



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, JULY 3, 2018, 7:00 P.M.
WESTBROOK HIGH SCHOOL, ROOM 114**

AGENDA

PUBLIC HEARING

- 1. 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: 023 Lot: 008E Zone: Highway Services District
- 2. 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: 040 Lot: 129 Zone: Residential Growth Area 1

REGULAR MEETING

- 3. Call to Order.**
- 4. Approval of Minutes.**
- 5. 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 026 Lot 035 Zone: Residential Growth Area 1
- 6. 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: 023 Lot: 008E Zone: Highway Services District
- 7. 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: 040 Lot: 129 Zone: Residential Growth Area 1

WORKSHOP

- 8. 2017.56 – Subdivision/Site Plan Review – 500 Spring Street – Twin Falls – Westbrook Housing Group, LLC:** The applicant is proposing to develop 38 single-family residential house lots and two to three commercial lots along Spring Street. Tax Map: 008 Lot:008 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.

9. **2018.27 – Site Plan - 36 Patrick Drive – Bethel Christian Center** – The applicant is proposing a 3,136 sf expansion to an existing building. Tax Map 042B Lot: 004D Zone: Gateway Commercial
10. **2018.28 – Zoning Amendment – 35 Cumberland Street – James Stone** – The applicant is requesting a change zoning district to the City Center District for their parcel located at 35 Cumberland Street. Tax Map: 040 Lot: 003 Zone: Industrial Park District

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



City of Westbrook

DEPARTMENT OF PLANNING & CODE ENFORCEMENT

2 York Street

Westbrook, Maine 04092 (207) 854-0638

Fax: 1-866-559-0642

DATE: June 29, 2018

TO: Planning Board

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

Cc: Plan Review Team

RE: July 3, 2018 Planning Board Meeting

-
1. **2018. 18 – Site / Subdivision Plan / Conditional Use – 270 Spring Street – DM Roma**
 2. **2017. 57 – Site Plan Amendment – 7 Hardy Road – Nelson Properties**
 3. **2018. 17 – Site / Subdivision Plan / Conditional Use – 48 Seavey St – Seavey & Associates, LLC**
 4. **2017. 56 – Subdivision/Site Plan Review – 500 Spring Street – Twin Falls – Westbrook Housing Group, LLC**
 5. **2018. 27 – Site Plan - 36 Patrick Drive – Bethel Christian Center**
 6. **2018. 28 – Zoning Amendment – 35 Cumberland Street – James Stone**

1. 2018. 18 – Site / Subdivision Plan / Conditional Use – 270 Spring Street – DM Roma

Tax Map: 029 Lot: 035

Zone: Residential Growth Area 1

OLD BUSINESS – REMOVE ITEM FROM THE TABLE 1st, then the Board can consider action on the item this evening.

Project Description:

The applicant is proposing a new duplex, paved driveway and parking area on a newly created lot, which requires 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. **Abutter noticing fees due: \$71.55**

2. The applicant met with the abutter to address the concerns raised during the June 5th public hearing. The results of the meeting are the following revisions to the plan:
 - a. A white vinyl stockade fence has been added along a portion of the southerly property line.

- b. Additional landscaping has been provided along Spring Street and the previously proposed plantings along the entry way to the duplex have been replaced with ornamental grasses.
- c. Shutters have been added to the side of the duplex to soften the side of the building front Spring Street
- d. Railings have been added to the decks for both units.

The revisions to the plan provide buffering to the southerly abutter from vehicles entering the site; a sustainable landscaping plan; and a more accentuated street-facing façade. Staff feels these revisions address the concerns brought forth during the public hearing meeting of June 5th.

- 3. Provide color elevations to the Planning Board prior to approval.
- 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 requested to provide the in lieu of fee and the Recreation and Conservation Commission voted in favor of this request during their May 17th meeting. The applicant must submit this fee to the Planning Office prior to the issuance of any building permits.
- 5. 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.
- 6. Clarity is needed regarding the size of the existing sewer line in Spring Street. The applicant should verify and revise the plan, if necessary.
- 7. 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.
- 8. Final edited plans with conditions stated on the signature sheet provided to the planning office in both paper and mylar form by Tuesday July 3, Noon. (One set of paper, one set of mylars)

Motion:

The Site Plan/Subdivision Plan application for G. Company, LLC associated with a lot split and 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 2 through 4 of this Staff Memo dated June 29, 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 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.

2. 2017. 57 – Site Plan Amendment – 7 Hardy Road – Nelson Properties

Tax Map 023 Lot 008E
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
July 3, 2018 – Public Hearing (continued)

Staff Comments:

1. Total fees due - \$207.25
2. Grading plan – a) elevations on the spillway are stated at 120.5 – should be 220.5. b) “Silt” fence leader over the grange hall misspelled.
3. DWG files for GIS
4. Final edited plans with conditions stated on the signature sheet provided to the planning office in both paper and mylar form by Tuesday July 3, 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 5 through 7 of this Staff Memo dated June 29, 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 – *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 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. The hours of operation are limited to 7am – 7pm Monday – Friday, 7am – 5pm Saturday and Sunday.
4. Prior to any permits being issued for the project:
 - a. All Staff comments must be addressed.
 - b. Applicant must provide documentation of the gutter system design
 - 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.
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 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.
 7. 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.
 8. 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.
 9. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

3. 2018.17 – Conditional Use/ Site Plan / Subdivision – 48 Seavey St – Seavey & Associates, LLC

Tax Map: 040 Lot: 129

Zone: Residential Growth Area 1

PUBLIC HEARING

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

June 21, 2018 – Recreation and Conservation

July 3, 2018 – Public Hearing

Staff Comments:

1. All fees (abutter and newspaper):
 - a. Final application fee: \$1,300.00
 - b. Newspaper noticing: \$160.00
 - c. Abutter noticing: \$303.75
2. Open Space Summary:
 - a. The plan includes 2,200 square feet of area to be utilized as a community garden, with one garden bed dedicated to each unit. Also provided in this area is a small shed for communal gardening supplies. In addition, the applicant is proposing 1,200 square feet of open lawn area between the two 4-unit buildings. The intent of this design is to create a pocket neighborhood, where all units front a common area to encourage recreational interactions among neighbors.
 - b. On June 21, 2018 the applicant presented to the Recreation and Conservation Commission and received unanimous support in favor of the open space plan as depicted on the site plan.
3. Signage needs to be shown on the plan
 - a. Striping and signage at the RR crossing
 - b. Condo / addressing signage
4. Fire turn around must be striped designated as a No Parking/Tow away Zone
5. Each building requires a knock box at a location to be determined by the Fire Department
6. Provide path to FDC connections on each building and locations for knock boxes on each building.
7. Sign Turnaround area as No Parking Tow Away Zone
8. Each building must have their own sprinkler connection located on the side of the building facing the parking area.
9. Update Building 1 for mechanical room
10. Revise plans to more clearly indicate the location of proposed lighting - Lighting levels at Seavey Street?
11. Landscaping removed that would block Fire Lane access in front of buildings – Curbing needs to be cape cod to be mountable
12. Staff will verify with City Engineer that 20' driveway width is acceptable for two-way traffic
13. Plan title should be revised to indicate Final rather than Preliminary
14. Revise plan to remove 30-foot “rear setback”.
15. Edit L1.0 – Zoning is RGA1 not RG1
16. Revised elevations with materials and colors are required
17. Stormwater plans must be stamped by a Professional Engineer.
18. Stormwater plans don't show the location/pattern of under drain piping or clean outs

19. Revise Forebay to use a concrete pad rather than rocks
20. Stormwater calculations showing pre/post construction conditions are required
21. Draft Condo Association Documents to be provided – Include responsibility of maintenance and specifically maintenance of Stormwater features.
22. Final plan set must include a signature block on the cover sheet as well as conditions of approval.
23. addresses are subject to the approval of the City’s E-911 address coordinator
24. 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.)

Motions:

The Site Plan / Subdivision Plan and Conditional Use application for Seavey and Associates, LLC to construct two new 4-unit multifamily dwelling units and associated parking located at 48 Seavey Street, Tax Map: 040 Lot: 129 Zone: Residential Growth Area 1. is (**approved with conditions/ denied**) and the following finding of fact, conclusions and amended conditions as stated on pages 9 through 12 of this Staff Memo dated June 29, 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, provided the applicant provides further detail on their on-site routing in their stormwater report. The site is addressing historical drainage concerns for the neighborhood by redirecting a portion of the site to the Seavey St storm system, therefore an increase flowrate to the Seavey St closed drainage system will occur, however a decrease in flow rate to the Oak Street system will benefit the area.*

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 Biddeford Savings dated June 1, 2018. Applicant has retained the services of Carroll Associates 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. The applicant will have private pick up service for trash disposal.*

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 **Biddeford Savings dated June 1, 2018.** Applicant has retained the services of Carroll Associates which demonstrates technical capacity.*

River, Stream or Brook Impacts – *Adequate.*

Conditional Use – Findings of Fact:

- A. Certain Requirements Met. That the use requested meets the dimension, parking, loading, and sign requirements of this Ordinance. - *Adequate*
- B. Value. That the use requested will not significantly devalue abutting property or property across public or private way. - *Adequate*

C. Effects of Land Use. That the use granted will:

- (1) Maintain safe and healthful conditions,
- (2) Not cause water pollution, erosion, or sedimentation
- (3) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat,
- (4) Conserve shared tree cover and visual, as well as actual, access to water bodies,
- (5) Not burden on-site septic or off-site waste disposal,
- (6) Not burden existing public ways.

Adequate as to C) (1) through (6)

D. Performance Standards. That the use granted is compatible with adjacent land uses and that it meets the following performance standards:

- (1) Landscape Environment and Enhancement. The landscape must be preserved in its natural state insofar as practicable. It must be designed so as to stabilize the slopes and buffer the site, where necessary,
- (2) Surface Water Drainage. Surface water drainage must not have an adverse effect on surrounding properties, downstream water quality, soil stability, or the storm drainage system,
- (3) Water, Air, Soil Pollution. The development will not cause unreasonable water, air, or soil pollution,
- (4) Soil Integrity. The development will not cause unreasonable soil erosion or reduction in the capacity of the soil to hold water,
- (5) Natural Environment. The development must not have an unreasonably adverse effect on a historic site or irreplaceable natural areas,
- (6) Nuisance Factor. The development must not cause unreasonable noise, odors, dust, gas, fumes, smoke, light or other annoying or dangerous emissions,
- (7) Special Features. Exposed storage areas, machinery installation, service and loading areas, and similar facilities must be set back, screened, or buffered so as to minimize any possible adverse effect on the surrounding uses,
- (8) Vehicular Access. The site layout must provide for safe vehicular access and egress, including that for emergency vehicles,
- (9) Parking and Circulation. The layout of vehicular and pedestrian traffic patterns must provide for safe interior circulation, separation of pedestrian and vehicular traffic, and storage of

- plowed snow and the parking shall comply with the parking requirements set forth in Section 505.1 A-D, regardless of whether the conditional use requires site plan review, and
- (10) Public Services. The development must not impose an unreasonable burden on the water supply and sewage disposal systems, fire or police services, public ways, schools, recreational facilities, and other public services or facilities.
- Adequate as to D) (1) through (10)

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 June 7, 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 site disturbance or building 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. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
 - d. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
 - 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 - \$7,865
 - 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. A performance guarantee in the amount of \$393,243 is required.
 - g. Coordinate with the E911 Coordinator on addressing of the Units.
 - 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.
4. 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.
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.

4. **2017. 56 – Subdivision/Site Plan Review – 500 Spring Street – Twin Falls – Westbrook Housing Group, LLC**

Tax Map: 008 Lot: 008

Zone: Residential Growth Area 1

WORKSHOP

Project Description:

The applicant is proposing to subdivide 36 single-family residential house lots and four commercial lots along Spring Street along with providing significant open space acreage being transferred to the Presumpscot Regional Land Trust along the Stroudwater River for trails to be incorporated into the Portland Trails system as well as off street parking access to a trail head.

Project History:

October 12, 2017 – Neighborhood Meeting

November 21, 2017 – Planning Board Workshop

December 9, 2017 – Site Walk

June 21, 2018 – Recreation and Conservation (*See attached summary provided to the R/C Commission – vote was unanimous in favor of the Open Space Plan proposed by the applicant*)

July 3, 2018 – Planning Board Workshop

Staff Comments:

The applicant has requested a thorough review of their plans in advance of a final application submission. Following is a complete list of Staff comments that were provided to the applicant. The applicant is requesting a workshop to seek any additional comments from the Public and Planning Board to address prior to a final public hearing.

- 1) Performance Guarantee Estimate needs to be provided.
- 2) 2 Street trees per lot are required.
- 3) DWG file for the subdivision plan.
- 4) The lots numbers need to be 1-40. Each lot has its own number. You can still state residential or commercial on the plan but the lots need to be designated with a unique number.
- 5) The original parcel for the house lot and clubhouse is a lot in this subdivision and needs a number on the plan.
- 6) The land to be deeded to the Land Trust on the south side of the Stroudwater needs to be included in the subdivision plan and designated as an open space lot.
- 7) Signature block on the cover sheet. (Condition of approval to be placed on Subdivision plan)
- 8) Street lighting
 - a. No power shown to light at corner of “Fairway”
 - b. Shift SE light on Twin Falls towards the pump station.
 - c. Coordinate with Public Services Dept for light fixtures/poles
 - d. There will be 6 new lights & 1 existing cobra head for the project.
- 9) Hydrants to be added between 13/14 & 18/19
- 10) Drainage:
 - a. Drainage easements should be provided to upstream property owners over downstream properties (Lots 22 into 23/36) (Lot 23 into 24)

- b. Drainage easement over lots 28/29 is not wide enough to cover the piping into the central stormwater pond area. Please address.
- c. FFE for lots at internal corners of project – please review number stated and grading.
- d. Edit plans at the catchbasins to show last section of pipe at inlet to CBs to be underdrain pipe.

11) Power

- a. CMP easement to blanket site for purposes of power/transformers.
- b. Provide 3 phase power to pump station – Edit detail sheet to state 220V.
- c. Underground power shown too close to CB3
- d. Fairway Drive is not an acceptable name. Provide 3 additional names for review by E911.
- e. Between lots 8-12 the private power feeds should be run so that Primary power runs in front of these lots with their feed lines off of the primary.

12) Provide an enlarged traffic improvements plan for along Spring street.

- a. Crosswalks across both Twin Falls Drives
- b. Crosswalk across Spring Street to tie into the Sidewalk system.
- c. Stop bars on Twin Falls
- d. Street signs and stop signs at all intersections.
- e. Update Sidewalk location and Striping layout on Spring St. based upon Blue Spruce installed improvements in Spring Street. Layout sidewalk for a future left turn lane onto the North entrance to Twin Falls Way which may be required with the commercial traffic generations in the future.
- f. Please also include detail on the drainage structures to be added in Spring St.
- g. “Turning Traffic ahead” sign in advance of Southern Twin Falls Access
- h. Condition of approval – no driveways off of Spring St to Commercial lots

13) Stormwater Comments:

- a. Catch basin analysis for street basins not provided – analysis was not detailed enough to be able to review.
- b. Sediment Forebay – replace riprap with a concrete base to afford ease of maintenance in the future.
- c. SD-32 – invert/outlet elevations?
- d. For 20P –
 - i. Provide Beehive Grate Flow Cut sheet
 - ii. The 18” pipe modeled is stated in the analysis at elevation 32.84, but the plans show 32.4. If the model number is what it should be, the gravel bench will not drain as the outlet for the underdrain is at 32.5.
 - iii. The surface area stated in the model states 64,899 sf but the surface area table at the elevation stated for approximately 41.3 does not appear to be in line with this number.
 - iv. Just to verify – the base storage of the pond doesn’t include the water held below the line of the gravel underdrain.
- e. SD-20 – The stormwater model does not show what is going on at the inlet. Height of water at the 100 year, what area is flooded because of this? Would require building setbacks for lots affected (Lots 31 & 32) to have their building window pulled out of the flooding area.
 - i. Invert/Outlet elevations? State on plans.
 - ii. Concern about erosion at ends of pipe. Riprap both ends and side slopes.
 - iii. Channel bank width current? Will the 48” match the current swale width?

- iv. Can check dams be constructed in swales?
 - v. Due to flow rate coming out of the pond, a LLS should be installed at the base of the overflow to reduce energy.
 - f. 40R – What happens at Spring St at the 100-year storm? The pipe is 2/3 full at the 25 year? What will the ponding situation be in the future commercial lot? Currently there is sufficient topography to handle the flow.
 - g. Maintenance of the stormwater features
 - i. How does the HOA maintain the Forebay?
 - ii. How does the HOA maintain the Outlet control structure?
 - iii. Does an access road need to be designed into the side of the pond to allow for a piece of equipment to access the site? Where does equipment access from?
 - h. Temporary sediment ponds during construction?
 - i. Setting of the CB rims to base pavement elevations to allow the first season to drain.
 - j. Wet pond sheet
 - i. Topo lines elevations missing
 - ii. Leaders are not pointing to correct elevations or locations
 - iii. Temporary dewatering detail states as silt sack and it should be a “dirt bag”.
 - iv. Elevation of the OCS 18” outlet pipe is stated at 32.4 – analysis states 32.84. Issue with ability for the gravel layer to drain if 32.84 is the elevation the design was looking to hit.
 - v. Emergency Spill way detail – Spreadsheet – Pond Forebay – elevation stated is 32’ but on the plan is 35’.
 - vi. Call out the gravel underdrained bench section.
 - vii. Clean outs need to be provided for the underdrains.
- 14) Erosion and sediment control plan lacks detail – leaders not located correctly.
- a. Protection of Spring Street Cross culvert needed
 - b. Silt sacks in Twin Falls/secondary road during construction – may be necessary.
- 15) Open Space
- a. Easement areas to be metes & bounds in final submission
 - b. Areas of easement to be amended to address trail construction
 - c. Provide draft deed language on land to be handed over to PRLT.
 - d. Provide draft easement language for Trail easements (use and construction).
 - e. Grade a sidewalk access from Pump Station parking spaces to bridge
 - f. Show proposed trails on both sides of the Stroudwater.
 - g. Trail heads (signs) to be at both access points (state a trail head to be located on plan)
- 16) Plowing & Trash pickup will be the responsibility of the Owner or a HOA until the streets are accepted city streets.
- 17) DEP permit
- 18) Covenants deed restrictions, Homeowner association agreement, easements or right of way existing or planned
- 19) Fees for project will be assessed (Including abutters fees)
- 20) Portland Water district comments.
- 21) Sewer Dept comments.
- a. Wet well will be altered- notes associated with this alteration
 - b. Demolition of existing pump station building.
 - c. Provide pump calculations to review reducers shown in design.
 - d. Sheet 21 – edit in table voltage to 220V
 - e. Show guardrail along steep slopes around new pump station.

- f. Proximity of Water & sewer is too close in some locations.
 - g. Remove cupola from Pump station.
- 22) Final Pavement placement – conditions of approval on activities post pavement or number of lots to be built prior to acceptance. (Fixed driveways, sidewalk and curbing installed)

Potential Board Actions for discussion:

1. Public Hearing date will be set once a complete submission has been received.

5. 2018. 27 – Site Plan - 36 Patrick Drive – Bethel Christian Center

Tax Map: 042B Lot: 004D

Zone: Gateway Commercial

WORKSHOP

Project Description:

The applicant is proposing a 3,136 sf expansion to an existing building which houses their church assembly space and their afterschool program classrooms.

Project History:

June 22, 2018 – Neighborhood meeting

July 3, 2018 – Planning Board Workshop

Staff Comments:

1. Final application should include elevations of the expansion
2. Final grading on plan needs to show where water will be directed. (In meeting, improvements to swale were mentioned.) Provide stormwater design and Erosion/Sediment Control plan.
3. Provide a final count on children, & volunteers/teachers for the daycare.
4. A landscaping plan is required with the final application.
5. All dumpsters must be screened.
6. The building is classified as a mixed-use, with the church and the day care operating separately. Therefore there needs to be a fire wall separating the chapel and the daycare area. Occupancy allowances must operate independently from one another
7. All doors within the facility require fire hardware
8. All unpermitted work within the front lobby must be returned to previous condition.
9. The fire alarm system is outdated and requires updating. A voice evacuation system is required.
10. Would prefer each new classroom to have an egress door, similar to what currently exists
11. All hall ways must be smoke rated; fire rated is not required due to the installation of a sprinkler system
12. Kitchen facilities will require review by Fire Department and Code Enforcement to ensure compliance with life safety
13. All hallways must be cleared of obstructions to maintain a 36" passage way
14. Remove items from walls that are not fire retardant
15. Construction staging plan will be important for safety of children and occupants during construction.
16. Electrical – MC wiring is required. All romex wiring must be capped and boxed.
17. Fire access and egress must be clearly depicted on the final plan
18. Provide documentation of a neighborhood meeting to Planning Department

Potential Board Actions for discussion:

1. Site Walk
2. Public Hearing

6. 2018. 28 – Zoning Amendment – 35 Cumberland Street – James Stone

WORKSHOP

Ordinance Description:

The applicant is requesting a change zoning district to the City Center District for their parcel located at 35 Cumberland Street which would pull the CCD zoning line across Cumberland St to cover their parcel.

Ordinance History:

July 3, 2018 – Planning Board Workshop

Staff Comments:

Attached to the applicants letter and application, are two maps of the subject area. The first map shows the area of Warren/Cumberland Triangle with the current zoning showing the limits of the Industrial Park District (gray) and the City Center District (pink).

The second map shows the proposed change in zoning districts lines as requested by the applicant to adjust the current CCD zoning line to include the subject parcel at 35 Cumberland St.

The applicant's request for this amendment would allow the property additional uses which would make the property more marketable, such a live/work opportunity. The location of the parcel, although a highly visible location, has its limitation due to the traffic volumes in the areas. Where the previous use of the parcel was a bank with a drive thru, it is fairly probable that any of the potential use in the CCD that would be feasible in this location such as an office, or retail, would generate less traffic trips than the previous use of the drive thru bank, when it was in operation.

Included in your packets is an email from SAPPI (Barry Stemm), which states SAPPI's opposition to the proposed change. The applicant had previously attempted to reach out to SAPPI to see if they would be interested in purchasing the property as they are the direct abutter, but no response to their request was provided to the applicant, therefore where SAPPI hadn't responded to their request for purchase of the land, and the inability to market the property under the uses allowable in the current district, the applicant saw no other choice but to pursue some level of rezoning to allow the property to be reutilized. It was felt to be more appropriate to alter the zoning lines where the two district lines are across the street from each other vs requesting a contract zone to achieve the result of allowing additional uses.

Board Action:

1. Public Hearing – Staff recommends a public hearing date of August 7, 2018.