



Planning & Code Enforcement

2 York Street
Westbrook, Maine 04092
Phone: 207-854-0638
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PLANNING & CODE ENFORCEMENT

WESTBROOK PLANNING BOARD
Tuesday, July 5, 2022, 7:00 P.M.
Westbrook Middle School – Performing Arts Center
471 Stroudwater Street

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

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

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

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

Webinar ID: 817 0074 1385

AGENDA

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

REGULAR BUSINESS

3. **2021.07 – Site Plan Extension Request – Rocky Hill Solar Project – City of Westbrook:** The City is requesting a 2-year extension on the June 1, 2021 site plan approval for a ground mounted solar array. Tax Map: 020 Lot: 014 Zone: Rural District Use: Municipal Facility
4. **2021.08 - Site Plan Extension Request – Sandy Hill Solar Project – City of Westbrook:** The City is requesting a 2-year extension on the June 1, 2021 site plan approval for a ground mounted solar array. Tax Map: 001 Lot: 003B Zone: Industrial Park District Use: Municipal Facility

NEW BUSINESS

5. **2022.08 – Subdivision – Rock Row North Campus – Dirigo Center Developers, LLC:** The applicant is requesting an amendment subdivision of the Rock Row North Campus approved February 4, 2020 to create a new Lot #7. Tax Map 042B Lot 011 Zone: Contract Zone 12 – Rock Row Contract Zone
6. **2022.09 – Subdivision – Rock Row South Campus - Dirigo Center Developers, LLC:** The applicant is requesting a 9-lot subdivision of the Rock Row South Campus. Tax Map 042B Lot 011 Zone: Contract Zone 12 – Rock Row Contract Zone
7. **2022.15 – Site Plan – Arthur P. Girard Columbarium Garden at Woodlawn Cemetery – City of Westbrook:** The City is requesting a columbarium garden to include four niche walls and an outdoor service area located within Woodlawn Cemetery. Tax Map: 009 Lot: 999 Zone: Residential Growth Area 1 Use: Cemetery
8. **2022.20 – Amendment to the Land Use Ordinance - §335-1.8 Definitions; § 335-2.18 Lot partially in two districts; §335-2.23 One unit, one household; New Section §335-2.31 Utilities; § 335-3.5 Nonconforming**

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

lots; § 335-3.6 Nonconforming lot design standards; Article V Zoning Districts; Article XII Review of Private Ways; Attachment 1 Table 1 Land Use Table: City Staff are proposing several amendments to the Land Use Ordinance to clarify ambiguous language, revise the existing Land Use “Utility” to include public infrastructure, allow residential units on the first floor of parcels located within the Downtown District with frontage on Spring Street and allow private ways to provide frontage for more than 3 lots with additional standards.

WORKSHOP

- 9. 2022.21 – Site Plan Amendment – 594 County Road - Pine Tree Waste, Inc:** The applicant is proposing a site plan amendment to construct a 35,000sf office and maintenance building, asphalt parking lot and vehicle fueling station. Tax Map: 002 Lot: 024D Zone: Industrial Park District Use: Industry, Business Office, Accessory Use
- 10. 2022.22 – Site Plan – 31 Spiller Drive – Troiano Properties, LLC:** The applicant is proposing a 15,000sf multi-tenant commercial building and associated parking lot. Tax Map: 004 Lot: 301 Zone: Manufacturing District
- 11. 2022.23 – Site Plan, Subdivision, Village Review – Maple Grove Subdivision - Avesta Housing & New Ventures, LLC:** The applicant is proposing a 192-unit multifamily residential complex with site access from Main Street and Seavey Street. Tax Map: 040 Lot: 135 Zone: City Center District, Village Review Overlay Zone Use: Dwelling – Multiple Family
- 12. 2022.24 – Amendment to the Land Use Ordinance - §335-5.1 City Center District – Avesta Housing & New Ventures, LLC:** The proposed amendment reduces the minimum dwelling unit size for dwellings in the City Center District.



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PLANNING & CODE ENFORCEMENT

DATE: July 1, 2022

TO: Planning Board
FROM: Jennie P. Franceschi, City Planner & Rebecca Spitella, Assoc. Planner
Cc: Plan Review Team

RE: July 5, 2022, Planning Board Meeting

-
1. **2021.07 – Site Plan Extension Request – Rocky Hill Solar Project – City of Westbrook**
 2. **2021.08 – Site Plan Extension Request – Sandy Hill Solar Project – City of Westbrook**
 3. **2022.08 – Amended Subdivision – Rock Row North Campus – Dirigo Center Developers, LLC**
 4. **2022.09 – Amended Subdivision – Rock Row South Campus - Dirigo Center Developers, LLC**
 5. **2022.15 – Site Plan – Arthur P. Girard Columbarium Garden at Woodlawn Cemetery – City of Westbrook**
 6. **2022.20 - Amendment to the Land Use Ordinance - §335-1.8 Definitions; § 335-2.18 Lot partially in two districts; §335-2.23 One unit, one household; New Section §335-2.31 Utilities; § 335-3.5 Nonconforming lots; § 335-3.6 Nonconforming lot design standards; Article V Zoning Districts; Article XII Review of Private Ways; Attachment 1 Table 1 Land Use Table**
 7. **2022.21 - Site Plan Amendment – 594 County Road - Pine Tree Waste, Inc**
 8. **2022.22 - Site Plan – 31 Spiller Drive – Troiano Properties, LLC**
 9. **2022.23 - Site Plan, Subdivision, Village Review – Maple Grove Subdivision - Avesta Housing & New Ventures, LLC**
 10. **2022.24 - Amendment to the Land Use Ordinance - §335-5.1 City Center District – Avesta Housing & New Ventures, LLC**

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1. **2021.07 – Site Plan Extension Request – Rocky Hill Solar Project – City of Westbrook**

REGULAR MEETING

Tax Map: 020 Lot: 014
Zone: Rural District
Use: Municipal Facility

Project Description

The City is requesting a 2-year extension on the site plan approval for a municipal solar array.

Project History

February 25, 2021 – Neighborhood Meeting
April 6, 2021 – Planning Board Workshop
June 1, 2021 – Public Hearing
July 5, 2022 – Site Plan Approval Extension Request

Staff Comments:

No changes to the Ordinance have occurred which would alter the original approval for the project. Staff supports the extension request as provided in the letter from Eric Dudley dated May 31, 2022. No changes are proposed to Staff comments and conditions of approval from the June 1, 2021 approval.

Motion:

Motion to grant a two-year extension of the June 1, 2021 approval for the Rocky Hill Solar Project for a municipal solar array located at Tax Map: 020 Lot: 014 Zone: Rural District. All previously approved findings of fact and conclusions and conditions are still applicable.

2. 2021.08 – Site Plan Extension Request – Sandy Hill Solar Project – City of Westbrook

REGULAR MEETING

Tax Map: 001 Lot: 003B
Zone: Industrial Park District
Use: Municipal Facility

Project Description

The City is requesting a 2-year extension on the site plan approval for a municipal solar array.

Project History

February 25, 2021 – Neighborhood Meeting
April 6, 2021 – Planning Board Workshop
June 1, 2021 – Public Hearing
July 5, 2022 – Site Plan Approval Extension Request

Staff Comments:

No changes to the Ordinance have occurred which would alter the original approval for the project. Staff supports the extension request as provided in the letter from Eric Dudley dated May 31, 2022. No changes are proposed to Staff comments and conditions of approval from the June 1, 2021 approval.

Motion:

Motion to grant a two-year extension of the June 1, 2021 approval for the Sandy Hill Solar Project for a municipal solar array located at Tax Map: 001 Lot: 003B Zone: Industrial Park District. All previously approved findings of fact and conclusions and conditions are still applicable.

3. 2022.08 – Amended Subdivision – Rock Row North Campus – Dirigo Center Developers, LLC

PUBLIC HEARING

Tax Map: 042B Lot: 011
 Zone: Contract Zone 12 – Rock Row Contract Zone
 Location: 90-94 Rock Row

Project Description

The applicant is requesting an amendment to their previous subdivision of the Rock Row North Campus approved February 4, 2020 to create a new Lot #7.

Project History

April 5, 2022 – Planning Board Workshop
 June 28, 2022 – Public Hearing - Portland
 July 5, 2022 – Public Hearing - Westbrook

Staff Comments:

Noticing Fees: \$342.40

With the approval from the Portland Planning Board, Staff recommends the application for approval by the Westbrook Planning Board.

Motion:

Motion that the Planning Board approve Dirigo Center Developers LLC’s application for an amendment to the Dirigo Center Developer’s LLC Subdivision approval granted by the Planning Board on October 18, 2016 and subsequently amended through this current approval for property located at 90-94 Rock Row, Tax Map: 42B Lots: 11 Zone: Contract Zone 12 and the following findings of fact, conclusions and conditions as stated on pages 4 through 6 of this Staff Memo dated July 1, 2022, which are adopted in support of that approval. Included in the previous approvals is the waiver of a joint meeting with Portland, which was approved on October 1, 2019.

Subdivision – Finding of Fact

Standard	Finding
Pollution	No impact to water or air pollution results from the subdivision
Sufficient Water	Water services are provided internal to the overall site to service newly created lots.
Municipal Water Supply	Water services are provided internal to the overall site to service newly created lots.
Erosion	Erosion and control measures will be provided with each lot’s site plan approval.
Traffic	The proposed subdivision is within the approved Phase 1 Traffic Movement Permit
Sewage Disposal	Sewer services are available internal to the overall site to service newly created lots. All new sewer connections subject to the review and approval by Wastewater services.
Municipal Solid Waste Disposal	All waste removal will be privately managed for the development.
Aesthetic, Cultural and Natural Values	None known.
Conformity with City Ordinances and Plans	The subdivision amendment is in conformance with City Ordinances & Comprehensive Plan
Financial and Technical Capacity	The City of Westbrook has a performance guarantee from the applicant in an amount that is sufficient to cover the project as proposed. The

	applicant has retained the services of Jones and Beach Engineers which demonstrates technical capacity.
Surface Waters; Outstanding River Segments	The subdivided lot (Tax Map 042B Lot 011) is not located within a watershed of a pond or lake, or within 250-feet of any wetland, great pond or river.
Ground Water	The subdivision amendment does not increase impervious cover to the project site and will not have an impact on groundwater.
Flood Areas	The project is not located within a flood zone
Freshwater Wetlands	No wetlands have been identified on the site.
Farmland	No current or registered farmlands have been identified on the site
River, Stream or Brook	No rivers, streams or brooks are identified within the limits of the Map 042B Lot 011 parcel.
Stormwater	Stormwater management is consistent with the September 18, 2018 site plan/subdivision approval.
Spaghetti Lots Prohibited	No lots within the proposed subdivision have shore frontage.
Lake Phosphorus Concentration	The proposed subdivision is not located near or along a great pond.
Impact on Adjoining Municipality	The subdivision was approved by the City of Portland Planning Board on June 28, 2022.
Lands subject to Liquidation Harvesting	Not applicable

Conclusions:

1. The proposed subdivision **will not** result in undue water or air pollution
2. The proposed subdivision **has** sufficient water available for the reasonably foreseeable needs of the subdivision
3. The proposed subdivision **will not** cause an unreasonable burden on an existing water supply
4. The proposed subdivision **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 subdivision **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 subdivision **will** provide for adequate sewage waste disposal and **will not** cause an unreasonable burden on municipal services.
7. The proposed subdivision **will not** cause an unreasonable burden on the City's ability to dispose of solid waste.
8. The proposed subdivision **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed subdivision **conforms** with a duly adopted subdivision regulation or Ordinance, comprehensive plan, development plan or land use plan.
10. The subdivider **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed subdivision **will not** adversely affect the quality of any pond, lake, wetland, great pond or river, or unreasonably affect the shoreline of that body of water.
12. The proposed subdivision **will not**, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The subdivision **is not** located in a flood-prone area, as determined by the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps.
14. All freshwater wetlands within the proposed subdivision **have** been identified.
15. All farmland within the proposed subdivision **has not** been identified. – Not applicable
16. Any river, stream or brook within or abutting the proposed subdivision **has** been identified.
17. The proposed subdivision **will** provide for adequate stormwater management.
18. Lots in the proposed subdivision **do not have** shore frontage on a river, stream, brook, great pond or coastal wetland as defined in 38 M.R.S.A. Section 480-B.

19. The long-term cumulative effects of the proposed subdivision **will not** unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
20. The proposed subdivision **will not** cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
21. Timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to 12 M.R.S.A. Section 8869, subsection 14.

Conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated March 10, 2022 and all supporting/subsequent 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. Prior to any further permits being issued for any parcel within the Rock Row North Campus:
 - a. The applicant shall provide a copy of the recorded amended subdivision plan.
 - b. The applicant shall provide the digital data as required by §335-13.3 – verification with GIS coordinator
 - c. An updated Phasing Plan provided to the Planning Department
3. This approval is subject to the MDOT Traffic Movement Permit ID Reg. 01-00185-A-M dated September 20, 2018

4. 2022.09 - Subdivision – Rock Row South Campus - Dirigo Center Developers, LLC and Waterstone Rock Row Medical Campus, LLC.

PUBLIC HEARING

Tax Map: 042B Lot: 014
 Zone: Contract Zone 12 – Rock Row Contract Zone
 Location: 59 Westbrook Arterial

Project Description

The applicant is requesting a 9-lot subdivision of the Rock Row South Campus.

Project History

- April 5, 2022 – Planning Board Workshop
- June 28, 2022 – Public Hearing - Portland
- July 5, 2022 – Public Hearing - Westbrook

Staff Comments:

With approval from the Portland Planning Board, Staff recommends the application for approval by the Westbrook Planning Board.

Motion:

Motion that the Planning Board approve Dirigo Center Developers LLC’s and Waterstone Rock Row Medical Campus, LLC’s application for an amendment to the Dirigo Center Developer’s LLC Subdivision approval granted by the Planning Board on October 18, 2016 and subsequently amended through this current approval for property located at 59 Westbrook Arterial, Tax Map: 42B Lots: 14 Zone: Contract Zone 12 and the following findings of fact, conclusions and conditions as stated on pages 7 through 9 of this Staff Memo dated July 1, 2022, which are adopted in support of that approval. Included in the previous approvals is the waiver of a joint meeting with Portland, which was approved on October 1, 2019.

Subdivision – Finding of Fact

Standard	Finding
Pollution	No impact to water or air pollution results from the subdivision
Sufficient Water	Water services are provided internal to the overall site to service newly created lots.
Municipal Water Supply	Water services are provided internal to the overall site to service newly created lots.
Erosion	Erosion and control measures will be provided with each lot’s site plan approval.
Traffic	A new MDOT Traffic Movement Permit is required with the site plan review for the South Campus medical office building. The subdivision does not impact the traffic counts within the permit currently under review.
Sewage Disposal	Sewer services are available internal to the overall site to service newly created lots. All new sewer connections subject to the review and approval by Wastewater services.
Municipal Solid Waste Disposal	All waste removal will be privately managed for the development.
Aesthetic, Cultural and Natural Values	None known.

Conformity with City Ordinances and Plans	The subdivision amendment is in conformance with City Ordinances & Comprehensive Plan
Financial and Technical Capacity	The City of Westbrook has a performance guarantee from the applicant in an amount that is sufficient to cover the project as proposed. The applicant has retained the services of Jones and Beach Engineers which demonstrates technical capacity.
Surface Waters; Outstanding River Segments	Nason's Brook is located on Map 042B Lot 014, and is shown on the Amended Subdivision Plat.
Ground Water	The subdivision amendment does not increase impervious cover to the project site and will not have an impact on groundwater.
Flood Areas	The project is not located within a flood zone
Freshwater Wetlands	No wetlands have been identified on the site.
Farmland	No current or registered farmlands have been identified on the site
River, Stream or Brook	Nason's Brook is located on Map 042B Lot 014, and is shown on the Amended Subdivision Plat.
Stormwater	
Spaghetti Lots Prohibited	No lots within the proposed subdivision have shore frontage.
Lake Phosphorus Concentration	The proposed subdivision is not located near or along a great pond.
Impact on Adjoining Municipality	The subdivision was approved by the City of Portland Planning Board on June 28, 2022.
Lands subject to Liquidation Harvesting	Not applicable

Conclusions:

1. The proposed subdivision **will not** result in undue water or air pollution
2. The proposed subdivision **has** sufficient water available for the reasonably foreseeable needs of the subdivision
3. The proposed subdivision **will not** cause an unreasonable burden on an existing water supply
4. The proposed subdivision **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 subdivision **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 subdivision **will** provide for adequate sewage waste disposal and **will not** cause an unreasonable burden on municipal services.
7. The proposed subdivision **will not** cause an unreasonable burden on the City's ability to dispose of solid waste.
8. The proposed subdivision **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed subdivision **conforms** with a duly adopted subdivision regulation or Ordinance, comprehensive plan, development plan or land use plan.
10. The subdivider **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed subdivision **will not** adversely affect the quality of any pond, lake, wetland, great pond or river, or unreasonably affect the shoreline of that body of water.
12. The proposed subdivision **will not**, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The subdivision **is not** located in a flood-prone area, as determined by the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps.
14. All freshwater wetlands within the proposed subdivision **have** been identified.
15. All farmland within the proposed subdivision **has not** been identified. – Not applicable
16. Any river, stream or brook within or abutting the proposed subdivision **has** been identified.
17. The proposed subdivision **will** provide for adequate stormwater management.

18. Lots in the proposed subdivision **do not have** shore frontage on a river, stream, brook, great pond or coastal wetland as defined in 38 M.R.S.A. Section 480-B.
19. The long-term cumulative effects of the proposed subdivision **will not** unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
20. The proposed subdivision **will not** cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
21. Timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to 12 M.R.S.A. Section 8869, subsection 14.

Conditions:

4. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated March 10, 2022 and all supporting/subsequent 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.
5. Prior to any further permits being issued for any parcel within the Rock Row South Campus:
 - a. The applicant shall provide a copy of the recorded amended subdivision plan.
 - b. The applicant shall provide the digital data as required by §335-13.3 – verification with GIS coordinator
 - c. An updated Phasing Plan provided to the Planning Department
6. This approval is subject to the MDOT Traffic Movement Permit ID Reg. 01-00185-A-M dated September 20, 2018

5. 2022.15 – Site Plan – Arthur P. Girard Columbarium Garden at Woodlawn Cemetery – City of Westbrook

PUBLIC HEARING

Tax Map: 009 Lot: 999
Zone: Residential Growth Area 1
Use: Cemetery

Project Description

On December 6, 2021, The City Council accepted a \$500,000 donation from Arthur P. Girard toward the establishment of the Arthur P. Girard Columbarium Garden located within Woodlawn Cemetery, to allow for a dedicated location in the cemetery for cremation interment. The project includes 4 double sided niche walls and will also include a section that is dedicated to Veterans.

Due to costs, the project has now been provided in phases. The garden seating area to the east side that could be utilized for outdoor services would be a phase 2 component, with a potential interment expansion still possible for a future phase which would need further permitting.

Project History

April 19, 2022 – Neighborhood Meeting
May 3, 2022 - Planning Board Workshop
July 5, 2022 – Public Hearing

Staff Comments:

1. Show irrigation for landscaping and grassed area as part of Phase 1; Revise cost estimate as appropriate
2. Benches called out in phase 2 cost estimate but not shown on plan. If included, show on plan
3. Remove phase 3 from plan. Can delineate location of a possible phase 3, however without full design phase 3 is not included with this approval.
4. Is there a rendering for proposed statutes/signage?
5. Include phasing schedule to extend approval beyond 1 year point. Phasing schedule should be stated on site plan.
6. Landscape detail – revise to state “remove all metal or ... from top ½ of root ball” (1/3 of root ball stated on details)
7. Show location of ground light on utility plan and include detail
8. State surface material for base of military flags on plan
9. On Friday we will provide you with draft conditions of approval for you to include on the site plan. For Tuesday we’ll need a full copy of the final revised plan set in mylar and paper (full size) format for signature. If you’d like you can provide us with an electronic copy (by Friday) for final review prior to printing.

Motion:

That the Site Plan application for the City of Westbrook to construct a columbarium and veteran’s memorial within Woodlawn Cemetery Tax Map: 009 Lot: 999 Zone: Residential Growth Area 1 is **(approved with conditions/ denied)** and the following findings of fact, conclusions, and conditions as stated on pages **10 through 12** of this Staff Memo dated July 1, 2022 are adopted in support of that approval.

Site Plan – Finding of Fact

Standard	Finding
Utilization of the site	The proposed use is an expansion of the existing use on the site.
Handicap Access	Site is compliant with ADA standards where applicable
Appearance Assessment	Site meets the intent of the Ordinance.
Landscape Plan	A landscape plan has been provided as part of the application. Irrigation systems are proposed for landscape maintenance.

Odors	No adverse impact known or anticipated.
Noise	Development will not generate noise beyond existing thresholds.
Technical and Financial Capacity	The City of Westbrook has accepted a \$500,000 private donation to be used to fund the project. Sebago Technics provides technical capacity for project design.
Solid Waste	No waste is generated by the proposed development.
Historic, Archaeological and Botanical Resources or Unique Features	None known.
Hazardous Matter	Not applicable.
Vibrations	No adverse impact known or anticipated.
Parking & Loading Design and Site Circulation	Temporary parking is permitted along the access drives within the cemetery for visiting purposes. No overnight parking is permitted.
Adequacy of Road System	Traffic generation from the development is minimal.
Vehicular Access	No additional curb cuts are proposed as part of the development.
Pedestrian and Other Modes of Transportation	Access drives within the cemetery are for vehicular and pedestrian purposes. Additional pathways and benches are provided for visiting the columbarium.
Utility Capacity	Water and electrical connections are available within the site.
Stormwater Management, Groundwater Pollution	The project provides underdrain collection of water to prevent heaving of the patio/columbarium area. Water is discharged to rear of the site at a natural slope for drainage.
Erosion and sedimentation Control	Adequate erosion and sedimentation measures are provided on the plan.

Conclusions

1. The proposed site plan **will not** result in undue water or air pollution.
2. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed site plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed site plan **will** provide for adequate sewage waste disposal.
7. The proposed site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed site plan **conforms** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet standards of this section.
11. The proposed site plan **is not** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed site **is not** situated entirely or partially within a floodplain.
14. All freshwater wetlands **have** been shown on the site plan.
15. Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.

16. The proposed site plan **will** provide for adequate storm water management.
17. The proposed plan **will not** negatively impact the ability of the City to provide public safety services.

Conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated June 9, 2022 and all supporting/subsequent 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. Prior to any ground disturbance or permit issuance:
 - a. All Staff comments must be addressed
 - b. A pre-construction meeting will need to be held with City Staff.
 - c. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
3. Best management practices shall be adhered to during all ground disturbance operations.

6. **2022.20 - Amendment to the Land Use Ordinance - §335-1.8 Definitions; § 335-2.18 Lot partially in two districts; §335-2.23 One unit, one household; New Section §335-2.31 Utilities; § 335-3.5 Nonconforming lots; § 335-3.6 Nonconforming lot design standards; §335-5.1 City Center District; Article V Zoning Districts; Article XII Review of Private Ways; Attachment 1 Table 1 Land Use Table**

PUBLIC HEARING

Ordinance Description

City Staff are proposing several amendments to the Land Use Ordinance to clarify ambiguous language, revise the existing Land Use “Utility” to include public infrastructure and allow private ways to provide frontage for more than 3 lots with additional standards. Additionally, a provision for prohibiting residential uses from first floor buildings along Spring St is proposed for removal to allow better development of those effected parcels.

Ordinance History

June 7, 2022 - Planning Board Workshop

July 5, 2022 – Public Hearing

Staff Comments

Staff have grouped the amendments into 6 general categories and will provide further explanation on each amendment.

1. Lot of Record & Nonconforming Lots

Ordinance: §335-1.8 Definitions;

The current wording of the lot of record definition states a parcel must have been a part of a Planning Board approved subdivision **and** have met prior zoning requirements. This is not an accurate definition of Lot of Record as it should not be both. A lot of record is a parcel that is recognized as legal (thus buildable) when it is a part of a Planning Board approved subdivision **or** having met the zoning requirements at the time of the lot’s creation. The proposed language seeks to clarify the two and further defines the lot’s creation with having met the zoning requirements at the time of the deed’s recording rather than a variable “at the time this chapter was adopted”.

Ordinance: §335-3.5 – Nonconforming Lots

The current ordinance §335-3.5 Nonconforming Lots utilizes the term Nonconforming Lot and Lot of Record interchangeably. However, these are two separate terms that sometimes may cross, but not always. All nonconforming lots are lots of record but not all lots of record are nonconforming lots. This section of the ordinance is addressing standards for nonconforming lots, so the proposed amendment replaces all references to “lots of record” with “nonconforming lot”. Additional minor changes to wording are proposed for clarity and consistency with language utilized throughout the ordinance.

Ordinance: §335-3.6 - Nonconforming lot design standards

The design standards outlined in nonconforming lot design standards are specific to residential building construction and design. The proposed amendment specifies the RGA 1 and RGA 2 districts as these are the two districts within the City that are primarily comprised of interconnected, residential neighborhoods (City Center does not have a minimum lot size or road frontage requirements and therefore there aren’t any nonconforming legally created lots within the City Center District). This section of the Ordinance also removes the provision for Yard Setbacks §335-3.6.C(7)(b) as this appears to be a typo (states a 15-inch setback is required rather than 15 feet) and further Staff supports utilizing the setbacks defined in the base zone when building on a nonconforming lot. In the event that a building envelope on a legally nonconforming lot is too small to be functionally utilized §335-3.5.C affords the property owner the ability to seek a variance through the Zoning Board of Appeals.

2. *Lot Partially in Two Districts*

Ordinance: §335-2.18 Lot Partially in Two Districts

The wording of this section is vague and has resulted in confusion when working to interpret. The proposed amendment clarifies that the performance standards of the primary district shall be utilized for lots that bisect two zoning districts while land uses that are only permitted in the Primary District may not extend more than 30 feet beyond the zoning boundary where they are permitted.

3. *One Unit, One Household*

Ordinance: §335-2.23 One unit, one household

The proposed amendment addresses a cyclical statement within the Ordinance. §335-2.23 states no more than one household may live in a dwelling unit, however a household is defined as a group of individuals living in a dwelling unit. By that definition, it would be impossible for more than one household to reside within a dwelling unit because the dwelling unit defines the household, therefore this definition is pointless and is proposed for removal.

4. *Private Ways*

Ordinances: §335-12.4 Reviewing Authority §335-12.6 General Provisions sections A. C. D. and E(4)

The proposed amendment removes the 3-lot limit and would allow a private way to provide access and frontage to however many lots that can be legally created within the base zone, with the standard that a private way providing frontage to 4 or more lots must meet the local street standard which requires larger travel ways and a 5.5' sidewalk. The amendment further clarifies responsibility of trash and snow removal is with the HOA for all private roads, regardless of the type of development. Final edits were made to correct grammatical errors and remove gendered language within the Ordinance.

In looking at recent development inquiries it became clear that the 3-lot maximum resulted in private way development demanding oversized lots. All roads, regardless of public or private development, should be afforded the ability to develop in accordance with the standards of the district in which they are located. Further, a development who wishes to retain the rights of a roadway should be afforded that ability, where the Ordinance currently **requires** a development with access/frontage to more than 3 lots be accepted by the City as a public street.

There have been no changes to the reviewing authority for private ways, however the Ordinance is proposed to be amended to more clearly state that private ways may be reviewed at a Staff level by the Private Way Review Committee only in instances where subdivision review is not required. Where subdivision review is required, a private way would be reviewed as part of the site plan/subdivision application review.

5. *Utilities*

Ordinances: §335-1.8 Definitions; New Performance Standard §335-2.31 Utilities; §335-5.1 City Center District; §335-5.2 Residential Growth Area 1; §335-5.3 Residential Growth Area 2; §335-5.4 Residential Growth Area 3; §335-5.5 Prides Corner Smart Growth Area; §335-5.6 Rural District; §335-5.7 Highway Services District; §335-5.9 Gateway Commercial District; §335-5.10 Industrial Park District; §335-5.11 Manufacturing District; §335 Attachment 1 Table 1 Land Use Table

The proposed amendment inserts Utilities as a permitted use in every zone so all utility services (power lines, substations, pump houses, etc.) are conforming. Staff is recommending a parcel setback for utility structures (does not apply to subsurface utilities or electrical infrastructure) of 5-feet on private lots (or 0' for parcels located within the case of the City Center District, in accordance with the standards of that district).

Previously, Calpine was permitted in the MD as a 'utility'. However, it is not the intention of this amendment to allow large scale power generation companies in every district. In looking at the land use definitions, Staff finds the operations of a business such as Calpine is more appropriately classified as Industry. Therefore, Staff is proposing an amendment to the definition of Industry to further define the parameters of the industrial operations

and to better differentiate the Industry and Light Manufacturing land uses, where industry is the production of goods or materials (that may require further production prior to sale to consumer) and Light Manufacturing is the production of a finished product or part ready for retail sale.

The Industry use is permitted within the Industrial Park District and Gateway Commercial District as a permitted use, and within Highway Services as a Conditional Use. Staff is recommending Industry be added to the Manufacturing District to address the existing businesses within that zone. Additionally, Staff is recommending Industry be removed from the Highway Services District as the majority of parcels zoned Highway Services directly abut a parcel that is either residentially zoned or used and these parcels are typically small lots.

In looking at the Manufacturing District, the ordinances lists Permitted, Conditional and Prohibited Uses. The Manufacturing District was written prior to the adoption of §335-2.26, which states that any use that is not expressly allowed as a permitted or conditional use is prohibited. With the adoption of §335-2.26 it is redundant to include Prohibited Uses within a zoning district as any use not permitted is inherently prohibited.

However, it is clear the intent of this section was to protect this district from specific industries that may otherwise be defined by an umbrella term (such as Light Manufacturing) that could cause an unreasonable burden or nuisance. To address this, the proposed amendment includes a clarifying statement that within the Manufacturing District the terms Light Manufacturing and Industry shall not include the industries previously defined as Prohibited Uses.

6. City Center District – Downtown District Ordinances §335-5.1 City Center District

In December 2019/January 2020, the Planning Board and City Council approved the adoption of the standards of the previous Downtown Housing Overlay District to the Downtown District to increase density along and adjacent to Main Street to incentivize redevelopment. With this expansion, a prohibition of first floor residential use was applied to all major corridors in the Downtown District to protect the commercial aspects of the downtown. This has been a successful Ordinance and has already brought several new businesses and residential units to Main Street to support a healthy and balanced downtown.

This winter, Staff was approached by a property owner on Spring Street to discuss a potential redevelopment of their parcel. In reviewing the Zoning Ordinance, it became clear that the (5) Spring Street fronting parcels are not necessarily best suited for commercial development due to their size, configuration and lack of on-street parking on Spring Street. Spring Street from William Clarke Drive to Main Street is only approximately 250' in length resulting in multiple curb cuts at very close proximities to heavily used intersections. These lots are small and narrow, making off street parking difficult to provide. Staff does not find it in the best interest of the downtown nor these parcels to “mandate” commercial use of these properties.

No other side street from Main St connecting to William Clarke Drive has this requirement, as this standard does not apply to Mechanic Street, Church Street or Pleasant Street and 2 of the 3 Stroudwater Street fronting parcels also have Main Street frontage where commercial activity is appropriate.

In looking at these conflicts, it became evident to Staff that the best use for these smaller parcels on this limited stretch of Spring Street is to allow residential growth which will then support the commercial growth on Main Street. Therefore, staff proposes an amendment to remove the prohibition of first floor residential uses for parcels located in the City Center District – Downtown District “with frontage on Spring Street”. No other changes to the residential standards or requirements are proposed.

Motion:

Motion to recommend an amendment to the City of Westbrook Land Use Ordinance as per the attached document titled, “2022 Land Use Ordinance Amendment Bundle” and as described in the Staff Memo dated, July 1, 2022.

7. 2022.21 - Site Plan Amendment – 594 County Road - Pine Tree Waste, Inc

WORKSHOP

Tax Map: 002 Lot: 024D
Zone: Industrial Park District
Use: Industry, Business Office, Accessory Use

Project Description

The applicant is proposing a site plan amendment to construct a 35,000 sf office and maintenance building, asphalt parking lot and vehicle fueling station.

Project History

June 29, 2022 – Neighborhood Meeting
July 5, 2022 – Planning Board Workshop

Staff Comments:

1. Noticing fees: \$25.20
2. Final application should include a site plan of full parcel; Plan set can include a blow-up sheet of new development.
3. Provide design for fuel storage tanks/station
 - a. Provide size (gallons) for fuel storage tanks
 - b. Storage or pumping station?
 - c. May requires canopy suppression and emergency shutoff depending on design.
 - d. Protection (bollards) needed for above ground fuel storage tanks for fleet fueling
4. Wayfinding signs required at intersection of admin office/maintenance building and transfer station to direct emergency vehicles.
5. Clarity needed for DEP Status – is development within the purview of existing permit or will project require additional DEP permitting?
6. Final plan to show all utility connections.
 - a. Underground electric required.
 - b. Provide sewer plan (inclusive of rim and invert elevations) for full site
7. Provide photometrics plan with final application. Lighting required along access road and in parking areas.
8. Waste management: Dumpster need to be shown and enclosure if outside.
9. Coordination needed with Long Creek Management District for a change in permit.
10. Building will require full fire alarm system and fully sprinkled
11. Additional fire hydrant required in vicinity of new building. Final location to be approved by FD.
12. Provide traffic analysis with final application
13. Verify the development is outside of the no cut vegetative buffer on site. Show buffer on final plan.
14. Provide documentation of neighborhood meeting (attendance list and meeting minutes) to Planning Dept.

Board Action:

1. Provide feedback to Staff and Applicant

8. 2022.22 - Site Plan – 31 Spiller Drive – Troiano Properties, LLC

WORKSHOP

Tax Map: 004 Lot: 301
Zone: Manufacturing District

Project Description

The applicant is proposing a 15,000sf multi-tenant commercial building and associated parking lot.

Project History

June 28, 2022 – Neighborhood Meeting
July 5, 2022 – Planning Board Workshop

Staff Comments:

1. 40-foot paved perimeter for building appears excessive for shown uses. If the intent is to utilize perimeter for parking for plows/service trucks, spaces should be delineated as such on the site plan. As stated during the Staff review, vehicle storage could include 5-6 snowplows, trailers and 1 – 2 service trucks.
2. Utilizing the Industrial Use standard for parking calculation is not accurate. Given there are not known tenants for the remaining units the “Other Commercial or Business” standard of 1 space per 250 sf would be utilized, requiring 60 parking spaces.
 - a. Staff is concerned 18 parking spaces is insufficient for 5 commercial units, especially where the end use has not been determined, however would support a waiver request on the 1/250sf standard to avoid overparking a site; documentation is needed to provide support for a reduced parking standard based on location/uses/similar sized commercial units/etc.
3. Concern cutting into slope could damage Saco Street infrastructure. At minimum project may require a guard rail and retaining wall. Further review of this item needed with submission of full grading plan. Consider options to reduce footprint in this vicinity as much as possible. Potential to extend parking lot on the southerly edge for additional storage/parking.
4. Provide turning template.
 - a. If utilizing site to store fleet vehicles, ensure fire access is maintained with snowplow/truck parking along the rear of the site.
5. Concrete pad needed for dumpster.
 - a. If utilizing site to store fleet vehicles, ensure dumpster is accessible with snowplow/truck parking along the rear of the site.
6. Provide detail for dumpster enclosure
7. Sewer is stubbed to site and does not require new connection to main
8. Slip form curbing required for radii at intersection with Spiller Drive
9. Provide full landscape plan with final submission with plant species and quantities.
 - a. Concern of survivability of small landscape islands in parking area
 - b. Extend the landscaping strip along Spiller Drive
 - c. Provide additional landscaping measures at site entrance / along northerly edge of pavement to further screen parking areas
10. Color building elevations with materials stated required with final application submission
11. Sprinkler system required for building
12. No outdoor storage of material permitted on the site
13. Update space and bulk table to show post construction conditions (plan just states “meets”)
14. Provide documentation of neighborhood meeting (attendance list and meeting minutes) to Planning Dept.

Board Action:

1. Provide feedback to Staff and Applicant

9. 2022.23 - Site Plan, Subdivision, Village Review – Maple Grove Subdivision - Avesta Housing & New Ventures, LLC

WORKSHOP

Tax Map: 040 Lot: 135
Zone: City Center District, Village Review Overlay Zone
Use: Dwelling – Multiple-Family

Project Description

The applicant is proposing a 192-unit multifamily residential complex with site access from Main Street and Seavey Street.

Project History

June 23, 2022 – Neighborhood Meeting
July 5, 2022 – Planning Board Workshop

Staff Comments:

1. Village Review
 - a. Review by Village Review Overlay Committee required. Provide building elevations to Planning Department to schedule. Elevations should be color with materials stated for all structures.
2. Provide blow up of Main Street site entrance to show the closure of driveway for Tax Map 40 Lot 153/154, sidewalk reconstruction and relocation of the Metro stop easterly
3. Provide bus shelter at relocated metro stop.
4. Application requires a reduction of the 1:1 parking standard.
 - a. Applicant has provided documentation for Avesta units to support a 0.6 space per unit parking requirement based on other projects which is in-line with waiver requests/grants for similar projects within the community. Staff is in support of the waiver request to provide 0.6 spaces per unit for the Avesta portion of the project.
5. Parking
 - a. Parallel spaces are sized for compact cars. Minimum stall width of 7' x 22' required
 - b. Concern of parking spaces directly abutting property lines leaving 1' – 2' from edge of pavement to property.
 - c. Northerly most parallel parking space in line of spaces adjacent to Seavey Street residential lots is not feasible - remove.
 - d. New Ventures II parking lot – Aisle width does not meet the Ordinance standard of 24' for 90-degree parking.
6. Main drive/access way
 - a. Provide curbing along access drive and parking lot islands – slip form concrete curbing required internal to the site and at the Seavey Street intersection; Granite curbing required for radii at Main Street entrance.
 - b. Driveway will require name for E-911 purposes. Provide 3 potential names for review.
 - i. Oak Street Extension is not acceptable as it conflicts with Oak Street
 - c. Entrances are oversized to parking area. Narrow entrances to parking areas to provide greater delineation of drive/access way vs parking areas (If feasible with maintaining adequate fire truck circulation).
 - d. Final plan to show all appropriate stop bars and street signage. Stop signs required at intersections with public street.
7. Pedestrian Connectivity
 - a. Minimum sidewalk width of 5' required. Plan shows 3' in some locations

- b. Add a crosswalk connection over the main driveway at westerly side of Avesta I to facilitate pedestrian movement from Avesta I to the bus shelter/sidewalk system at Main Street
 - c. Align walkway crossing over driveway to abutting property
 - d. Recommend removing the crosswalk and the crossing for the driveway to the abutting property and the crossing for the access point to New Ventures I parking lot. Crosswalks would be utilized for crossings over main access drive only.
 - e. Truncated domes required at all crosswalk locations (at intersection with Seavey, at edge of Avesta I building, limit of New Ventures I and New Ventures II building and intersection with Main Street)
 - f. Review of Seavey Street sidewalk system – project may be required to repair existing infrastructure along project frontage.
8. Provide a traffic analysis with final application
 - a. Review of driveway to determine whether 1-way vs 2-way circulation?
 9. Photometric plan required with final submission to demonstrate adequate site lighting. Verify cobra heads exist at points of intersection with public ways.
 10. Provide cut sheets for lighting types (poles, light fixtures) with final application.
 11. Pre-treatment for sewer required prior to entering the public system
 12. Waste Management
 - a. Concrete pad required for dumpsters
 - b. Provide detail on enclosure.
 - c. Concern 2 dumpsters is not sufficient for the number of units proposed. 3rd location convenient to “Phase 2” may be necessary.
 13. Provide a turning template through site to demonstrate emergency access
 14. 3’ landscape strip at entrance Avesta I parking lot is too narrow and will be difficult for vegetation to survive. Recommend curbing and fill with concrete to maintain road delineation.
 15. Small landscape island in Avesta I parking lot will be difficult to maintain/survive – recommend mountable concrete island for fire access and easy maintenance while maintaining delineation of parking area and preventing vehicles from parking mid parking lot.
 16. Fence required along property lines abutting Seavey St residential
 17. 2-hydrant locations internal to site required. Recommended locations are north of Avesta II building (on westerly side of driveway) and at parking lot entrance for Avesta I building. Final location to be approved by FD
 18. Provide sitting/smoking areas throughout site (benches/shelters/etc.).
 19. Final plan set will need to show rerouting of existing xc stormdrain line
 20. Provide dimensional standards for post construction (Gross Dens Factor, Landscape Factor, etc.) – plan currently states “meets”.
 21. Clarity needed on phasing of plan – is the intent to phase the development over time or is the intent to develop Avesta I and New Ventures I buildings and then determine whether the remainder of the project is viable?
 22. Stamped landscaping plan required with final submission.
 23. Provide snow management plan with final application
 24. Provide documentation of neighborhood meeting (attendance list and meeting minutes) to Planning Dept.

Board Action:

1. Site Walk
2. Provide feedback to Staff and Applicant

10. 2022.24 - Amendment to the Land Use Ordinance - §335-5.1.C.6 City Center District – Avesta Housing & New Ventures, LLC

WORKSHOP

Ordinance Description

The proposed amendment would propose to reduce the minimum dwelling unit size in the City Center District.

Ordinance History

July 5, 2022 - Workshop

Staff Comments:

Current language within the City Center District sets a minimum dwelling unit size of 500 sf with an additional 150 sf required per bedroom. During the review process for application 2022.23, Maple Grove Subdivision, the applicant provided a request to remove this standard to allow units of approximately 400 sf. As explained in the attached email from Jack Soley dated 6/23/2022, a reduction in unit size results in a greater number of units within a set building footprint. This allows a developer to distribute overhead costs over more units which then decreases the cost per unit of development, thus creating more affordable units.

In looking at the Land Use Ordinance, the City Center District is the only district where a minimum unit size standard exists. A development in any other district where residential uses are permitted may have a unit of any size provided all other State and Local codes/standards are met. This includes, but is not limited to, permanent connections to all utilities, frost wall/building foundation, minimum ceiling heights, room clearances and habitable space requirements.

However, the aggressive density and performance standards of the Downtown District provides the greatest opportunity for the utilization of smaller, micro units. The City Center - Downtown District currently allows a density standard of 1 unit per 500sf, 0' front, rear and side yard setbacks and a gross density standard of 100%. The district is intentional in its goal of encouraging commercial and residential growth within the urban core. While Staff supports the objective of removing barriers that inhibit affordable development, Staff also recognizes the role of regulatory measures to guide functional development and is cautious of the potential impacts of fully removing a minimum unit size standard at a location that is already zoned in a manner to encourage growth.

Staff is currently researching minimum unit size standards both in neighboring communities as well as best practices on a national level in addressing housing inequities/needs. Currently, Staff is recommending a minimum dwelling unit size of 350 sf, pending more information on an appropriate standard. Below is the current ordinance language. Based on the discussion of the Board, Staff will provide updated language for the public hearing which would propose an amendment to reduce the minimum unit size. We highlighted in yellow the language that is the point of the discussion.

§ 335-5.1 City Center District.

C. (6) Residential density factor:

- (a) One dwelling unit per 2,500 square feet of base site area. (However, minimum size of a residential unit shall be 500 square feet and an additional 150 square feet per each additional bedroom.)
- (b) Residential density factor within the Downtown District, as shown on the Westbrook Zoning Map, and the following specific map/lot locations (M32/L121 and M32/L122): one dwelling unit per 500 square feet of base site area. For structures with four or more stories, the residential density factor is negotiable during subdivision/site plan review.

Board Action:

1. Provide feedback to Staff and applicant