



# 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, JUNE 5, 2018, 7:00 P.M.  
WESTBROOK HIGH SCHOOL, ROOM 114**

### AGENDA

#### PUBLIC HEARING

- 1. 2018.15 – Site Plan Amendment – 33 Elmwood Ave – Prides Corner, LLC:** The applicant is proposing to construct a new 12,000+/- sf patio, with outdoor recreational amenities associated with the existing restaurant business. Tax Map: 59 Lot: 36 Zone: Highway Services
- 2. 2018.18 – Site / Subdivision Plan / Conditional Use – 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
- 3. 2018.03 – Site/Subdivision Plan - 688 Main Street – Ryan Le:** The applicant is proposing to construct a new 12-unit apartment building and expand an existing parking lot. Tax Map: 33 Lot 33. Zone: City Center District and Village Review Overlay Zone
- 4. 2017.57 – Site Plan Amendment – 7 Hardy Road – Nelson Properties:** The applicant is proposing to expand their garage for storage, relocate an onsite material storage bin, and create new parking areas for their property service company. Tax Map: 23 Lot: 8E Zone: Highway Services District
- 5. 2018.20 - Site Plan Amendment – 920 Main Street– Mast Landing Brewery:** The applicant is proposing to demolish a single-family dwelling to allow for an expansion of an existing outdoor tasting room associated with Mast Landing Brewery. Tax Map: 32 Lot: 38 Zone: Contract Zone 10; City Center District

#### REGULAR MEETING

- 6. Call to Order.**
- 7. Approval of Minutes.**
- 8. 12018.10 - To remove item from the table and take action - Land Use Ordinance Amendment – New Private Way Ordinance:** The proposed ordinance establishes standards and a review process for New Private Ways within the City.
- 9. 2018.15 – Site Plan Amendment – 33 Elmwood Ave – Prides Corner, LLC:** The applicant is proposing to construct a new 12,000+/- sf patio, with outdoor recreational amenities associated with the existing restaurant business. Tax Map: 59 Lot: 36 Zone: Highway Services

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.

10. **2018.18 – Site / Subdivision Plan / Conditional Use – 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
11. **2018.03 – Site/Subdivision Plan - 688 Main Street – Ryan Le:** The applicant is proposing to construct a new 12-unit apartment building and expand an existing parking lot. Tax Map: 33 Lot 33. Zone: City Center District and Village Review Overlay Zone
12. **2017.57 – Site Plan Amendment – 7 Hardy Road – Nelson Properties:** The applicant is proposing to expand their garage for storage, relocate an onsite material storage bin, and create new parking areas for their property service company. Tax Map: 23 Lot: 8E Zone: Highway Services District
13. **2018.20 - Site Plan Amendment – 920 Main Street– Mast Landing Brewery:** The applicant is proposing to demolish a single-family dwelling to allow for an expansion of an existing outdoor tasting room associated with Mast Landing Brewery. Tax Map: 32 Lot: 38 Zone: Contract Zone 10; City Center District

### **WORKSHOP**

14. **2018.23 – Site / Subdivision Plan / Conditional Use - 27 Jefferson Street – Archie Giobbi:** The applicant is proposing to demolish a single-family home and construct a 3-unit multi-family with associated parking. Tax Map 27 Lot 94. Zone: Residential Growth Area 1
15. **2018.24 – Site / Subdivision Plan / Conditional Use – Larrabee Heights II – Westbrook Housing:** The applicant is proposing a lot split to accommodate a new 91-unit senior living facility, private access drive and other associated site improvements. Tax Map: 42A Lot: 12 Zone: Gateway Commercial

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.



# City of Westbrook

## DEPARTMENT OF PLANNING & CODE ENFORCEMENT

2 York Street

Westbrook, Maine 04092 (207) 854-0638

Fax: 1-866-559-0642

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DATE: June 1, 2018

TO: Planning Board

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

Cc: Plan Review Team

RE: June 5, 2018 Planning Board Meeting

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1. **2018.15 – Site Plan Amendment – 33 Elmwood Ave – Prides Corner, LLC**
  2. **2018.18 – Site / Subdivision Plan / Conditional Use – 270 Spring Street – DM Roma**
  3. **2018.03 – Site/Subdivision Plan - 688 Main Street – Ryan Le**
  4. **2018.57 – Site Plan Amendment – 7 Hardy Road – Nelson Properties**
  5. **2018.20 - Site Plan Amendment – 920 Main Street– Mast Landing Brewery**
  6. **2018.10 - Land Use Ordinance Amendment – New Private Way Ordinance**
  7. **2018.23 – Site / Subdivision Plan / Conditional Use - 27 Jefferson Street – Archie Giobbi**
  8. **2018.24 – Site / Subdivision Plan / Conditional Use – Larrabee Heights II – Westbrook Housing**
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**1. 2018.15 – Site Plan Amendment – 33 Elmwood Ave – Prides Corner, LLC**

Tax Map: 59 Lot: 36

Zone: Highway Services

**PUBLIC HEARING**

**Project Description:**

The applicant is proposing to construct a new 14,000+/- 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
- May 19, 2018 – Site Walk
- June 5, 2018 – Public Hearing

**Staff Comments:**

1. All noticing fees (abutter and newspaper) must be paid - \$431.35
2. In Staff discussions with the applicant related to Noise, the applicant said the outside space was to be utilized until 10 pm with last call at 9:30 pm to avoid disturbance to the neighboring homes.
3. The lighting plan is too dim in the center corridor and along the egress path. A revised plan is required and must be reviewed and approved by the Fire Department and properly labeled (currently labeled landscaping plan).
4. All emergency lighting must include backup battery.
5. The sprinkler system must be extended to cover all outdoor enclosed areas
6. All egress doors must be equipped with crash bars.
7. The applicant is working with United Insurance to secure funding for the project. A letter of financial capability is required prior to the scheduling of a pre-construction meeting
8. Final plan set should include a cover sheet with a sheet index
9. Final plan must include all conditions of approval on the site plan (sheet L1.1).
10. Final edited plans with conditions stated on the signature sheet provided to the planning office in both paper and mylar form by Tuesday June 5 Noon. (One set of paper, one set of mylars)

**Motion:**

The amended Site Plan application for Pride’s Corner, LLC to construct 14,000+/- sf outdoor patio at 33 Elmwood Avenue, Tax Map: 59 Lot: 36 Zone: Highway Services. is **(approved with conditions/ denied)** and the following finding of fact, conclusions and amended conditions as stated on pages 2 through 4 of this Staff Memo dated June 1, 2018 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 – *Adequate*
- 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 May 11, 2018 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. Approval from Fire Dept. for the final location of all fire alarm systems; including but not limited to fire doors, egress lighting, remote annunciator and knox box locations.
  - c. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
  - d. 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. This fee is required per Section 500.8 of the Land Use Ordinances in order to cover the costs of inspection of site improvements. 2% of site improvement costs.
  - e. 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.
  - f. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
  - g. 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 the Occupancy Permit issuance:
  - a. A site inspection of the improvements by the City to ensure public health & safety is addressed and compliance with the approval.
  - b. All site improvements must be installed, unless a performance guarantee amount is held in the amount of the remaining improvements.
5. 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.
6. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

## 2. 2018.18 – Site / Subdivision Plan – 270 Spring Street – DM Roma

Tax Map 26 Lot 35  
Zone: Residential Growth Area 1

### **PUBLIC HEARING**

#### **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  
May 17, 2018 – Recreation and Conservation Commission  
June 5, 2018 – Public Hearing

#### **Staff Comments:**

1. All fees are required prior to scheduling a pre-construction meeting. Total fees due - \$603.10
2. Open Space – Per the Ordinance, 600 sf of open space or an in lieu of fee of \$1,006 is required. The applicant has requested to provide the in lieu of fee and the Recreation and Conservation Commission voted in favor of this request during their May 17<sup>th</sup> meeting. The applicant must submit this fee to the Planning Office prior to the issuance of any building permits.
3. The applicant will need to coordinate with CMP regarding the location of the new utility pole and the length of the overhead powerline crossing Spring Street. The applicant must provide documentation from CMP verifying all utilities as proposed are acceptable.
4. Clarity is needed regarding the size of the existing sewer line in Spring Street. The applicant should verify and revise the plan, if necessary.
5. Police will be required for any work within Spring street that will require closures are lane alternating. Night work will likely be required due to the amount of traffic flow during the day.
6. Final edited plans with conditions stated on the signature sheet provided to the planning office in both paper and mylar form by Tuesday June 5 Noon. (One set of paper, one set of mylars)

#### **Motion:**

The Site Plan/Subdivision Plan application for DM Roma associated with a lot split and to construction of a new duplex located at 270 Spring Street, Tax Map: 26 Lot: 35 Zone: Residential Growth Area 1. is **(approved with conditions/ denied)** and the following finding of fact, conclusions and amended conditions as stated on pages 5 through 8 of this Staff Memo dated June 1, 2018 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*

Financial and Technical Capacity – *Adequate. The applicant has provided a letter of financial capacity from Sanford Institution for Savings dated April 2, 2018. Applicant has retained the services of DM Roma which demonstrates technical capacity.*

Solid Waste – *Adequate.*

Historic, Archaeological and Botanical Resources – *Adequate*

Landscape Plan – *Adequate.*

### **Subdivision – Finding of Fact:**

Pollution and Sewer Disposal – *Adequate. Disposal of the Sewage from the project will be via the City Public Sewer system, and therefore will not cause a pollution issue.*

Water - *Adequate.*

Soil Erosion - *Adequate.*

Traffic – *Adequate.*

Sewage - *Adequate. The applicant has received an ability to serve from the Westbrook Sewer Department.*

Solid Waste – *Adequate.*

Aesthetics

1. *Project to Site – Adequate.*
2. *Project to Surrounding Property – Adequate.*
3. *Landscape Design – Adequate.*
4. *Lighting – Adequate.*
5. *Signs – Adequate.*

Conformity with Local Plans and Ordinances – *Adequate.*

1. *The proposal is in conformance with the Comprehensive Plan.*
2. *Subdivision Plan meets requirements of the Land Use Ordinance*

Financial and Technical Capacity – *Adequate. The applicant has provided a letter of financial capacity from Sanford Institution for Savings dated April 2, 2018. Applicant has retained the services of DM Roma which demonstrates technical capacity.*

River, Stream or Brook Impacts – *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 May 10, 2018 and revised May 29, 2018 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. Provide documentation from CMP verifying the length of the overhead power line crossing Spring Street is acceptable.
  - d. Open Space – in lieu of fee of \$1,006 is required to be paid to the City.
  - e. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
  - f. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
  - g. 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. This fee is required per Section 500.8 of the Land Use Ordinances in order to cover the costs of inspection of site improvements.
  - h. 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.
  - i. 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. A site inspection of the improvements by the City to ensure public health & safety is addressed and compliance with the approval.

- b. All site improvements must be installed, unless a performance guarantee amount is held in the amount of the remaining improvements.
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 the requirements of local and state authorities for life and safety requirements.

### 3. 2018.03 – Site/Subdivision Plan - 688 Main Street – Ryan Le

Tax Map: 33 Lot 33 Map 33 Lot 277

Zone: City Center District and Village Review Overlay Zone

#### **PUBLIC HEARING**

#### **Project Description:**

The applicant is proposing to construct a new 12-unit apartment building and expand an existing parking lot.

#### **Project History:**

January 22, 2018 – Neighborhood Meeting held

January 30, 2018 – Village Review Committee

February 6, 2018 – Planning Board Workshop

February 24, 2018 – Site Walk

May 17, 2018 – Recreation and Conservation Commission

May 22, 2018 – Village Review Committee

June 5, 2018 – Public Hearing

#### **Staff Comments:**

1. All noticing fees (abutter and newspaper) are required - \$439.45
2. Open Space Summary:
  - a. On May 17, 2018 the Recreation and Conservation Commission reviewed an open space plan which included picnic tables behind the building, benches in front of the building and a bocce court area. The commission gave a negative recommendation and instead voted in favor of an in-lieu-of fee in the amount of \$6,033. A summary of their comments are as follows:
    1. Picnic Tables – The commission felt the area behind the apartment building lacked access, was too narrow and would impede on the privacy of the first floor residence. Because of this, the commission did not feel the space was appropriate for recreating and would receive limited use.
    2. Bocce Court Area – The commission liked the idea of utilizing the available green space for recreating, however the slope would make it difficult to actualize.
    3. Benches – The commission was in favor of benches along the pathway connecting William Clark Drive and Main Street.
  - b. The applicant has taken the Recreation and Conservation Commission’s comments into consideration and revised their open space plan for the Board’s consideration. The applicant proposes to increase the number of park benches provided (previous proposal depicted 2 park benches; current plan proposes 5, and to provide a level grade in the bocce court area more conducive to recreating, he has also expanded the flat area for corn-hole or some other flat space recreational opportunity.
  - c. Staff supports the use of the bocce/corn-hole area as open space. Staff does not support the areas of entry to the apartment building as open space, as depicted on the plan. However, Staff feels the combination of the recreational area and the paved walkway allowing the residents pedestrians access to Willian Clark Drive and to the public recreational facilities across Main Street meets the intent of the Ordinance, and therefore do not feel an additional in lieu of fee is necessary.

3. The Cost estimate worksheet provided in the May 10, 2018 submission packet is incomplete and does not reflect the revisions that were made prior to the May 29, 2018 submission. A revised cost estimate will be required.
4. Any work within the city right of way that requires lane closures will require police detail.
5. A Knox box is required and can be obtained from the Fire Department. The applicant should verify the preferred location prior to installation.
6. The addresses are subject to the approval of the City's E-911 address coordinator
7. Final edited plans with conditions stated on the signature sheet provided to the planning office in both paper and mylar form by Tuesday June 5 Noon. (One full set of paper, one full set of mylars **and** one additional paper and mylar of the signature sheet for recording.)

**Motion:**

The Site Plan and Subdivision Plan application for Ryan Le to construct a new 12-unit apartment building and expand an existing parking lot located at 688 Main Street, Tax Map: 33 Lot: 33 and part of Tax Map 33 Lot 277 Zone: City Center District/VROZ. is **(approved with conditions/ denied)** and the following finding of fact, conclusions and amended conditions as stated on pages 10 through 12 of this Staff Memo dated June 1, 2018 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*

Financial and Technical Capacity – *Adequate. The applicant has provided a letter of financial capacity from Machias Savings Bank dated April 6, 2018. Applicant has retained the services of BH2M which demonstrates technical capacity.*

Solid Waste – *Adequate.*

Historic, Archaeological and Botanical Resources – *Adequate*

Landscape Plan – *Adequate.*

**Subdivision – Finding of Fact:**

Pollution and Sewer Disposal – *Adequate. Disposal of the Sewage from the project will be via the City Public Sewer system, and therefore will not cause a pollution issue.*

Water - *Adequate. The applicant has received an ability to serve letter from the Portland Water District.*

Soil Erosion - *Adequate. Site has shown on the plans appropriate BMPs to address erosion.*

Traffic – *Adequate.*

Sewage - *Adequate. The applicant has received an ability to serve from the Westbrook Sewer Department.*

Solid Waste - *Adequate. The applicant will be responsible for disposal of all solid waste for the development.*

Aesthetics

1. *Project to Site – Adequate.*

2. *Project to Surrounding Property – Adequate.*

3. *Landscape Design – Adequate.*
4. *Lighting – Adequate.*
5. *Signs – Adequate.*

Conformity with Local Plans and Ordinances – *Adequate.*

1. *The proposal is in conformance with the Comprehensive Plan.*
2. *Subdivision Plan meets requirements of the Land Use Ordinance*

Financial and Technical Capacity – *Adequate. The applicant has provided a letter of financial capacity from Machias Savings Bank dated April 6, 2018. Applicant has retained the services of BH2M which demonstrates technical capacity.*

River, Stream or Brook Impacts – *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 5, 2018 and revised May 29, 2018 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.
  - d. Copy of recorded subdivision plan provided to the Planning Office.
  - e. Address must be confirmed with the city E-911 coordinator.
  - f. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
  - g. 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. This fee is required per Section 500.8 of the Land Use Ordinances in order to cover the costs of inspection of site improvements.
  - h. 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.
  - i. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator
  - j. 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. A site inspection of the improvements by the City to ensure public health & safety is addressed and compliance with the approval.
  - b. All site improvements must be installed, unless a performance guarantee amount is held in the amount of the remaining improvements.
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.

#### 4. 2018.57 – Site Plan Amendment – 7 Hardy Road – Nelson Properties

Tax Map: 23 Lot: 8E

Zone: Highway Services District

### **PUBLIC HEARING**

#### **Project Description:**

The applicant is proposing to expand the garage, relocate an onsite material storage bin, and create new parking areas for their property service company.

#### **Project History:**

October 13, 2017 – Neighborhood Meeting

November 21, 2017 – Planning Board Workshop

December 9, 2017 – Site Walk

June 5, 2018 – Public Hearing

#### **Staff Comments:**

##### Stormwater comments-

1. The grading plan & design calcs show the base of the detention pond at 216' but the summary letter states 215'. Please clarify.
2. Sheet flows for SA-4 and SA-3 should be transitioned into shallow concentrated flow sooner. (SA-3 sheet flow cut in half) (SA-4 Sheet flow should end at 30')
3. Is the 8" pipe from the gutter system maxed at the 25 year storm?
  - a. The Roof appears to be modeled as a detention pond.
  - b. The flow is not modeled as pipe flow around the structure to ensure the proper sizing of the gutters.
  - c. A way to address this may be to break up the roof into subcatchments and direct to pipe flow.
  - d. Is the architect designing the gutter system? This appears to be a substantive gutter system that the architect must be aware of from an anchoring/structural standpoint.
4. Why is there a 15" culvert being modeled in SA-1 when there is currently a 12", but it will be removed in the final conditions?
5. Detention pond
  - a. Elevation leader has wrong elevation number for bottom of pond
  - b. Retaining 2' of water next to the road is problematic
    1. Incorporate an underdrained pond and connecting the piping to hit the invert elevation of the existing CB NW corner of the intersection where the invert is 214.77.
  - c. Need an overflow spillway to direct flow into the ditch line in large storm events.

##### Plan comments

1. State size of pipe for stormpipe running under the parking lot from the gutters.
2. State size of pipe for foundation drain outlet.
3. Concerned about the 1% pitch of parking lot – potential for parking lot not sheeting water

##### Other comments:

1. All noticing fees are required - \$ 301.75
2. DWG files for GIS

3. Final edited plans with conditions stated on the signature sheet provided to the planning office in both paper and mylar form by Tuesday June 5 Noon. (One full set of paper, one full set of mylars.)

**Motion:**

The amended Site Plan application for Nelson Property Services to expand the garage, relocate an onsite material storage bin, and create new parking areas for their property service company at 7 Hardy Road, Tax Map: 23 Lot: 8E Zone: Highway Services. is **(approved with conditions/ denied)** and the following finding of fact, conclusions and amended conditions as stated on pages 14 through 15 of this Staff Memo dated June 1, 2018 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, if comments are addressed with updated study showing no increase in flow off premise in the post construction condition.*

Erosion Control - *Adequate.*

Utilities – *Adequate.*

Hazardous, Special and Radioactive Materials – *With State permits - Adequate*

Technical and Financial Capacity - *Adequate.*

Solid Waste – *Adequate.*

Historic, Archaeological and Botanical Resources – *Adequate*

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 5, 2018 and amended May 30, 2018 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. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
  - c. 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. This fee is required per Section 500.8 of the Land Use Ordinances in order to cover the costs of inspection of site improvements. 2% of site improvement costs.
  - d. 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.
  - e. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
  - f. 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 Occupancy Permit issuance:
  - a. A site inspection of the improvements by the City to ensure public health & safety is addressed and compliance with the approval.
  - b. All site improvements must be installed, unless a performance guarantee amount is held in the amount of the remaining improvements.
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.

**5. 2018.20 – Site Plan Amendment – 920 Main Street– Mast Landing Brewery**

Tax Map: 32 Lot: 38

Zone: Contract Zone 10; City Center District/VROZ

**PUBLIC HEARING**

**Project Description:**

The applicant is proposing to demolish a single-family dwelling to allow for an expansion of an existing outdoor tasting room associated with Mast Landing Brewery. Tax Map: 32 Lot: 38 Zone: Contract Zone 10; City Center District/VROZ.

Applicant will be upgrading the patio area with patio blocks as well as a 4' fence around the sides and 2 landscaped islands on Mechanic Street. Fence style varies from the residential side (continuation of the stockade fence at the 4' level) to the opposite side which will be 4' chain link as the fence must be non-combustible within 10' of the lunch truck on that northerly side.

**Project History:**

- May 1, 2018 – VROZ review
- May 7, 2018 – Neighborhood meeting
- May 15, 2018 – Planning Board Workshop
- June 5, 2018 – Public Hearing

**Staff Comments:**

1. Fees (Abutter & Newspaper notice) due at final submission – \$479.95
2. Applicant should clarify hours of operation and frequency of trips for the food truck. At a maximum, the food truck may not have operating hours outside of the parameters of Mast Landing. Staff recommends this be included as a condition of approval.
3. The exhaust from the food truck shall not be in the direction of the residential building.
4. Grading plan needs to be provided to ensure that drainage is not directed toward the abutting properties.
5. Provide an updated performance guarantee estimate reflecting the site plan rev 5/25/2018
6. DWG files for GIS
7. Final plan needs to include a signature block and conditions of approval
8. A letter of financial capability to be provided
9. Final edited plans with conditions stated on the signature sheet provided to the planning office in both paper and mylar form by Tuesday June 5 Noon. (One full set of paper, one full set of mylars.)

**Motion:**

The amended Site Plan application for Storage Realty Corporation to demolish a single-family home and expand an existing outdoor beer garden with access for a food truck permitted over a City owned side walk located at 920 Main Street, Tax Map: 32 Lot: 38 Zone: Contract Zone 10, City Center District, Village Review Overlay Zone is **(approved with conditions/ denied)** and the following finding of fact, conclusions and amended conditions as stated on pages 17 through 18 of this Staff Memo dated June 1, 2018 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  
Financial and Technical Capacity – *Adequate*.  
Solid Waste – *Adequate*.  
Historic, Archaeological and Botanical Resources – *Adequate*  
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 May 10, 2018 and revised May 25, 2018 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. All previous conditions of approval for Mast Landing and Convenient MD site plans, approved 11/17/2015 and 5/3/2016 respectfully, are still applicable.
4. Prior to any permits being issued for the project:
  - a. All Staff comments must be addressed.
  - b. Grading plan needs to be provided to ensure that drainage is not directed toward the abutting properties prior to the issuance of a demolition permit.
  - c. A letter of financial capability is required prior to scheduling a pre-construction meeting.
  - d. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
  - e. 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. This fee is required per Section 500.8 of the Land Use Ordinances in order to cover the costs of inspection of site improvements. 2% of site improvement costs.
  - f. 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.
  - g. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
  - h. 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.
5. Prior to commencing any work in the City Right-of-Way, the applicant must obtain a road-opening permit from the Public Works Department.
6. Prior to release of the performance guarantee,
  - a. The site will be in compliance with the approved plan and as-built plan provided in City approved format for the GIS system and will include confirmation of the hours of operation and truck orientation.
  - b. A site inspection of the improvements by the City to ensure public health & safety is addressed and compliance with the approval.
  - c. All site improvements must be installed, unless a performance guarantee amount is held in the amount of the remaining improvements.
  - d. The exhaust from the food truck shall be directed away from the abutting residential building.
7. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

## 6. 2018. 10 - Land Use Ordinance Amendment – New Private Way Ordinance

### **PUBLIC HEARING**

#### **Ordinance Description:**

Currently the ordinance does not provide a clear process for private ways. When an applicant comes into the office, they do not have the clear direction that other processes do so that the applicant is adequately prepared and understands all the requirements of the process.

Current process is set up to be a review by the City Engineer only, and is only stated in the definition of “private way”. There was some confusion at the previous Board meeting on when a private way is reviewed by the Board and as it current stands in the ordinance no Private ways are reviewed by the Board unless it is associated with a subdivision, where a subdivision is the creation of 3 or more lots from the original parcel within a 5 year period.

Currently, 3 lot private ways that do not involve subdivision are only reviewed by the City Engineer. A 3-lot private way can be created without subdivision by two adjacent lots of record where one lot creates a division line, and thus you have one lot that becomes 2 and the adjacent lot that remains as one, but 3 lots are using the private way.

The new process would be review by a committee of City Staffers or if a controversial project, it could be referred to the Planning Board.

#### **Ordinance History:**

March 6, 2018 – Planning Board Workshop

May 15, 2018 – Public Hearing – Tabled

June 5, 2018 – Remove from the table & potential action on the item

#### **Staff Comments:**

1. Staff and Legal have reviewed and are in support of the proposed language
2. Staff has noticed the item in the newspaper as a public hearing.
3. Due to issues with regulation applicability, the open space/in-lieu-of fee requirement has been removed from the draft language.
4. Comments were received by Board members and were reviewed by legal and added.
5. The format of the language was rearranged to provide better flow and process of the language.
6. Two adjustments were made to the document based upon comments from the Board at the Public Hearing meeting:
  - a. The concern on notification – the language was adjusted to be clear that the notices are sent from the limits of the property that the project includes.
  - b. The concern at the end of the document on the use of the word “City” permits. We have changed the wording to state just Building permits as that was the intent of the section which then allows for other permits such as the private way permit or a street opening permit to be issued.

#### **Board Action:**

- No Public comments was 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.**

## **7. 2018. 23 – Site / Subdivision Plan / Conditional Use - 27 Jefferson Street – Archie Giobbi**

Tax Map 27 Lot 94.

Zone: Residential Growth Area 1

### **WORKSHOP**

#### **Project Description:**

The applicant is proposing to demolish a single-family home and construct a 3-unit multi-family with associated parking.

#### **Ordinance History:**

May 26, 2018 – Neighborhood Meeting

June 5, 2018 – Planning Board Workshop

#### **Staff Comments:**

1. Fee – Final application, abutter & newspaper notice due at final submission
2. Open Space – Per the Ordinance, 300sf of open space per unit, or an equivalent in-lieu-of fee is required. The applicant should include an open space plan with the final submission outlining how they
3. Elevation views of the proposed structure are required with final submission.
4. The final plan must include all structures located on the northerly abutting property.
5. All multi-family parking must be screened from abutting residential properties
6. The existing telephone will need to be relocated and underground utilities provided. The applicant should coordinate with CMP regarding the new location of all utility poles.
7. The deed reference included with the sketch plan application does not appear to be complete of all the land associated with the lot.
8. Final plans will need to indicate utilities, grading, underground power and locator map
9. Ability to serve letters from Portland Water District and Sewer are required with the final application
10. The final plan should depict a location on site sufficient for 6 trash toters
11. A stormwater management plan is required with final submission
12. The applicant should coordinate with USPS regarding mailbox type and location
13. The final submission should include a cost estimate on the City form and a letter of financial capacity from a credited lending institution
14. A location for snow storage should be depicted on the plan
15. An erosion/sediment control plan is required with the final submission
16. Please provide documentation of the neighborhood meeting to the Planning Office
17. Final plans need to be on Maine State Plain Coordinates per the ordinance.
18. The existing conditions for the site include a U-shaped parking area. The applicant proposes to maintain the dual entry to the site. The City Engineer was not in favor of this design and instead preferred a single point of access to the site. The City Fire Inspection has provided a letter to the applicant in favor of the design as presented in the sketch plan as it provides greater access to the structure for fire safety. A copy of the letter from Michael Corey, Fire Inspector, is included with the 6/5/2018 Planning Board packet materials.
19. The applicant should include a turning radius on the plan to demonstrate feasibility of passenger vehicles accessing the parking space closest to the dwelling.

#### **Potential Board Actions for discussion:**

1. Site Walk
2. Public Hearing

## **8. 201824 – Site / Subdivision Plan / Conditional Use – Larrabee Heights II – Westbrook Housing**

Tax Map: 42A Lot: 12

Zone: Gateway Commercial

### **WORKSHOP**

#### **Project Description:**

The applicant is proposing a site plan/subdivision to accommodate 91-units of senior living facility in two structures (61 and 30), with a private access drive and other associated site improvements off of the Larrabee Heights Phase I project and behind the existing Larrabee Village complex. The project would require a phasing plan as the current approval would only be for the 61 unit structure, however, could be conditioned upon return to the planning board for review and approval of the secondary structure for the remaining units.

#### **Project History:**

May 16, 2018 – Neighborhood Meeting

June 5, 2018 – Planning Board Workshop

#### **Staff Comments:**

1. Fee – Final application, abutter & newspaper notice due at final submission
2. Clarification on what is being approved of in this project vs potential units in a future application.
3. A stormwater plan is required at final submission – concerns were raised regarding the Warren Ave drainage system to ensure Post Runoff rate is at least or less than the Pre runoff rate.
  - a. Add clean out ports for the underdrained soil filter and the underdrains for the gravel wetland.
  - b. Provide clearer details on the USF and the Gravel wetland.
  - c. Sediment forebay – will be looking to have base of forebay an easier to maintain bottom for ease of yearly cleanup. (Other projects have used concrete pads)
  - d. Provide pipe sizes and invert/outlets with final design.
4. Wayfinding signage will be required as part of the project.
5. Hydrants to be added to the site as well as a means of looping the water main.
6. Open Space – Per the Ordinance, 300 sf of open space per unit, or an equivalent in-lieu-of fee is required. A 91-unit subdivision requires 27,000 sf of open space, or an in-lieu-of fee in the amount of \$45,750. The applicant should address how they propose to meet this requirement with the final application and submit their proposal to the Recreation and Conservation Commission for review prior to final review with the Planning Board.
7. Stabilized surface for rear access to building – please provide detail. (ie grasscrete)
8. Due to size of project, a Site Location of Development permit will be required from DEP.
9. Please clarify the lot line designation or condo lines for the final plans. Initial lot line layout did not comply with standards. Lot lines need to contain all aspects of the associated complex (i.e. parking lots contained within lines vs crossing lines.)
10. All proposed structures must meet the building setbacks of the zone.
11. A landscaping plan is required with final submission.
12. Lighting plan for Driveways and parking lots need to be provided.
13. Fire land designation needs to be provided, along with turning radii around the structure and Dotties Way.
14. Access drive to Larrabee Village will be gated with a Knox Box attached for Public Safety.
15. Access easements need to be granted to Lot 2 across all parcels to Liza Harmon Drive.
16. Final plans need to be on Maine State Plain Coordinates per the ordinance.
17. Concern on traffic report under representing the pedestrian movements at the intersection of Liza Harmon Dr.

18. Currently the cemetery is shown as owned by the City of Westbrook. If this is correct, the land area needs to be removed from the lot density and lot lines adjusted.
19. Utility comments to be provided with final drawings set.
20. Relocation of transformer pad to avoid snow storage area.
21. Relocation of the dumpster pad to avoid conflict with the sidewalk system & continuous connection of the sidewalk system – currently showing a gap.
22. Unusable land calculations:
  - a. Applicant is requesting a waiver of the unusable land provision of the ordinance (Section 502 Subdivision General Provisions A. Unusable Land) based upon the soil conditions on the site being predominantly ledge so the criteria of the 25% slope would not be of concern from a slope stability standpoint.
    1. The definition of unusable land lists several examples of vulnerable land including areas of slope in excess of 25%. The applicant has identified land on their parcel that meets this threshold and is requesting an exemption because the land is not an environmentally sensitive area as described in the definition of unusable land.
  - b. The area of the steep slopes are remnants of the old quarry that was on the property years ago as well as the construction of the Larrabee Village Project. These slopes are ledge face cut slopes which would not be erodible slopes or subject to slope instability.
  - c. Applicant will provide a geotechnical report to document the soil conditions for the purposes of slope stability or environmental sensitivity.
  - d. The application still needs to provide a table of the land areas that meet the definitions of the unusable lands per the definition for documentation of the project and so the Board know the details of what it is waiving.
  - e. If the 25% slope is waived, the density table still needs to be provided showing all other Unusable land square footages to provide the accurate density compliance.
  - f. Staff are initially supportive of the waiver, however need the engineering documentation and complete density calculations to provide a final recommendation to the Board.
  - g. The Board can provide feedback on this request to the applicant for guidance on if the Board may consider the request or under what conditions the Board may consider this waiver.
  - h. The criteria for a waiver of the provisions of Subdivision or Site plan are that the waiver will not result in:
    1. Undue water or air pollution,
    2. An inadequate water supply,
    3. Unreasonable soil erosion,
    4. Unreasonable traffic congestion or safety risk,
    5. Inadequate sewage disposal capacity,
    6. Inadequate solid waste disposal capacity,
    7. An adverse impact on scenic or natural beauty, aesthetics, historic sites, or rare or irreplaceable natural areas,
    8. Substantial non-conformance with this Ordinance or the Comprehensive Plan

**Potential Board Actions for discussion:**

1. Site Walk
2. Public Hearing