: January 13, 2023

TO: Planning Board

FROM: Jennie P. Franceschi, City Planner & Rebecca Spitella, Assoc. Planner

Cc: Plan Review Team

RE: January 17, 2023, Planning Board Meeting

-
1. **2021.31 – Site Plan Extension Request, Site Plan Amendment – Stroudwater Apartments – Westbrook Development Corporation – Stroudwater Apartments LP – 160 Stroudwater St**
 2. **2022.27 - Site Plan, Subdivision, Village Review – Conant Street – Acre Properties, LLC**
 3. **2023.01 - Site Plan, Subdivision – 185 Park Road - Landbank, LLC**
 4. **2023.02 - Amendment to the Land Use Ordinance – Chapter 335 §335-5.9 Gateway Commercial District - Dirigo Center Developers, LLC**

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1. **2021.31 – Site Plan Extension Request, Site Plan Amendment – Stroudwater Apartments – Westbrook Development Corporation – Stroudwater Apartments LP**

REGULAR MEETING

Tax Map: 034 Lot: 221

Zone: City Center District

Use: Dwelling, Multiple-Family

Project Description

The applicant is requesting a one-year extension to their March 1, 2022 site plan approval for a 55-unit affordable senior housing development at 160 Stroudwater St. The applicant is further requesting an amendment to the site plan to increase the building footprint of the structure by 414sf related to a utility room and revise the parking lot layout. Net result of the revised parking lot layout will keep the parking numbers the same.

Project History

November 29, 2021 – Neighborhood Meeting

December 7, 2021 – Planning Board Workshop

January 20, 2022 – Recreation and Conservation Commission

March 1, 2022 – Public Hearing & Planning Board Approval

January 17, 2023 – Site Plan Amendment and Extension Request

Staff Comments:

1. Noticing Fees: \$185.76
2. **No changes to the Ordinance have occurred which would alter the original approval. Staff supports the extension request as provided in the letter from Gorrill Palmer dated November 10, 2022.**
3. **No changes are proposed to Staff Comments and Conditions of Approval from the March 1, 2022 approval.**

Motion:

Motion to grant a one-year extension of the March 1, 2022 approval for Westbrook Development Corporation and for a site plan amendment to increase the building footprint by 414sf for a 55-unit affordable senior housing development located at 160 Stroudwater Street Part of Tax Map: 034 Lot: 221 Zone: City Center District. All previously approved findings of fact and conclusions and conditions are attached to this approval.

2. 2022.27 – Site Plan, Subdivision, Village Review – Conant Street – Acre Properties, LLC

PUBLIC HEARING

Tax Map: 032 Lot: 066
Zone: City Center District, Village Review Overlay Zone
Use: Dwelling, Multiple-Family

Project Description

The applicant is proposing a 9-unit multi-family dwelling located on the currently vacant lot Map 32 Lot 66 on Conant Street with associated parking per City Standards.

Project History

July 28, 2022 – Neighborhood Meeting
August 2, 2022 – Planning Board Workshop
October 29, 2022 – Site Walk
November 1, 2022 – Village Review Committee
January 17, 2023 – Public Hearing

Village Review Process

Included with the Planning Board packets are minutes from the November 1, 2022 review with the Village Review Overlay Committee. General summary of comments/recommendations made by the committee are as follows:

1. Confirmed waste will be managed via private toter collection on site. No toters will be stored or collected via Conant Street
2. Ensure ADA compliance with ramp into building (1:12 slope with handrails provided)
3. Provide accessible pathway to patio
4. Concern for pedestrian connectivity to Conant Street sidewalk – explore options for separated sidewalk/walkway rather than utilizing driveway?
5. Expressed support for the revised elevations and noted the revisions are more appropriate to the neighborhood as required by VROZ standards.

Final plan provided to the Board are reflective the requested revisions requested by the VROZ process regarding ADA compliant access to the building/patio and a dedicated ADA pedestrian path to the Conant St sidewalk. With the addition of the ADA pedestrian path, a 30” pine tree will need to be removed at the southerly corner of the lot.

Staff Response to Public Comments/Concerns

Included with the Planning Board packets are several emails received by Staff regarding the application. In general, the comments provided by the public are in line with the comments provided during the August 2nd workshop and are summarized as follows:

- Size/scale of the structure is incompatible with the neighborhood
- Building height
- Density of the proposed development is incompatible with the neighborhood
- Project does not comply with zoning district
- Concerns for increased noise, drainage, and traffic

The lot is located within the City Center Zoning District, which dictates standards for density, lot coverage and building height. The project is compliant with the standards of the City Center District. The Ordinance does not provide the Board the ability to apply space and bulk requirements that are not consistent with the base zoning district that lot is located (i.e. to reduce the number of dwelling units permitted or to arbitrarily decrease the footprint of a structure). The Ordinance also does not provide the Planning Board the authority to change a lot's zoning district directly in response to an application under review. The district standards, at the time of application, are legally what the City is required to utilize during the review of a project.

The lot is also located within the Village Review Overlay Zone (VROZ). This is an overlay district that places additional standards on a lot for the purpose of providing architectural guidance for development within the VROZ zone. The VROZ overlay does not dictate or alter the space and bulk standards that are set within the base zone. The visual factors to which development within this area of VROZ are subject to were taken into consideration during the redesign of the building after the initial design was found to not be in compliance with the guidance of the district following feedback from the Planning Board at the 8/2 workshop (see memo from Caleb Johnson Studio dated October 15, 2022, attachment one of applicant's submission materials). As such, the applicant has provided a structural design that complies with the VROZ guidelines.

An abutter raised concerns regarding the noise generated by the stacked heat pumps that are proposed to be located on the easterly façade. The Ordinance/Building Code does not restrict the utilization or location of HVAC equipment; however, Staff is recommending the project include a wooden stockade fence along the easterly property line in line with the portion of the structure where the heating pumps are located (approximately 40' +/-) to assist with sound absorption. Staff recommends a graduated fence line with a 6' fence at the ends which can transition to 8' at center to be in line with the heat pumps. Maintenance of the fence shall be the responsibility of the structure's property management in perpetuity. The fence is shown on the final plan set C100 (final revision – not reflected on the plans provided in packets on 1/13/2023).

An abutter raised drainage concerns easterly of the site caused by an existing culvert under Breton Street (private way) that is not functioning properly and therefore backing up during winter months causing ice patches and drainage flowing over the private way. As the Conant St subject parcel historically follows this drainage path, this abutter was concerned the proposed development will exacerbate the issue and increase the Breton St flooding onto their property. Public Services investigated the concerns and found the Breton Street culvert to be overgrown with invasive species which could be contributing to a block in the drainage system. As part of the project's off-site improvements, Acre Properties is in agreement to clean out and stabilize the culvert inlet/outlet and jet the culvert to remove any blockages to the drainage path to the greatest extent practicable. Further, the project, once constructed, will redirect some of the site drainage toward the stormwater features for detention. This will result in a lower flow rate toward the Breton St drainage path.

Staff Comments

1. All lighting shall be full cutoff and directed downward to prevent light trespass on abutting properties.
2. Waste management will be provided via private toter collection. Documentation of waste management (signed contract) is required prior to issuance of c/o
3. Provide an 8' stockade fence along easterly parcel line to provide noise mitigation from the heat pumps
4. Project to investigate historical drainage path and any potential blockage of the Breton St culvert. If necessary, project will clean out and stabilize culvert inlet and outlet as well as jet the culvert to clear drainage path.

In summary, Staff find the application is compliant with the City of Westbrook Land Use Ordinance and is in order for consideration of approval by the Planning Board with the conditions as stated in this memo.

Motion:

That the Planning Board approve the Site Plan/Subdivision/VROZ application for Acre Properties, LLC's for a 9-unit multi-family building and associated site features with access and frontage along Conant Street. Tax Map: 032 Lot: 066 Zone: City Center District, Village Review Overlay Zone and the following findings of fact, conclusions, and conditions as stated on pages 5 through 10 of this Staff Memo dated January 13, 2023, which are adopted in support of this approval.

Site Plan – Finding of Fact

Standard	Finding
Utilization of the site	The proposed development is oriented within the allowable setbacks, building footprint and gross density as permitted within the base district. Adequate on-site parking is provided in excess of minimum ordinance requirements. Stormwater management is provided so as to not increase the rate of flow on any abutters or through the existing drainage path easterly of the site. Tree clearing is limited to what is necessary for the development and a replanting (landscape) plan is included with the application to provide vegetative buffering where practicable.
Handicap Access	Project includes one dedicated accessible parking space at a location adjacent to the building entrance. An ADA compliant ramp is provided to access the building entrance and patio area from the parking lot. A pedestrian path from the patio to the public sidewalk system is provided that is compliant with ADA slope standards.
Appearance Assessment	<ul style="list-style-type: none">(a) Site ingress/egress is provided via private driveway at a location that was reviewed and approved by the City Engineer with adequate site distances on Conant Street. Building height is within district standards and consistent with the allowable standard of the abutting Rural Zoning District.(b) The structure is located at the north-easterly most corner of the lot to provide a minimum 75' separation from the closest abutting residential structure. An 8' fence is proposed to screen the appearance and provide sound absorption for the heat pumps located on the easterly façade. Additional vegetative buffering is provided along the easterly and westerly property lines as practicable.(c) A landscape plan is provided which demonstrates a diversity of species on site to act as site beautification and screening for abutting properties. With consideration of the grade difference and distance from Conant St, site conditions create a natural screening from the public right of way.(d) Minimal site lighting is provided to be consistent with abutting properties while meeting minimum safety requirements. All lighting is full cut off and down casting to prevent light trespass onto abutting properties.(e) No signage is required or proposed with the project.(f) The proposed structure is located within an established neighborhood that is comprised with a mix of newer and older structures with a predominately New England style architecture. The structure is a rectangular building with

	<p>the narrow side oriented as the “front” of building, consistent with a direct abutter and other structures along Conant St. A covered front porch is incorporated into the front façade and building materials/colors were chosen to be consistent with the neighborhood/New England architecture. Window size and placement is varied to create a residential character. To lessen the appearance of scale the building the structure is positioned at a location that provides a minimum 75’ separation from the closest abutting residential structure and provides multiple gable peaks to soften the height of the structure.</p>
Landscape Plan	<p>A landscape plan is provided which demonstrates a diversity of species on site to act as site beautification and screening for abutting properties. With consideration of the grade difference and distance from Conant St, site conditions create a natural screening from the public right of way.</p>
Odors	<p>Waste management will be privately managed via toters internal to the site. A recycling room is provided internal to the garage. Any outdoor toter storage shall be screened. No negative impact is known or anticipated.</p>
Noise	<p>The proposed residential use is compatible with the abutting residential uses. An 8’ fence is included on the plan to provide visual buffer and sound absorption from the heat pumps located on the easterly side of the structure. No adverse impact is known or anticipated.</p>
Technical and Financial Capacity	<p>The applicant has provided a letter from Kennebec Savings Bank dated December 29, 2022 to demonstrate financial capacity. The applicant has retained the services of Gorrill Palmer which demonstrates technical capacity.</p>
Solid Waste	<p>Waste management will be privately managed via toters internal to the site. A recycling room is provided internal to the garage. Any outdoor toter storage shall be screened. No negative impact is known or anticipated.</p>
Historic, Archaeological and Botanical Resources or Unique Features	<p>No historic, archaeological/botanical resources have been identified on the site. An existing split-rail fence located along the westerly property line shall be protected/rebuilt as part of the project.</p>
Hazardous Matter	<p>Project does not propose the handling, storage or use of hazardous materials. No adverse impact known or anticipated.</p>
Vibrations	<p>The proposed residential use is compatible with the abutting residential use. No adverse impact known or anticipated</p>
Parking & Loading Design and Site Circulation	<p>18 on-site parking spaces are provided which is in excess of the minimum requirement of the Ordinance. Adequate on-site parking has been provided.</p>
Adequacy of Road System	<p>Conant Street has adequate capacity to accept the additional traffic caused by the proposed development.</p>
Vehicular Access	<p>Site ingress/egress is provided via private driveway at a location that was reviewed and approved by the City Engineer with adequate site distances on Conant Street.</p>
Pedestrian and Other Modes of Transportation	<p>A pedestrian path from the patio to the public sidewalk system is provided that is compliant with ADA slope standards.</p>

Utility Capacity	Water and sewer services are available within the Conant Street right of way. An ability to serve has been provided from Portland Water District and the City of Westbrook Wastewater Department as part of the application.
Stormwater Management, Groundwater Pollution	<p>Stormwater management is provided on the site. The majority of the site is collected to drain to a detention pond located at the front of the site which connects to the public system in Conant Street. A 3' underdrain drip edge is located around the southerly, easterly and northerly sides of the building to drain to the rear of the site.</p> <p>An existing historical drainage path is located eastly of the site directed toward Breton St. As part of the project review it was determined the culvert in Breton St is overgrown with invasive species. As part of the development's offsite improvement plan, the project shall clear out and stabilize the Breton St inlet/outlet and jet the culvert to remove any blockages to the greatest extent practical.</p>
Erosion and sedimentation Control	Adequate erosion control measures are provided on the plan sheet C102.

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** 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 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.

Subdivision – Finding of Fact

Standard	Finding
Pollution	Disposal of sewer is via the public system located in the Conant Street right of way. An ability to serve letter has been provided by Wastewater Services.
Sufficient Water	Water services are available within the Conant Street right of way. An ability to serve letter has been provided from PWD.
Municipal Water Supply	Water services are available within the Conant Street right of way. An ability to serve letter has been provided from PWD.
Erosion	Adequate erosion control measures are provided on the plan sheet C102
Traffic	The traffic generated by the proposed development does not meet the threshold of requiring an MDOT traffic movement permit. Conant Street has adequate capacity to accept the additional traffic caused by the proposed development.
Sewage Disposal	Disposal of sewer is via the public system located in the Conant Street right of way. An ability to serve letter has been provided by Wastewater Services.
Municipal Solid Waste Disposal	Waste management will be privately managed via toters internal to the site. A recycling room is provided internal to the garage. Any outdoor toter storage shall be screened. No negative impact is known or anticipated.
Aesthetic, Cultural and Natural Values	The proposed development is located within a growth area as identified in the City’s comprehensive plan and meets the standards of the district in which it is located. Site disturbance/ and tree clearing is limited to what is necessary for construction and the project provides a landscape plan which demonstrates a diversity of plant species. The project does not have an undue adverse effect on the aesthetic, cultural or natural values of the site.
Conformity with City Ordinances and Plans	The proposed development conforms with City Ordinances and the Comprehensive plan.
Financial and Technical Capacity	The applicant has provided a letter from Kennebec Savings Bank dated December 29, 2022 to demonstrate financial capacity. The applicant has retained the services of Gorrill Palmer which demonstrates technical capacity.
Surface Waters; Outstanding River Segments	The project site is not located within the watershed of any pond or lake, or within 250’ of a resource.
Ground Water	Groundwater is not anticipated to be negatively impacted by the development.
Flood Areas	No flood areas have been identified on the site.
Freshwater Wetlands	No wetlands have been identified on the site.
Farmland	No farmlands have been identified on the site.
River, Stream or Brook	No river, streams or brooks have been identified on the site.
Stormwater	<p>Stormwater management is provided on the site. The majority of the site is collected to drain to a detention pond located at the front of the site which connects to the public system in Conant Street. A 3’ underdrain drip edge is located around the southerly, easterly and northerly sides of the building to drain to the rear of the site.</p> <p>An existing historical drainage path is located eastly of the site directed toward Breton St. As part of the project review it was determined the culvert in Breton St is overgrown with invasive species. As part of the</p>

	development's offsite improvement plan, the project shall clear out and stabilize the Breton St inlet/outlet and jet the culvert to remove any blockages to the greatest extent practical.
Spaghetti Lots Prohibited	The lot does not have shore frontage.
Lake Phosphorus Concentration	The subdivision is not located near or along a great pond.
Impact on Adjoining Municipality	The subdivision does not cross a municipal boundary.
Lands subject to Liquidation Harvesting	Not applicable.

Conditions :

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated July 1, 2022 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 §335-13.5.D, the Code Enforcement Officer shall not issue any permits until a site-subdivision plan has been approved by the Planning Board and a Mylar signed by the Planning Board. *The signed Subdivision Plan must be recorded within 90 days of Planning Board approval, or the approval shall be null and void.*
3. **Prior to any site disturbance or building permits being issued for the project:**
 - a. All Staff comments must be addressed.
 - b. Field Verification of building corner locations per plan by surveyor. Mark property perimeter to ensure contractors stay on project land. Mark/flag limits of disturbance around property to be in compliance with approved plan.
 - c. Copy of Recorded subdivision plan must be provided to the Planning Office.
 - d. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate. Additional Pre-construction meetings may be necessary if phased construction is not continuous.
 - e. Review of building elevations to be consistent with submitted documentation or testimony.
 - f. The applicant shall provide the digital data as required by §335-13 – verification with GIS coordinator.
 - g. Payment of Open Space Fee: **\$4,525.00**
 - h. An inspection fee shall be made payable to the City of Westbrook for inspection of site improvements made by the Code Enforcement Officer and/or other appropriate City staff. Inspection fee shall be 2% of the total amount of performance guarantee. **\$3,992.38**
 - i. The applicant shall file a performance guarantee with the City of Westbrook. The amount of the guarantee shall be agreed upon in advance with the City of Westbrook and shall be of an amount to ensure completion of all on- and off-site improvements necessary to support the proposed project. **\$199,619.00**
 - j. Coordinate with the E911 Coordinator on addressing the building/units.
 - k. Driveway must be constructed to vehicular passable standard for Code Enforcement and Public Safety access.
4. **Prior to commencing any work in the City Right-of-Way,** the applicant must obtain a road-opening permit from the Public Services Department.
5. **Prior to the issuance of the First Occupancy Permit:**
 - a. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval (to include but not limited to lighting (installed & lit), base paving, patio, striping, fencing, signage, stormwater features, sidewalks, etc.)
 - b. All Sewer & Water lines fully tested and approved.

- c. All other site improvements, as shown or stated on plans or in conditions, must be installed unless a performance guarantee amount is held for the full amount of any remaining improvements to be completed after issuance of an Occupancy Permit.
 - d. Documentation (signed contracts), for private trash removal & snow plowing provided to the Planning Department. (Toters cannot be placed in City Street and toters must be screened when stored.)
 - e. Verify final USPS locations for mailbox.
6. **Prior to the issuance of the Final Certificate of Occupancy:**
 - a. All areas shown as pavement shall be final paved.
 7. **Prior to release of the performance guarantee:**
 - a. The site will be inspected and deemed by City staff to be in compliance with the approved plans, and as-built plan provided in City approved format for the GIS system. Applicant to provide as-builts to City in paper copy, dwg file and pdf.
 - b. Documentation of maintenance contractor for Stormwater Best Management Practices.
 8. Safe pedestrian access along Conant St sidewalk needs to be maintained throughout construction.
 9. Waste management shall be internal to the site (curbside to the units) – Toter storage and collection is prohibited along Conant Street
 10. 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. Additional BMPs may be required to address erosion and sediment control during construction. Determination of the need for additional measures are at the sole discretion of City Staff.
 11. Maintenance of fence buffering HVAC system shall be responsibility of property owner
 12. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
 13. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance and maintain the Maintenance Log for the stormwater feature on the premise.

3. 2023.01 – Site Plan, Subdivision – 185 Park Road – Landbank, LLC

WORKSHOP

Tax Map: 048 Lot: 083
Zone: Highway Services
Use: Dwelling, Multiple-Family

Project Description

The applicant is requesting an 11-unit subdivision located on Park Road.

Project History

December 21, 2022 – Neighborhood Meeting
January 17, 2023 – Planning Board Workshop

Staff Comments:

1. Noticing Fees: \$92.16
2. Open space requirement: 3,300 sf (fee in lieu: \$5,530)
3. Building cannot be mix of slab and foundation – will need to choose prior to submission of building permit and be consistent with each structure
4. Given the setbacks of the district, the patios cannot be decks. Precast stairs to access patio areas are permitted within 5-feet of property line
5. All buildings are required to be fully sprinkled with full fire alarm system.
6. Provide utility rooms at locations accessible to FD
7. Provide turning template with final application submission to demonstrate adequate access for emergency vehicles
8. Final application should show all proposed site lighting. Include cut sheet and photometric plan
9. Show mailbox location on final plan. Final mail location to be reviewed/approved by USPS
10. E-911 requires named driveways. Project will require two named driveways for each access aisle. Provide 4-5 name requests for E-911 review and determination. Final plan should show street signs at intersection points
11. Provide site distance measurements for driveway
12. Off-site improvements
 - a. Revise plan to show slipform concrete with granite radii within Park Road right of way (plan shows bituminous)
 - b. Park Road is a flat section of roadway and does not have a consistent curb line in front of the project parcel. Final site design will need to ensure gutter line maintains minimum slope requirements to direct drainage southerly to the public system
 - c. Provide double sided pedestrian crossing signs on both sides of Park Road crosswalk
13. Recommend a walkway on easterly side of site to provide pedestrian connection for building #3 to the public sidewalk/crosswalk
14. Draft association docs required for review with final application submission
15. Waste collection proposed as private toter system. Plan should consider/identify location for toter pickup and ensure there is adequate space for number of toters that will need to be collected.
16. Building Elevations - Recommend rear access is provided from garage to patio area to improve functionality of the units as well as break up rear façade. Verify the elevations are an example of what a layout could look like with the single floor vs. second level options, and the final elevation will be determined through buyer choice.

4. 2023.02 – Amendment to the Land Use Ordinance - §335-5.9 Gateway Commercial District – Dirigo Center Developers, LLC

WORKSHOP

Ordinance Description

The applicant is requesting an amendment to the Land Use Ordinance to allow Restaurant Class 3 as a permitted use within the Gateway Commercial District.

Ordinance History

January 17, 2023 – Planning Board Workshop

Staff Comments

Last year, the applicant Dirigo Center Developers, LLC had applied for a Restaurant Class 2 to create a seasonal outdoor beer garden on the premise of Rock Row. It was approved of as a traditional restaurant needing the food truck component to be compliant at the City level. During the process of state permitting between the State Liquor Enforcement Division and the Food Service Division, the applicant was unable to align the requirements of the two divisions with the proposed set up of a beer garden with food vendors, so the project did not move forward.

In further follow ups with the State agencies, it was recommended by the State that Dirigo Center Developers, LLC should look at the operation of the proposed seasonal beer garden as a Class A Lounge License which does not require the food to be the primary component of the operation.

The City’s Ordinance has a definition of a Restaurant Class 3 which would be inclusive of the proposed use that the state recommended, but it is not currently a permitted use in any City District, except for a defunct contract zone (#8). To move this matter forward, a change to the City of Westbrook’s ordinance would be required to insert the use of Restaurant Class 3 into the Gateway Commercial District.

In reviewing our zoning map in terms of adding this use, the Gateway Commercial District would seem to be a district that this use could be added which is along major corridors of Larrabee and Main St thus high visibility and in proximity to the resources of the community. Gateway Commercial is the most inclusive districts of various uses which would not appear to conflict with other like uses. The GC District area is predominantly under the ownership of car dealers, Westbrook Crossing and Rock Row with a variety of other smaller operations scattered throughout. Staff sees the inclusion of the Restaurant Class 3 into the Gateway Commercial District as a reasonable request based on the uses allowed and existing.

Staff did not wish to expand the use into any other zoning district at this time, as this could be our step one of reviewing the utilization of this new use and the ability to then report back to the Board and ultimately the Council on the impact of the use, if any, in looking at expanding the use in the future.