



City of Westbrook

DEPARTMENT OF PLANNING & CODE ENFORCEMENT

2 York Street

Westbrook, Maine 04092

(207) 854-0638

Fax: 1-866-559-0642

**WESTBROOK PLANNING BOARD
TUESDAY, MAY 1, 2018, 7:00 P.M.
WESTBROOK HIGH SCHOOL, ROOM 114**

AGENDA

PUBLIC HEARING

- 1. 2018.12 – Land Use Ordinance Amendment - Contract Zone 3 – Hannaford Brothers. Co** – To amend Contract Zone 3 performance standards to be in alignment with the City Center District standards with appropriate setbacks from residential uses and specifications on building height, lot size and signage. Tax Map: 33 Lot: 57
- 2. 2018.11 - Land Use Ordinance Amendment – Adult Use/Retail Marijuana** – To include all the definitions necessary associated with Maine’s Adult Use/Retail Marijuana State Regulations, including language on prohibiting all of the 5 Marijuana related Adult Use/Retail uses provided for in Maine’s Marijuana Legalization Act.

REGULAR MEETING

- 3. Call to Order.**
- 4. Approval of Minutes.**
- 5. 2018.12 – Land Use Ordinance Amendment - Contract Zone 3 – Hannaford Brothers. Co** – To amend Contract Zone 3 performance standards to be in alignment with the City Center District standards with appropriate setbacks from residential uses and specifications on building height, lot size and signage. Tax Map: 33 Lot: 57
- 6. 2018.11 - Land Use Ordinance Amendment – Adult Use/Retail Marijuana** – To include all the definitions necessary associated with Maine’s Adult Use/Retail Marijuana State Regulations, including language on prohibiting all of the 5 Marijuana related Adult Use/Retail uses provided for in Maine’s Marijuana Legalization Act.

WORKSHOP

- 7. 2018.15 – Site Plan – 33 Elmwood Ave – Jack Soley** – The applicant is proposing to construct a new 15,200+/- sf patio, with outdoor recreational amenities, associated with the existing restaurant business. Tax Map: 59 Lot: 36 Zone: Highway Services
- 8. 2018.16 – Site Plan – 717 Bridgton Road – Francis Registe** – The applicant is proposing to raze an existing single-family dwelling and adjacent commercial building to construct a new 6,000+/- sf building in connection with an existing automobile repair business. Tax Map: 18 Lot: 22 Zone: Pride’s Corner Smart Growth Area

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.

- 9. 2018.17 – Site / Subdivision Plan / Conditional Use – 48 Seavey St – Seavey & Associates, LLC –**
The applicant is proposing to construct 8 new dwelling units (Condos) in two 4-unit buildings, associated parking area and accessory storage units on an existing vacant lot. Tax Map: 40 Lot: 129
Zone: Residential Growth Area 1

- 10. 2018.18 – Site / Subdivision Plan – 270 Spring Street – DM Roma –** The applicant is proposing a new duplex, paved driveway and parking area on a newly created lot, which requires subdivision review. Tax Map 26 Lot 35 Zone: Residential Growth Area 1

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: April 27, 2018

TO: Planning Board

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

Cc: Plan Review Team

RE: May 1, 2018 Planning Board Meeting

1. **2018.12 – Land Use Ordinance Amendment - Contract Zone 3 – Hannaford Brothers. Co**
 2. **2018.11 - Land Use Ordinance Amendment – Adult Use/Retail Marijuana**
 3. **2018.15 – Site Plan – 33 Elmwood Ave – Jack Soley**
 4. **2018.16 – Site Plan – 717 Bridgton – Francis Registe**
 5. **2018.17 – Site / Subdivision Plan / Conditional Use – 48 Seavey St – Seavey & Associates, LLC**
 6. **2018.18 – Site / Subdivision Plan – 270 Spring Street – DM Roma**
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1. **2018.12 – Land Use Ordinance Amendment - Contract Zone 3 – Hannaford Brothers. Co –**
Discussion on an amendment to Contract Zone 3 to permit an accessory Clynk structure and clarify the standards of the contract zone. Tax Map: 33 Lot: 57

PUBLIC HEARING

Ordinance Description:

Contract Zone 3 was approved by the Planning Board on June 6, 2001, and amended on January 15, 2008. The contract zone requires strict setbacks that are specific to the existing structures and would not allow the addition of any other structures on site. The applicant is requesting an amendment to the standards of the zone for the purpose of permitting an accessory CLYNK structure for returnable bottle collection.

Project History:

April 3, 2018 – Planning Board Workshop

May 1, 2018 – Public Hearing

Staff Comments:

1. The current Contract Zone, as written in the Land Use Ordinance, outlines the 2001 conditions of approval and references the approved plan for all other zone standards. This has created some confusion when deciphering which standard applies if it is not apparent on the approved plan. Therefore, Staff recommends the zone be subject to the standards of the City Center District, with specific exceptions called out in the Ordinance (proposed language provided)

2. Staff have reviewed this language with legal council and City Staff.
3. Staff have noticed the item in the newspaper as a public hearing which allows the Board to hear comments from the public.
4. Applicant has agreed to maintain existing vegetation (1 tree per island) within the parking lot.

Board Action:

- Consider public comments provided during public hearing
- Provide any further feedback on this ordinance

Motion:

Motion to recommend the proposed ordinance amendment for adoption by the City Council.

2. **2018.11 - Land Use Ordinance Amendment – Adult Use/Retail Marijuana** – To include all the definitions necessary associated with the Adult Use/Retail Marijuana State Regulations and to include language on prohibiting all of the 5 Marijuana related Adult Use/Retail uses provided in the state regulations, as per the recommendations of the City Council.

PUBLIC HEARING

Ordinance Description:

To define Marijuana and all the definitions necessary associated with the Adult Use/Retail Marijuana State Regulations and to include language on prohibiting all of the 5 Marijuana related Adult Use/Retail uses provided in the state regulations, as per the recommendations of the City Council.

Project History:

January 8, 2018 – City Council Workshop
April 3, 2018 – Planning Board Workshop
May 1, 2018 – Public Hearing

Staff Comments:

1. Staff provided a presentation to the City Council on Adult Use/Retail Marijuana regulations and the decisions that communities need to make in regards to the allowed uses that the laws provides for. From the feedback staff received at this workshop from the City Council, City Staff moved forward on the attached ordinance.
2. The proposed Ordinance prohibits any “commercial use” associated with Adult-Use/Retail Marijuana within City limits. The proposed Ordinance does not regulate “personal use” growth or consumption.
3. Ordinance language has been reviewed by Staff and legal counsel.
4. Staff have noticed the item in the newspaper as a public hearing which allows the Board to hear comments from the public.

Board Action:

- Consider public comments provided during public hearing
- Provide any further feedback on this ordinance

Motion:

Motion to recommend the proposed ordinance amendment for adoption by the City Council.

3. 2018.15 – Site Plan – 33 Elmwood Ave

Tax Map: 59 Lot: 36
Zone: Highway Services

WORKSHOP

Project Description:

The applicant is proposing to construct a new 15,200+/- sf patio, with outdoor recreational amenities, associated with the existing restaurant business.

Project History:

April 25, 2018 – Neighborhood Meeting
May 1, 2018 – Planning Board Workshop

Staff Comments:

1. \$500 application fee & abutter and noticing fees due at final submission
2. Basic zoning standards for Highway Services must be on the final plan
3. Include a Standard boundary & Existing Conditions survey with final submission
4. Indicate the total square foot of wetland fill on the final plan and include the status of the required permit-by-rule with the final application
5. Albert Frick Associates Plan for wetland disturbance (referenced on sheet C-10) is missing from application
6. All egress doors must open out. Egress accessing the parking area from the patio must be revised.
7. There is no walkway provided from second remote exit. This location is the secondary egress for both the patio and the rear of the main building. A dedicated walkway is required to guide public away from the building.
8. Brook Street is an area with flooding concerns and therefore peak run-off cannot be increased. A stormwater analysis indicating runoff quantity and proposed mitigation is required at final submission
9. The proposed lighting plan is inadequate. Lighting around the building and emergency lighting along all routes of egress is required. Although sufficient to meet minimum standards, increased lighting throughout the remainder of the patio (specifically around the bocce courts) may also be desired. The applicant should revise and include cut sheets on types of lighting proposed to the Planning office.
10. Emergency shut off for the propane tanks is required for all fire pits
11. A sprinkler head located at the exterior door accessing the patio is required.

Potential Board Actions for discussion:

1. Site Walk
2. Public Hearing – Staff would recommend holding a public hearing on June 5, 2018

4. 2018.16 – Site Plan – 717 Bridgton Road – Francis Register

Tax Map: 18 Lot: 22

Zone: Pride's Corner Smart Growth Area

WORKSHOP

Project Description:

The applicant is proposing to raze an existing single-family dwelling and adjacent commercial building to construct a new 6,000+/- sf building in connection with an existing automobile repair business.

Project History:

April 28, 2018 – Neighborhood meeting

May 1, 2018 – Planning Board Workshop

Staff Comments:

1. Fee – Final application (\$700) abutter and newspaper noticing due at final submission
2. The existing site has two access locations, as well as a shared right-of-way with the southerly abutter. Staff recommends the following as access management to the site:
 - a. Maintain the northerly access point and the shared right-of-way; close the middle access point and extend landscaping island. This maintains two access points to the site and reduces the total number of curb cuts along Bridgton Rd
2. A stormwater plan is required at final submission. The plan should attempt to meet current Chapter 500 standards, treating all stormwater on site. A full stormwater analysis addressing quantity and quality completed by a professional engineer is required.
3. A construction permit issued by the State Fire Marshall is required and will determine what, if any, fire suppression systems are necessary.
4. There are two leach fields located on site. These must be depicted on the final site plan to ensure construction of the new building will not disturb. (Provide current septic design to show that it will meet the intended use.)
5. The plan shows overhead power, underground power is required, per the ordinance.
6. An increase in impervious area is proposed, the applicant should indicate the total existing and proposed square footage of impervious area.
7. Elevation views of structures indicating what materials are proposed are required with final submission
8. A landscaping plan is required with final submission.
9. A Neighborhood meeting is required; please provide documentation of your meeting, including attendance, to the Planning office
11. Final plans need to be on Maine State Plain Coordinates per the ordinance.

Potential Board Actions for discussion:

1. Site Walk
2. Public Hearing – Provided the applicant submits a complete application, Staff would recommend holding a public hearing on June 5, 2018

5. 2018.17 – Site / Subdivision Plan / Conditional Use – 48 Seavey St – Seavey & Associates, LLC

Tax Map: 40 Lot: 129

Zone: Residential Growth Area 1

WORKSHOP

Project Description:

The applicant is proposing to construct 8 new dwelling units (Condos) in two 4-unit buildings, associated parking area and accessory storage units on an existing vacant lot.

Project History:

April 19, 2018 – Neighborhood Meeting

May 1, 2018 – Planning Board Workshop

Staff Comments:

1. Fee – abutter and newspaper noticing due at final submission
2. Plan edit – revise minimum lot size to 7,500 sf
3. Revise density calculations to deduct unusable lands
4. Indicate the total square foot of wetland impacts and include on plan
5. A stormwater plan is required at final submission
6. Elevations for all proposed structures are required with final submission
7. On-site trash collection is required. No trash may be placed on or along Seavey Street. Staff recommends a plan note stating this restriction be included on the final plan
8. The open space located between the condominiums does not meet the intent of the ordinance. In order to meet the intent of the open space standard, recreational amenities demonstrating the purpose of the space are required. The applicant should revise and submit an Open Space plan to be reviewed by the Recreation and Conservation Commission prior to final review with the Planning Board.
9. The applicant should review the proximity of the driveway to the railway intersection for any safety implications. Indicate what, if any, mitigation measures are proposed with the final submission
10. An electronic copy of the final plan on MSPC is required at final submission.

Potential Board Actions for discussion:

1. Site Walk
2. Public Hearing – Provided the applicant submits a complete application, Staff would recommend holding a public hearing on June 5, 2018.

6. 2018.18 – Site / Subdivision Plan / Conditional Use – 270 Spring Street – DM Roma

Tax Map: 26 Lot: 35

Zone: Residential Growth Area 1

WORKSHOP

Project Description:

The applicant is proposing a new duplex, paved driveway and parking area on a newly created lot, which requires subdivision review as the lot split and the duplex triggers subdivision review.

Project History:

April 25, 2018 – Neighborhood meeting

May 1, 2018 – Planning Board Workshop

Staff Comments:

1. Fee – Final application, abutter & newspaper notice due at final submission
2. Any work within the City owned right-of-way will require a road-opening permit from Public Services and Police for traffic mitigation
3. A stormwater plan is required at final submission
4. Open Space – Per the Ordinance, 600 sf of open space or an in lieu of fee of \$1,006 is required. The applicant has indicated they intend to provide the in lieu of fee. The applicant should provide a letter of intent to be reviewed by the Recreation and Conservation Commission prior to final review by the Planning Board.

Potential Board Actions for discussion:

1. Site Walk
2. Public Hearing – Provided the applicant submits a complete application, Staff would recommend holding a public hearing on June 5, 2018