



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, MAY 7, 2019, 7:00 P.M.
WESTBROOK HIGH SCHOOL, ROOM 114**

AGENDA

PUBLIC HEARING

- 1. 2018.48 – Site Plan, Subdivision & Conditional Use - Cumberland Woods – Graiver Family Holdings, LLC** - The applicant is proposing to develop a 72-unit multifamily subdivision on an existing vacant lot located at 425 Cumberland Street. Tax Map: 010 Lot: 028B Zone: Residential Growth Area 1
- 2. 2019.05 – Ordinance Amendment – Chapter V Subdivision and Site Plan Review:** The proposed amendment re-organizes and clarifies the subdivision and site plan submission requirements and review process.

REGULAR MEETING

- 3. Call to Order.**
- 4. Approval of Minutes.**
- 5. UNFINISHED BUSINESS**
 - a. ITEM ON THE TABLE - 2018.59 – Subdivision Plan – 138 Hardy Road – Michael Pednault:** The applicant is proposing a 7-lot subdivision located at 138 Hardy Road. Tax Map: 020 Lot: 005 Zone: Rural District

NEW BUSINESS

- 6. 2018.48 – Site Plan, Subdivision & Conditional Use - Cumberland Woods – Graiver Family Holdings, LLC** - The applicant is proposing to develop a 72-unit multifamily subdivision on an existing vacant lot located at 425 Cumberland Street. Tax Map: 010 Lot: 028B Zone: Residential Growth Area 1
- 7. 2019.05 – Ordinance Amendment – Chapter V Subdivision and Site Plan Review:** The proposed amendment re-organizes and clarifies the subdivision and site plan submission requirements and review process.

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.

WORKSHOP

- 8. 2019.08 – Site Plan, Subdivision, Village Review – 50 Pleasant Street – RMC Properties LLC:** The applicant is proposing a lot split and a new 3-unit multi-family with associated parking and site improvements. Tax Map: 033 Lot: 097 Zone: City Center District, Village Review Overlay Zone

- 9. 2019.10 – Site Plan – 2 Eisenhower Drive – 2 Eisenhower Drive, LLC:** The applicant is proposing a 16,060sf expansion to an existing 30,000sf commercial building to include new walkways, loading docks and an amended parking layout. Tax Map 05B Lot: 001 Zone: Manufacturing

- 10. City Planner Items**

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: May 3, 2019

TO: Planning Board

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

Cc: Plan Review Team

RE: May 7, 2019 Planning Board Meeting

1. **2018.48 – Site Plan, Subdivision & Conditional Use - Cumberland Woods – 425 Cumberland St - Graiver Family Holdings, LLC**
 2. **2019.05 – Land Use Ordinance Amendment – Chapter V Subdivision and Site Plan Review**
 3. **2018.59 – Subdivision Plan – 138 Hardy Road – Michael Pednault**
 4. **2019.08 – Site Plan, Subdivision, Village Review – 50 Pleasant Street – RMC Properties LLC**
 5. **2019.10 – Site Plan – 2 Eisenhower Drive – 2 Eisenhower Drive, LLC**
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1. **2018.48 – Site Plan, Subdivision & Conditional Use – Cumberland Woods – 425 Cumberland St - Graiver Family Holdings, LLC**

Tax Map 010 Lots 028B

Zone: Residential Growth Area 1

PUBLIC HEARING

Project Description

The applicant is proposing to develop a 72-unit multifamily subdivision on an existing vacant lot located at 425 Cumberland Street.

Project History

November 1, 2018 – Neighborhood Meeting
November 6, 2018 – Planning Board Workshop
December 1, 2018 – Site Walk
May 7, 2019 – Public Hearing

Staff Comments

1. Construction within the Cumberland Street ROW
 - a. When closing single lane – hours limited to 9a – 3p
 - b. Where closing both lanes – night work required
 - c. Coordination required with other projects within the Cumberland St ROW
 - d. Concern there may be ledge within the ROW. Blasting req
 - e. Replace with full pavement depth
2. Net Residential Density
 - a. Remove wetlands and revise land transference to demonstrate accurate density
3. Provide pre/post watershed maps
4. Show public easements on site plan
 - a. Provide draft easement language for legal review
5. Provide an open space plan and description of items contained in the plan to demonstrate consistency with R&C recommendation
 - a. Demonstrate access to the dog park as the current plan does not do that.
6. Dumpster enclosures – vinyl wrapped chain link with privacy slats
7. Provide a performance guarantee cost estimate for all site work
8. No fence is proposed along the LeDue property line – provide documentation to Planning Office the abutter prefers no fence be provided
9. Staff recommends a diversified color palate for the buildings.
10. If the pond is determined to be a VP, verify the proximity of the dog park is acceptable
11. One Knox box on each building to be located next to the mechanical room
12. Verify unit numbering with Linda. Provide 3 options for driveway name prior to addressing
13. Fire hydrant maintenance the responsibility of the property owner. (Condition of approval)
14. Landscaping – provide a stamped landscaping plan. Possibility of diversifying species of plants proposed?
15. Add a Signature block to the cover sheet
16. Sh. 2 survey & Sh. 3 subdivision plan - Add owner name to Parcel 10-28 and call that out as a lot in this subdivision plan.
 - a. Will need to state lots 1 and 2.
17. Error on labeling of Parcel 10-28
18. Show drip edge detail on landscaping plans.
19. Sheet S-1 – Street sign needed
 - a. Sidewalk to shoulder transition into Cumberland street.
20. Width of driveway and sidewalk too narrow – sidewalks 5’ 2-way access 24’ wide
21. Electrical plan showing all lighting with Electrical engineer’s stamp and photometrics.
 - a. Provide cutsheets on the lighting
22. Snow storage areas need to be shown
23. Along sidewalk around buildings, round corners of the pavement edges vs square edge to assist with maintenance and ability to plow. Corner edges are beat up, trampled, and end up delaying release of a performance guarantee for grass growth.
24. In reviewing the grading, are more of the units actually decks vs patios as the contours do not appear to provide a patio unless stairs are being added. Please clarify.
25. Post Office review of the gang mail box – have they been notified?
26. Note for conditions – forebays shown with concrete sumps.
27. Define accessways to front door of dwelling units and clubhouse.
 - a. Building A – place pedestrian access way in line with the access point on the east side.
 - b. Building C – North side provide access way
 - c. Building F- Provide better direct pedestrian access to the southern entrance
28. Western most HP spots by building E – Relocate 1 HP space with a ½ spot striped direct access to the Building E front door.
 - a. Eliminate one HP Spot.
 - b. Shift the other ½ spot of the striped access to the far left to provide access to the trail.

- c. Extend curb line in front of all the parking spaces to avoid cars driving over steep slope.
29. Add an access path from the northern part of the parking lot to the tip down sidewalk to access building D.

Board Action

Receive comment from the public during the hearing.

Provide the applicant feedback on the application and plan set. Board members can ask additional questions as it relates to the comments provided by Staff.

Due to the fact that the applicant does not have their DEP Stormwater permit at this time, the applicant is waiving their rights to a decision from the Board within 30 days of the public hearing date as they requested the public hearing move forward in advance of final DEP approval.

No formal action is required of the Board at this meeting.

2. 2019.05 – Land Use Ordinance Amendment – Chapter V Subdivision and Site Plan Review

PUBLIC HEARING

Ordinance Description:

The proposed amendment re-organizes and clarifies the subdivision and site plan submission requirements and review process.

Ordinance History:

March 5, 2019 – Planning Board Workshop

April 2, 2019 – Planning Board Workshop

May 7, 2019 – Public Hearing

Staff Comments

The proposed amendment accomplishes 3 goals to the Subdivision and Site Plan Review chapter of the Land Use Code.

- 1) The initial intent of the proposed amendment was to introduce a requirement that larger subdivisions, defined as subdivisions of 5 or more lots/units, incorporate a landscape architect to assist with the design of the subdivision layout. This proposal was brought to Staff by a member of the Planning Board and is utilized in other municipalities throughout the State. Based on feedback received during the workshops, Staff have revised the requirement to stated “For subdivisions of 5 or more (lots or) units, a multidisciplinary design team comprising of a landscape architect, surveyor, and engineer is required for the design of the project layout”.
- 2) While drafting this requirement, Staff reviewed the submission requirements for sketch and final site/subdivision submission and found several inconsistencies between required and supplemental submittal materials. Therefore, the proposed amendment revises the submission requirements to more accurately reflect what is truly required and what may be required, depending on the project site and proposed development. This revision does not remove any submission requirements, but rather places those requirements at the appropriate process step, while still allowing the Planning Board the ability to request any additional information, if necessary.
- 3) Lastly, the existing Chapter V is disorganized and difficult to interpret. Staff is proposing a reorganization and rewording of the Chapter to consolidate all subdivision and site plan standards together in adjoining sections rather than dispersed throughout the Chapter. This revision does not remove any subdivision or site plan standards, but rather organizes them. There are some sections that were based upon old legislation that have been removed/updated to be in compliance with State Laws.
 - a. In a final review of the document by our City Solicitor, there were further recommendations to update our findings of fact, standards and conclusion to comply with State Subdivision requirements as well as minor adjustments to improve the clarity of our ordinance.

Motion:

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

3. 2018.59 – Subdivision Plan – 138 Hardy Road – Michael Pednault - Tax Map 020 Lots 005

THIS ITEM IS CURRENTLY ON THE TABLE. *No discussion can occur without a motion to remove the item from the Table. If no motion is made, the item will be continued to the next available meeting of the Board.*

*The applicant is currently scheduled to appear before the Rec & Con commission on May 16th with an updated open space plan for their review and recommendation. Where there was no formal vote on the waiver of the open space plan by the Planning Board, this has created confusion for the applicant, however staff has provided guidance to the applicant to proceed to the Rec & Con to address the open space plan requirement. If the Board wished to provide the formal vote on the open space waiver provision for the record, it could do so at this meeting. See “**Action for the Board’s consideration” for the proposed series of motions that could be made by the Board.** Additionally, below is the background on the open space waiver previously provided to you in last month’s staff memo.*

Project Description:

The applicant is proposing a 7-lot subdivision located at 138 Hardy Road. The land is part of two family trusts with the Gowan Family. The first plan shows the entire limits of the land and the subsequent plans show the two trust parcels separately. The two trust parcels had previously cut off 1 lot from each parcel within the last five years and are proposing to cut each of the remain trust lands into 3 parcels thus we are reviewing this project as required by state law as a subdivision.

Project History:

January 15, 2019 – Planning Board Workshop
February 28, 2019 – Recreation and Conservation Commission
April 2, 2019 – Public Hearing
May 7, 2019 – Item on the Table

Staff Comments

1. During the April 2, 2019 Public Hearing, the applicant requested a waiver from the Public Open Space requirement. After a discussion, the Planning Board voted 7-0 to place the item on the table, however a formal vote of the applicant’s waiver request was not made. Staff is recommending the Board remove the item from the table to formally vote on the waiver request in order to provide clear guidance to the applicant.

The following are comments from Staff and the Recreation and Conservation Commission regarding the waiver request as presented to the Planning Board in the Staff Memo dated 3/29/2019.

Open Space – The applicant is requesting a waiver of the Public Open Space requirement. Per the most revised plans dated March 2019, the applicant is required to provide approximately 27,300 square feet of open space, or pay an in-lieu-of fee in the amount of \$45,750. See applicant’s attached letter for justification.

- a. **Staff Comment:** Staff does not support the waiver of the open space requirement for the following reasons:

- i. Although the intended recipients of the subdivided parcels are family members of the trust beneficiary, the proposed dividing of the land meets the state definition of subdivision and is therefore not exempt from subdivision review.
 - ii. The two lots to be subdivided total over 32 acres of vacant, forested land. Although the applicant is not maximizing the density of these lots and has expressed an interest in the subdivided lots remaining forested, Staff does not find this meets the intent of the Open Space requirement for “reservation of land for parks, playgrounds or conservation areas”. Further, there is no mechanism to prevent these lands from being developed further in the future.
 - iii. Staff has no knowledge of any previous subdivisions where a waiver was granted for the open space / in-lieu-of fee requirement.
- b. During the January 15th 2019 workshop, the Planning Board instructed the applicant to present their request to the Recreation and Conservation Commission. The applicant met with the Commission on February 28th. **The Commission voted unanimously against the waiver and has provided Staff with the following comments:**
- i. The Recreation and Conservation Commission, upon evaluation of the request to waive the public open space requirement for the 138 Hardy Road Subdivision proposal, voted unanimously against recommending the waiver to the Planning Board.

In considering the waiver request, Commission Members reviewed (1) the letter from the applicant requesting the waiver, (2) a plan view of the subdivision, and (3) a memo from the Planning Department in response to the waiver request. Additionally, Rec/Con Members reviewed and discussed relevant provisions of the City’s Ordinances and Comprehensive Plan and provided the following commentary to the Board:

It is the position of the Commission that there is no basis upon which to grant an open space waiver.

First, the relevant provisions of the Comprehensive Plan and City Ordinances indicate that the two applicable zones (Rural District and RGA-3) are the only two in the City providing cluster density incentives, which are designed to preserve more open space as an environmental protection measure; large-lot development is the antithesis to cluster development and one of the most environmentally impactful ways to build out the remaining portions of the City. Next, no conservation or recreation measures of any kind have been proposed for the area by the applicant; therefore, not only would a waiver constitute a public giveaway disproportionately benefitting one landowner, but there is nothing in place to protect any part of the forested area the applicant is claiming to intend to preserve.

Finally, a waiver could incentivize other owners of large plots to take a similar approach in subdividing, with the potential result that these zones would not be built out as intended in both the Comprehensive Plan and ordinances; a result of substantial non-conformance with the same.

Unless further information is provided that constitutes a basis upon which to grant a waiver, the Recreation and Conservation Commission has concluded that it is in the best interests of the citizens of Westbrook **that the requested waiver not be granted.**

Actions for the Board's consideration:

1. Motion to remove from the table the application for the Gowen Subdivision located at 138 Hardy Road.
2. Motion to grant a waiver of the Public Open Space standard in Section 502 Subdivision Authority - Additional Requirements A. Public Open Space.

As the application is not complete to be able to take any further action at this time, Staff recommends laying the item back on the table until the applicant provides a complete application and returns with their recommendation from the Recreation and Conservation Commission.

3. Motion to lay on the table the application for the Gowen subdivision located at 138 Hardy Road

4. 2019.08 – Site Plan, Subdivision, Village Review Overlay Zone –Lot Split and a 3 Dwelling Unit Multifamily - 50 Pleasant Street – RMC Properties LLC

Part of Tax Map 033 Lots 097 (Lot Split)

Zone: City Center District, Village Review Overlay Zone

WORKSHOP

Project Description

The applicant has purchased a lot that was split off of Map 33 Lot 97 and is proposing a new 3-unit multi-family structure with associated parking and site improvements. Thus, the lot split with the 3 unit multifamily requires subdivision review.

Project History

March 13, 2019- Village Review Overlay Committee

April 9, 2019 – Village Review Overlay Committee

May 1, 2019 – Neighborhood Meeting

May 7, 2019 – Planning Board Workshop

Staff Comments:

1. Provide Cost Estimate (attached) and Letter of Financial Capacity with final application submission
2. Neighborhood meeting is required prior to the workshop with the Planning Board. Provide documentation in the form of a copy of the notice, attendance sheet and meeting minutes to the Planning Office
3. Letter of Capacity for water and sewer with final application submission
4. Utilities – the multiple trenches are too close and will be challenging from a maintenance standpoint. Applicant should mill & fill the entire area in Pleasant St
5. Staff will provide detail on Pleasant St and pavement depth
6. Notification required prior to the connection between sewer and the catch basin in Pleasant ST
7. Revise plan to state correct minimum lot size (7,500, rather than N/A)
8. Due to the size constrictions of the site, snow removal plan required
9. Explore additional landscaping opportunities (additional locations or diversifying what is proposed along the front of the house)
10. Include all requested waivers and a signature block on final plan
11. Final application fee due - \$1,200
12. Verify minimum 10' separation between structures (abutter)
13. Will there be a gate for the access to William Clarke Dr or will this be open?
14. Snouts included in CBs
15. A concern was raised by the VROZ committee on the lack of a landing for the back access, however this is not a code requirement. If the dimension from ground to the sill of the house is greater than 30", railings will be required along the stairs.
16. Provide a drip strip along the eave lines or show gutters and location for downspout discharge.
17. Please provide clarification on areas included in the subcatchment calculations for stormwater.

Board Action:

- Collect public comment during the workshop on this application
- Site Walk –Or Virtual Site can be made available at this meeting
- Public Hearing

4. 2019.10 – Site Plan – 2 Eisenhower Drive – 2 Eisenhower Drive, LLC (Pratt Abbott)

Tax Map 005B Lots 001
Zone: Manufacturing District

WORKSHOP

Project Description

Applicant is proposing multiple expansions around the existing structure at 2 Eisenhower Drive. The 5 expansions total approximately 16,060 sq. ft. Please see application materials and plans for more details on this project. Current use is Commercial Service Business.

Project History

May 3, 2019 – Neighborhood Meeting
May 7, 2019 – Planning Board Workshop

Staff Comments

1. No landscaping is proposed. Staff recommends additional landscaping be provided along areas where existing is disturbed and/or along front entry way to the building
2. Dumpster location shown on final plan. If not currently, all dumpsters need to be enclosed. Provide detail with final submission
3. Further clarification needed on type and location of lighting to ensure safety throughout parking area
4. All existing non-conforming flags will need to be removed. (feather flags on site, if any)
5. Revise parking provided (128 spaces) to state total required and proposed. Show Striping on plan. If site isn't striped, it will be a part of this project.
6. Provide walkway to the side/back warehouse door
7. All new buildings must be fully sprinkled
8. Letter of capacity needed for the sprinkler system
9. Additional Knox boxes needed – obtain from Fire Dept.
10. Striped 'no parking' fire lane around building required
11. Verify amount of new impervious proposed (applicant stated 0sf new impervious but plan states 10,078 sf), State on Plan total sq. ft of new building.
12. Neighborhood meeting is required prior to the workshop date. Provide documentation in the form of a copy of the notice, attendance sheet and meeting minutes to the Planning Office
13. Traffic impact with increased deliveries?
14. MDEP review required? Please verify.
15. Provide complete boundary plan – Survey of lot lines
16. Show Flood Plain and Shoreland Zoning on plan.
17. Show easements on parcel – sewer, etc.
18. Provide full drainage study with new filters systems and the previously designed system to the West side of the site which will be installed in this phase of work.
19. Provide Performance Guarantee cost estimate for the site improvements project.
20. Removal/cleaning up of all outdoor storage?
21. Provide the stormwater maintenance logs for the existing features on the site for the last two years.

Board Action:

- Collect public comment on the application
- Site Walk - Or Virtual Site can be made available at this meeting
- Public Hearing