



## Planning & Code Enforcement

2 York Street  
Westbrook, Maine 04092  
Phone: 207-854-0638  
Fax: 866-559-0642

### PLANNING & CODE ENFORCEMENT

**WESTBROOK PLANNING BOARD**  
**Tuesday, August 3, 2021, 7:00 P.M.**  
~~**Westbrook High School**~~  
~~**125 Stroudwater Street, Room 114**~~

#### **NEW LOCATION:**

**Westbrook Middle School - Performing Arts Center**  
**471 Stroudwater Street**

#### **AGENDA**

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

#### **NEW BUSINESS**

3. **2021.23 – Site Plan, Subdivision, Village Review – 22 Cumberland Street – Les Wilson and Sons - Public Hearing** The applicant is requesting a +/- 3,900 sf mixed use building consisting of commercial units on the first floor and 10 residential units on the second and third floors. Tax Map: 040 Lot: 210 Zone: City Center District, Village Review Overlay Zone Use: Dwelling, Multiple-Family
4. **2020.41 – Site Plan, Subdivision, Conditional Use – Brooks Edge Farm Subdivision – Wormell Farm, LLC – Public Hearing:** The applicant is proposing a land division of the previous Wormell Farm and a 118-unit subdivision comprising of 58-duplex units with access along Brook Street. Tax Map: 016 Lot: 002 and Tax Map: 019 Lot: 029 Zone: Residential Growth Area 2
5. **2021.11 – Site Plan, Subdivision – 21 Saco Street - Storage Realty Corporation – Public Hearing:** The applicant is proposing a mixed-use development with first floor commercial and 29-residential units on the second, third and fourth floors. Tax Map: 028 Lot: 075 and 077 Zone: City Center District, Residential Growth Area 1 Use: Dwelling, Multiple-Family

#### **WORKSHOP**

6. **2021.12 - Site Plan, Subdivision, Shoreland Overlay Zone – 216 Lincoln Street – WORG, LLC:** The applicant is proposing Phase 1 of the Rivermeadow Residential Development to include 14 single- and two-family house lots on a proposed public street perpendicular to Mayberry Road and a 23-unit condominium lot with frontage on Lincoln Street. Tax Map: 037 Lot: 001 Tax Map: 010 Lot: 002 Zone: Residential Growth Area 1, Lincoln Street Overlay District Use: Dwelling, Single-Family; Dwelling, Two-Family

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.



## Planning & Code Enforcement

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### PLANNING & CODE ENFORCEMENT

DATE: July 30, 2021

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

RE: August 3, 2021 Planning Board Meeting

- 
1. **2021.23 – Site Plan, Subdivision, Village Review – 22 Cumberland Street – Les Wilson and Sons**
  2. **2020.41 – Site Plan, Subdivision, Conditional Use – Brooks Edge Farm Subdivision – Wormell Farm, LLC**
  3. **2021.11 - Site Plan, Subdivision – 21 Saco Street - Storage Realty Corporation**
  4. **2021.12 - Site Plan, Subdivision, Shoreland Zoning – 216 Lincoln Street – Phase 1 – WORG, LLC**
- 

1. **2021.23 – Site Plan, Subdivision, Village Review – 22 Cumberland Street – 10 Dwelling Units & Commercial units**

#### **PUBLIC HEARING**

Tax Map: 040 Lot: 210 & Map: 040 Lot: 209  
Zone: City Center District, Village Review Overlay Zone  
Use: Dwelling, Multiple-Family, Commercial Uses 1<sup>st</sup> floor - TBD

#### **Project Description:**

The applicant is requesting a +/- 3,900 sf mixed use building consisting of commercial units on the first floor and 10 residential units on the second and third floors.

#### **Project History:**

- June 22, 2021 – Neighborhood Meeting
- June 29, 2021 – Village Review Committee
- July 6, 2021 – Planning Board Workshop
- August 3, 2021 – Public Hearing

#### **Staff Comments:**

1. Fees Due: \$3,000 final application fee + \$152.08 (noticing)
2. Open Space Fees: \$5,028 – Due prior to site disturbance/building permit issuance
3. All work within either Cumberland St or Main St rights of way limited to 9a – 3p. Any lane closures will require night work.
4. Confirmatory deed needed prior to issuance of building permits for merging of two lots.
5. Landscaping
  - o Maintenance of all landscaped areas associated with this approval that are located within the right of way are the sole responsibility of property owner.

- Provide “Deep Root” Root Barrier or approved equivalent along sidewalk side of tree within/adjacent to the Right of Way.
6. Square trench cap for water main and sewer – currently shown as angled.
  7. Elevations
    - The applicant has provided a memo from Dwight M. Herdrich Architecture + Design regarding the proposed elimination/reorganization of the 3 false windows. With consideration of the overall symmetrical nature of the building, the applicant is requesting to retain the initial design to include three windows that utilize a painted sheetrock backdrop to give the appearance of “drawn curtains” in locations in the building where there are structural conflicts (such as a shower/plumbing, stairwell, etc.). The windows, in all other aspects, will appear the same as all other windows in the structure.
    - Additionally, removal of the windows would create a non-compliance with the Village Review standard for buildings fronting a public right of way to provide a façade with a minimum of 70% accentuation.
    - **Determination needed on this item by the Board. Understanding the background better from the applicant’s Architect, Staff is supportive of the architect’s recommendation to proceed with the elevations as proposed during the July 6<sup>th</sup> Workshop.**
  8. Concern that the lack of curbing on easterly side of parking lot will prevent survival of the narrow strip of lawn that is to remain. Recommend addition of curb stops to prevent vehicle rollover/protect grass.
  9. Project will likely need to connect directly to Sewer main due to timing with Cumberland Street work – please provide a tie card detail to Public Services for location of lateral.
  10. Sprinkler room does not provide exterior access. Knox boxes required at entrance point(s). Final determination on location subject to review/approval by FD.
  11. Cost Estimate to be inclusive of wheel stops, pavement striping and all other elements as shown on the approved site plan.
  12. Rear entryway must be ADA accessible.
  13. Project includes the merging of two lots - Confirmatory deed provided to the Planning Office demonstrating merging of two lots required prior to site disturbance.
  14. Final revised plans with signature block and conditions of approval due by noon on Monday, 8/2. One full set mylar, one full set paper and one additional full-size paper of subdivision sheet for recording.

**Motion:**

That the site plan, subdivision and Village Review application for Les Wilson & Sons for a mixed use building consisting of commercial units on the first floor and 10 residential units on the second and third floors located at 22 Cumberland Street Tax Map: 040 Lot: 210 and Tax Map: 040 Lot: 209 Zone: City Center District, Village Review Overlay Zone is **(approved with conditions/ denied)** and the following findings of fact, conclusions, and conditions as stated on pages **2 through 7** of this Staff Memo dated July 30, 2021 are adopted in support of that approval.

**Site Plan – Finding of Fact**

<b>Standard</b>	<b>Finding</b>
Utilization of the site	Meets the intent of the Ordinance
Handicap Access	Plan provides for one ADA parking space. Parking lot has ADA access to the commercial floor via the rear of the building where the parking lot is located. Plan is compliant with ADA standards.
Appearance Assessment	Access to the site is via a new curb cut located off Main Street. Curb cut location has been reviewed and approved by Public Services. The building is situated along the Main Street property line with landscaping provided to mimic the building design. Wall packs are provided along the rear façade to provide adequate parking lot lighting. Existing streetlights are present on both

	Cumberland and Main Street for safe site in/egress. Safety signage is shown on the plan at the intersection of the driveway and Main Street. Review of the building elevations by the Village Review Overlay Committee occurred as part of the Subdivision Review – building is in line with the standards of Village Review.
Landscape Plan	Landscaping is provided around the dumpster and along the Cumberland Street frontage of the property. The applicant has provided a landscape plan stamped by an RLA to demonstrate conformance with the Ordinance.
Odors	No adverse impact is known or anticipated. Commercial uses that have not been determined at the time of approval must be in line with the permitted uses within the underlying zoning district.
Noise	The proposed commercial and residential use is consistent with the underlying City Center District and does not present a known adverse impact to the abutting properties.
Technical and Financial Capacity	The applicant has provided a letter from Biddeford Savings dated June 28, 2021, to demonstrate financial capacity. The applicant has rendered the services of DM Roma Engineers to show technical ability.
Solid Waste	All waste removal (commercial and residential) will be privately managed. A fully enclosed dumpster is identified on the plan. Dumpster shall be emptied at intervals to avoid overflow.
Historic, Archaeological and Botanical Resources or Unique Features	None known
Hazardous Matter	Not applicable
Vibrations	The proposed development is in line with the abutting property uses and underlying zoning district. Commercial uses on the first floor are limited to what is permitted within the City Center District. No vibration issues are known or anticipated.
Parking & Loading Design and Site Circulation	Parking is located to the rear of the building and access via a new curb cut on Main Street. The plan provides adequate parking for the residential units. 11 parking spaces provided with 1 additional ADA parking space.
Adequacy of Road System	Main Street has adequate capacity to accept the traffic generated by this project.
Vehicular Access	Vehicular access is provided via a new curb cut at a location that has been reviewed & approved by Public Services
Pedestrian and Other Modes of Transportation	A sidewalk and hardscaped patio is shown along the Main Street frontage which serves at the primary entrance for the commercial businesses.
Utility Capacity	Utility connections are available within the Cumberland Street right of way.
Stormwater Management, Groundwater Pollution	Subsurface water treatment is shown on the southerly side of the parcel to collect parking lot runoff and a direct connection of the foundation and roof drainage.
Erosion and sedimentation Control	Adequate erosion and sediment control is provided including a stabilized construction entrance, silt fences and silt sacks for all catch basins within the vicinity of the construction.

## 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.

**Subdivision – Finding of Fact**

<b>Standard</b>	<b>Finding</b>
Pollution	Disposal of sewage will be via the public system. Sewer connection is available in the vicinity of the development. Existing sewer will be demo'ed and lateral removed to the property line.
Sufficient Water	Water Services are available within the Cumberland Street right-of-way. An ability to serve letter from PWD has been provided as part of the application submission.
Municipal Water Supply	Water Services are available within the Cumberland Street right-of-way. An ability to serve letter from PWD has been provided as part of the application submission.
Erosion	Adequate erosion and sediment control is provided including a stabilized construction entrance, silt fences and silt sacks for all catch basins within the vicinity of the construction.
Traffic	Main Street has adequate capacity to accept the traffic generated by this project.
Sewage Disposal	Disposal of sewage will be via the public system. Sewer connection is available in the vicinity of the development. Existing sewer will be demo'ed and lateral removed from the main to the property line.
Municipal Solid Waste Disposal	All waste removal (commercial and residential) will be privately managed. A fully enclosed dumpster is identified on the plan. Dumpster shall be emptied at intervals to avoid overflow.

Aesthetic, Cultural and Natural Values	None known
Conformity with City Ordinances and Plans	Proposal is in conformance with the City Ordinance & the Comprehensive Plan.
Financial and Technical Capacity	The applicant has provided a letter from Biddeford Savings dated June 28, 2021, to demonstrate financial capacity. The applicant has rendered the services of DM Roma Engineers to show technical ability.
Surface Waters; Outstanding River Segments	Not applicable
Ground Water	Ground water will not be adversely impacted by the project.
Flood Areas	Not applicable
Freshwater Wetlands	No wetlands have been identified on the site.
Farmland	No farmlands have been identified on the site.
River, Stream or Brook	No river, streams or brooks are present or have been identified on the site.
Stormwater	Subsurface water treatment is shown on the southerly side of the parcel to collect parking lot runoff and a direct connection of the foundation and roof drainage.
Spaghetti Lots Prohibited	The lot does not have shore frontage.
Lake Phosphorus Concentration	The subdivision is not located near or along a great pond.
Impact on Adjoining Municipality	The subdivision does not cross municipal boundaries.
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 June 28, 2021 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 plan has been approved by the Planning Board and a Mylar signed by the Planning Board. *The signed Subdivision Plan must be recorded 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. Copy of recorded subdivision plan must be provided to the Planning Office.
  - c. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
  - d. Confirmatory deed provided to the Planning Office demonstrating merging of two lots.
  - 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. Inspection fee shall be 2% of the total amount of performance guarantee. **\$1,436.34**
  - 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. **\$71,817.00**
  - g. Payment of Open Space Fee - **\$5,028.00**
  - h. Coordinate with the E911 Coordinator on addressing of the building/units.
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 required improvements by the City to ensure public health & safety is addressed and compliance with the approval. (This includes all paving, lighting, striping, sidewalks, utilities, & off-site improvements etc.)
  - b. Verify final USPS locations for mailbox.
  - c. Sewer connection to be reviewed & approved of by the City's Wastewater Department.
  - d. All other site improvements must be installed unless a performance guarantee amount is held for the full amount of any remaining improvements.
6. Prior to release of the performance guarantee:
  - a. The site will be in compliance with the approved plan and as-built plan provided in City approved format, as well as all other conditions being addressed.
  - b. Documentation of maintenance contractor for Stormwater Best Management Practices.
7. "Deep Root" Root Barrier required with installation of street trees for protection of Main Street sidewalk.
8. Sewer ability to serve was provided under the premise of low intensity office style uses. More sewer intense uses will need to be reviewed by the Sewer department prior to fit up permits.

9. 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.
10. Any construction within the Main St or Cumberland Street rights of way limited to hours of 9a – 3p and requires police presence. Night construction may be required for any work requiring shut down of road.
11. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
12. Maintenance of all landscaped areas associated with this approval that are located within the public right of way are the sole responsibility of property owner of Tax Map: 040 Lot: 210 & Map: 040 Lot: 209 (22 Cumberland St).
13. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance. 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 in accordance with Chapter 37 requirements.



## 2. 2020.41 - Site Plan, Subdivision, Conditional Use – Brooks Edge Farm Subdivision – Wormell Farm, LLC

### **PUBLIC HEARING**

Tax Map: 016 Lot: 002  
Tax Map: 019 Lot: 029  
Zone: Residential Growth Area 2  
Use: Dwelling, Two-Family

#### **Project Description:**

The applicant is proposing a land division of the previous Wormell Farm parcel and a 118-unit subdivision comprising of 58-duplex units with access from Brook Street. This proposal does not include any development of the land area off of Bridgton Road.

The applicant is still in the process of DEP review/approval, however given the scale of this development the applicant wished to provide the Planning Board with an update on the project as well as gather general feedback prior to submitting a final application for approval. The applicant anticipates being prepared to submit for final approval in the Fall. As this public hearing is at the request of the applicant to garner feedback from the Planning Board, the applicant is aware and in agreement to waive the 30-day requirement for a decision by the Planning Board following a public hearing.

#### **Project History:**

November 30, 2020 – Neighborhood Meeting  
December 1, 2020 – Planning Board Workshop  
August 3, 2021 – Public Hearing

#### **Staff Comments:**

1. Noticing fees due: \$224.40
2. Project will require Rec and Con review of Open Space Plan
  - o Estimated Fee in lieu: \$59,325
3. State space and bulk standards on site plan for RGA2 Zone, including post conditions
4. Proposed split of parcel creates a land subdivision
  - o Provide two subdivision plans – Subdivision of land and Brooks Farm Rd Condo subdivision
5. Elevations
  - o Provide front view to show differentiation between units.
  - o Provide building colors to demonstrate variation throughout development
6. Show sight distances on Brook Street
7. Street signage provided throughout development
  - o Show location on plan
  - o Provide detail for development signage at Brook St
8. One side of each “street” to be designated no parking
  - o Turnarounds also posted no parking
9. Street lighting will be in line with City standards so as to be consistent with other neighborhoods. Streetlight layout to be determined but generally will follow intersections and dead ends to avoid over lighting of the site. Staff will provide specs for City streetlights.
10. Verify hydrants are provided every 800 feet. Locate closest hydrant on Brook Rd.
11. Landscaping –
  - o Verify plantings within wetlands? Is this appropriate?
  - o Landscaping amount is not consistent throughout site – supplement in areas where landscaping is light.
12. Sewer-Storm
  - o Sheet 9 and other tables in the utility plans shows negative slopes.

- SD-30 pipe outlet is shown at too severe a slope.
  - Please provide a force main profile to see if an air release manhole would be required.
  - Route 302 is under moratorium. Please investigate and confirm whether a stub exists in manhole.
  - Label field inlet (?) behind units 71/72
  - Due to proximity to wet pond, concern for units 71-80 –general concern with water trespass to basements of units. Recommend required slab on grade for units 71-80
  - Forebay – current design will hold water. One side rocked to allow water to pass through. Will provide detail.
  - Areas surrounding units 49-54 should not be included with subcatchments as shown
  - Provide field inlets on Calla Lily Lane and outlet to rear of structure. Grade side & rear yards to provide more usable residents of the development.
  - Provide grading detail to ensure driveway drainage remains in gutter line
  - Access off end of Brooks Edge Farm Rd – maintenance for Wet Pond? Label on Plan
13. Hay bales are not allowed for erosion control – too difficult to stake properly. Recommend use pf silt sock instead.
14. Provide better defined ditch line along backside of 101/102, 105/106 & 109/110
15. Provide detail on retaining wall behind units 69/70
16. Guardrail required at all locations that exceed 3:1 slope, including ends of road (or other MUTCD safety measures may be required)
17. Laurel Ridge and Minnow Brook intersection redesign
- Stop bar location set back too far from intersection.
  - Cross walk may need to be pulled northerly to align with relocated stop bar.
18. Show detail for vertical granite curb in City ROW backfilled with concrete fill (not aggregate).
19. Provide slipform concrete curbing instead of bituminous
20. Extend sidewalks to end of each street
21. Show cross walk on plan at Brook Street for future sidewalk
22. All driveway names to be verified with E-911 – in process
23. Addressing of all units to be verified with E-911 coordinator.
24. ADA – provide cast iron truncated domes in ROW. Recommend cast iron plates rather than banded details to remain consistent throughout development.
25. Mail – Recommend parking spaces rather than pull off to increase capacity at location of cluster box.
26. Association docs should call out maintenance of roadway/trash/snow
- Private management of trash and snow removal required.
27. Items required prior to firs c/o
- Signed trash and maintenance plan (for entire project)
  - Contract for maintenance of stormwater BMPs
  - Contract for snow removal
28. Roadway must be constructed to base gravel prior to building permit issuance and base pavement prior to issuance of first c/o on that respective roadway
29. Offsite improvements
- The Planning Board has recently reviewed 3 separate residential developments on Brook Street – 18-unit subdivision (approved), 118-unit subdivision (current application) and a 96-unit subdivision (Cottages – Planning Board workshop held on April 6, 2021). Due to this level of development currently proposed, it was determined that Brook Street in its current built condition, does not have the capacity to accept the additional pedestrian and vehicular load generated by the three combined developments. To proactively address this matter, the City engaged in an analysis by a 3<sup>rd</sup> party consultant to determine the necessary improvements needed for Brook Street. It was determined that there needs to be re-paving (mill and fill) of Brook Street from the intersection of Rte. 302 through the project limits, drainage & shoulder work (inclusive of culvert crossings and widening as necessary) and a raised sidewalk from the proposed developments to connect with the existing infrastructure on Bridgton Road. The cost of

these improvements were then proportioned amongst the City and the three major residential developments, with the developer's responsibility defined as a \$5,200 fee per dwelling unit that would be paid at the time of building permit issuance. The City is also participating in 2 other Brook St related projects that will provide upgrades to the infrastructure (outer Brook St will be repaved through a City/MDOT effort) and the intersection project of Brook/302 is in design/funding process through a City/MDOT effort as well.

**Board Response:**

1. Provide applicant with feedback on site layout, building elevations, pedestrian circulation and any concerns or comments related to the development.
2. The applicant requests a motion of continuance until all State permitting is completed.
3. Applicant will submit for a future meeting once a completed application can be provided.

**Motion:**

**The that Planning Board continue the application for Brooks Edge Farm Subdivision to finalize site design and obtain all required State permits.**

### 3. 2021.11 - Site Plan, Subdivision – 21 Saco Street - Storage Realty Corporation

#### **PUBLIC HEARING**

Tax Map: 028 Lot: 075 and 077  
Zone: City Center District, Residential Growth Area 1  
Use: Dwelling, Multiple-Family

#### **Project Description:**

The applicant is proposing a mixed-use development with first floor commercial and 29-residential units on the second, third and fourth floors.

The application was tabled at the applicant's request at the June 15, 2021, Planning Board meeting. **The applicant is requesting the application be removed from the table for final deliberation by the Board.**

#### **Project History:**

April 14, 2021 – Neighborhood Meeting  
April 20, 2021 – Planning Board Workshop  
June 15, 2021 – Public Hearing – Tabled  
August 3, 2021 – Public Hearing

#### **Staff Comments:**

1. Open Space Requirement (300sf/unit): 8,700sf
  - o Fee in lieu: \$14,580
2. **The Driveway at Saco St will need to be closed as part of the project**, understanding that the MDOT project will be coming in after, but curbing needs to be installed to cut off access from vehicles so this must be incorporated into the plan. (Coordination with the MDOT Intersection Project may be possible to align with the 21 Saco St Project schedule. However, if the 21 Saco St Project is ahead of MDOT (Or if MDOT does not move forward with the intersection project) the 21 Saco project will be responsible to close up the access for the public's safety, therefore the project plans must show a completed condition.)
  - o The two existing driveway entrances to the 21 Saco St parcel shall be structurally closed with curbing/sidewalk. Design of the method of closure must be approved of by the City prior to issuance of the new building permit and the implementation of the closures must be completed prior to the 1<sup>st</sup> certificate of occupancy. The applicant may work with MDOT related to the William Clarke Drive/Saco St intersection reconstruction to facilitate the merging of the two projects, however if the MDOT project does not move forward, the applicant is responsible for the reconstruction of the sidewalk, curb line and driveway closures installation, as stated.
3. Drainage:
  - o Add a concrete base in forebay for maintenance. (See attached mark up plans – blue lines show curbing needed to contain stormwater and grading will need to be adjusted to facilitate.)
  - o Draft easement language in legal review. Included in conditions of approval.
4. Revisions to the Cost Estimate as provided via email to Gorrill Palmer from R. Spitella on July 28, 2021.
5. Final revised plans with signature blocks and conditions of approval due to the Planning Office by noon on Monday, August 2 pending signature following the 8/3 Planning Board meeting. One full size paper set, One full size mylar set.

#### **Motion:**

**That the Site Plan/Subdivision application for Storage Realty Corporation for a mixed-use development with first floor commercial and 29 residential units located at 21 Saco Street Tax Map: 028 Lot: 075 and 077 Zone: City Center District is (approved with conditions/ denied) and the following findings of fact, conclusions,**

and conditions as stated on pages 11 through 17 of this Staff Memo dated July 30, 2021, are adopted in support of that approval.

**Site Plan – Finding of Fact**

<b>Standard</b>	<b>Finding</b>
Utilization of the site	Meets the intent of the Ordinance
Handicap Access	The site provides 4-ADA parking spaces located to the rear of the structure, next to the lobby entrance. ADA access to the first-floor commercial units is shown on the plan. Adequate wayfinding signage required.
Appearance Assessment	The principal building on the site is located along the William Clarke Drive property line, in line with the character of the City Center District. Access to the site is via a curb cut on Saco street with the parking located behind the principal structure and adequately screened from abutting residential properties with landscaping. Additional landscaping is provided along Saco Street and around a centrally located stormwater feature. Site lighting is provided throughout the parking area to provide adequate safety measures. An existing streetlight is located adjacent to the site entrance – no additional street lighting is necessary. Adequate wayfinding and safety signage shall be implemented with the final site design. All commercial signage will comply with the standards of the City Center District. Criteria 6 is not applicable as the site is not located within the Village Review Overlay District.
Landscape Plan	A landscaping plan has been provided to show enhanced landscaping along Saco Street and a landscaping buffer between the parking areas and abutting residential properties.
Odors	The proposed mixed-use operation is in line with the permitted uses of the City Center District. No adverse impact is known or anticipated.
Noise	The proposed mixed-use operation is in line with the permitted uses of the City Center District. No adverse impact is known or anticipated.
Technical and Financial Capacity	A letter of financial capacity from Bank of New Hampshire dated April 27, 2021, has been provided. The applicant has retained the services of Gorrill Palmer which demonstrates technical capacity.
Solid Waste	Waste removal will be privately managed. The plan shows an internal trash room to be utilized by the residential units and a dumpster pad for the commercial operations. Dumpster will be fully enclosed.
Historic, Archaeological and Botanical Resources or Unique Features	None known.
Hazardous Matter	Not applicable
Vibrations	No adverse impact is known or anticipated.
Parking & Loading Design and Site Circulation	74 off street parking spaces are provided in a location that is adequately buffered from abutting residential units and the William Clarke Drive right of way. A turning template has been provided to demonstrate adequate access for emergency vehicles.
Adequacy of Road System	Saco Street and William Clarke Drive have adequate capacity to accept the traffic generated by this project.

Vehicular Access	Vehicular access is via a curb cut on Saco Drive at a location that has been reviewed by Public Services. An existing curb cut located adjacent to the William Clarke Drive-Saco St intersection will be closed as part of this project.
Pedestrian and Other Modes of Transportation	A sidewalk along Saco Street is shown on the plan to connect with the existing sidewalk infrastructure along William Clarke Drive. The area adjacent to the William Clarke Drive right of way will be utilized as a patio/outdoor seating area associated with the commercial operations of the building.
Utility Capacity	Utilities are located within the Saco Street right of way. As part of the project, the developer is relocating an existing storm drain, sewer line and associated easements. Relocated utility lines and easements have been reviewed by Public Services.
Stormwater Management, Groundwater Pollution	Stormwater management is provided via an underdrain retention pond centrally located to the site.
Erosion and sedimentation Control	Adequate erosion and sedimentation control measures are shown 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.

### Subdivision – Finding of Fact

Standard	Finding
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Pollution	Disposal of sewage will be via the public system. Sewer connection is available within the public sewer easement that bisects the site.
Sufficient Water	Water services are available within the Saco Street ROW. An ability to serve dated April 28, 2021, has been provided to the Planning Department.
Municipal Water Supply	Water services are available within the Saco Street ROW. An ability to serve dated April 28, 2021, has been provided to the Planning Department.
Erosion	Adequate erosion and sedimentation control measures are shown on the plan. On-site inspections will occur during construction to ensure compliance.
Traffic	Saco Street and William Clarke Drive have adequate capacity to accept the traffic generated by this project.
Sewage Disposal	Disposal of sewage will be via the public system. Sewer connection is available within the public sewer easement that bisects the site.
Municipal Solid Waste Disposal	Waste removal will be privately managed. The plan shows an internal trash room to be utilized by the residential units and a dumpster pad for the commercial operations. Dumpster will be fully enclosed.
Aesthetic, Cultural and Natural Values	None known.
Conformity with City Ordinances and Plans	Proposal is in conformance with City Ordinances & the Comprehensive Plan.
Financial and Technical Capacity	A letter of financial capacity from Bank of New Hampshire dated April 27, 2021, has been provided. The applicant has retained the services of Gorrill Palmer which demonstrates technical capacity.
Surface Waters; Outstanding River Segments	Not applicable
Ground Water	Ground water will not be adversely impacted by the project.
Flood Areas	Not applicable
Freshwater Wetlands	No wetlands have been identified on the site.
Farmland	No farmlands have been identified on the site.
River, Stream or Brook	No river, streams or brooks are present or have been identified on the site.
Stormwater	Stormwater management is provided via an underdrain retention pond centrally located to the site.
Spaghetti Lots Prohibited	No lots within the proposed subdivision have shore frontage. N/A
Lake Phosphorus Concentration	The proposed subdivision is not located near or along a great pond.
Impact on Adjoining Municipality	The proposed subdivision does not cross municipal boundaries
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 May 6, 2021 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 plan has been approved by the Planning Board and a Mylar signed by the Planning Board. *The signed Subdivision Plan must be recorded within 90 days of Planning Board approval, or the approval shall be null and void.*
3. **Prior to any site disturbance or Demolition permits being issued for the project:**
  - a. All Staff comments must be addressed.
  - b. Copy of recorded subdivision plan must be provided to the Planning Office.
  - c. Copy of recorded confirmatory deed needs to be provided to the Planning/Assessing Office to formally merge the two lots.
  - d. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
  - e. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.



- f. 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. Inspection fee shall be 2% of the total amount of performance guarantee. **\$8,851.00**
  - g. 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. **\$442,550.00**
  - h. Security/Safety (rigid) fencing around perimeter of the active site is required.
4. **Prior to the issuance of a new structure building permit (Not including the demolition permit):**
- a. The new Drainage & Sanitary Sewer Mains need to be constructed and accepted by the Wastewater Department.
  - b. New Easements documents need to be provided to the City of Westbrook for acceptance by City Council.
  - c. Review of building elevations and colors to be consistent with submitted documentation and testimony.
  - d. Design of Northeast Driveway closure must be approved of by the City, unless otherwise coordinated with the MDOT intersection project.
  - e. Coordinate with the E911 Coordinator on addressing of the building/units.
  - f. Payment of Open Space Fee - **\$14,580.00**
  - g. The two existing driveway entrances to the 21 Saco St parcel shall be structurally closed with curbing/sidewalk. Design of the method of closure must be approved of by the City prior to issuance of the new building permit and the implementation of the closures must be completed prior to the 1<sup>st</sup> certificate of occupancy. The applicant may work with MDOT related to the William Clarke Drive/Saco St intersection reconstruction to facilitate the merging of the two projects, however if the MDOT project does not move forward, the applicant is responsible for the reconstruction of the sidewalk, curb line and driveway closures installation, as stated.
5. **Prior to any building permits being issued for tenant fit up**, the uses will need to be reviewed against these thresholds for traffic and sewer consumption.
6. Project shall comply with all conditions set forth in PWD ability to serve letter (survey and test pitting performed prior to construction)
7. **Prior to commencing any work in the City Right-of-Way**, the applicant must obtain a road-opening permit from the Public Works Department.
8. **Prior to the first Occupancy Permit issuance:**
- a. The release of the existing Sewer & Drainage Easement and the acceptance of the new easements to be approved by the City Council.
  - a. Recording of the New Easement document and the Release Document shall be completed.
  - b. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval. (This includes all paving, lighting, striping, sidewalks, utilities, & off-site improvements etc.)
  - c. All water and sewer lateral lines fully tested and approved by the Engineering/Sewer Dept.
  - d. Verify final USPS locations for mailbox.
  - e. All other site improvements must be installed unless a performance guarantee amount is held for the full amount of any remaining improvements.
  - f. Site lighting to be reviewed in compliance with the approved plans due to specifics of light spread with adjacent residential properties.
  - g. Solid Waste Management plan will need to be provided prior to any COs for the residential or the commercial units.
  - h. Northeast driveway curb cut closure must be implemented per the design approved of by the City as stated in condition 4g, unless otherwise coordinated with the MDOT Intersection construction project if project schedules align. (Documentation of the coordination is required to address this condition.)
  - i. Recorded association documents required before first CO or sale of unit.

9. Fire Department conditions:
  - a. Fire alarm & sprinkler system required with building permit
  - b. Final location of Knox box to be reviewed by FD
10. Prior to release of the performance guarantee:
  - a. The site will be in compliance with the approved plan and as-built plan provided in City approved format, as well as all other conditions being addressed.
  - b. Documentation of maintenance contractor for Stormwater Best Management Practices.
11. Any construction within the Saco St ROW limited to hours of 9a – 3p and requires police presence. Any work requiring shut down of road required to be nighttime construction.
12. 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.
13. Based on the uses provided in the Traffic letter, this approval will memorialize the commercial uses as 5156 sf restaurant & 8240 sf office space.
14. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
15. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance. 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 in accordance with Chapter 37 requirements.

**4. 2021.12 - Site Plan, Subdivision & Shoreland Zoning – 216 Lincoln Street – Phase 1 Rivermeadow Residential Development– WORG, LLC**

**WORKSHOP**

Tax Map: 037 Lot: 001

Tax Map: 010 Lot: 002

Zone: Residential Growth Area 1, Lincoln Street Overlay District, Shoreland Zoning – LC & RP

Use: Dwelling, Single-Family; Dwelling, Two-Family

**Project Description:**

The applicant previously presented a master plan of the 216 Lincoln Street residential development to the Planning Board which consisted of a mix of single-family, two-family, and multifamily dwellings on a 91-acre site located at the corner of Lincoln Street and Mayberry Street. This project will be phased due to the size of the development. Incorporated into those phases will be the phasing of the site improvement components as well.

Since the workshop of the Master Plan Concept, the applicant has submitted an application for Phase 1 of the Rivermeadow Residential Development which includes 14 single- and two-family house lots on a proposed public street perpendicular to Mayberry Road and a 23-unit condominium lot with frontage on Lincoln Street. Also included in Phase 1 is the proposed conveyance of 42.5 acres of land to the Presumpscot Regional Land Trust for the creation of a loop trail system that also provides a connection from the Sebago to Sea trail to the Lincoln Street Ice Rink. The 42.5 acres is well in excess of the overlay requirement for public access as well as the open space area requirements and will suffice for the open space for the overall project.

**Project History:**

April 8, 2021 – Neighborhood Meeting

April 20, 2021 – Planning Board Workshop of Master Concept Plan

August 3, 2021 – Phase 1 – Planning Board Workshop

**Staff Comments:**

1. Clarity needed on intent of use for Driveway B. Will this provide temporary parking or access to the PRLT land? If no access is intended, may consider a gate in the vicinity of the Lincoln Street intersection to prevent unauthorized use.
  - a. Terminus of roadway B shows 3:1 slope. Provide barrier with reflectors
2. Hydrants are required at 800-foot intervals. This includes along Driveway B in preparation of future development phases. Show/indicate location of closest hydrant on Lincoln/Mayberry to verify distance.
3. Provide emergency access connection between Driveway C and Driveway B. Can be gated to prevent public access.
4. Open Space/PRLT Land.
  - a. Conveyance of +/- 42.5-acre parcel along Presumpscot and connecting to the Sebago to Sea/MDT trail is intended to achieve the Open Space requirement of the full build out (up to 359 units). Further discussion required to determine legal transfer of development rights from this parcel to the overall development.
  - b. Provide timeline for land conveyance.
  - c. Conveyance constitutes individual lot “Lot 16”. If conveyance is included as part of Phase 1, lot should be defined with metes and bounds on subdivision plan.
  - d. Prior to approval, Open Space plan/conveyance to be reviewed by the Recreation and Conservation Commission
5. A traffic analysis has been provided with this submission. This traffic analysis includes trips generated by Phase 1, as well as a future development of 60 units (not included in Phase 1). These two “phases” do not

trigger the threshold for a full traffic study. As the project proceeds, a traffic study will be conducted once the cumulative impact of the proposed development meets the threshold.

6. Applicant to provide proposed names for Road A, Driveway B , Driveway C and the Driveway C Spur for E-911 review.
7. Revise plans to show sidewalk on Mayberry (parcel frontage) and Lincoln Street to provide connection to Bridge Street. Full grading and drainage of sidewalk is not required with Sketch review.
8. Sidewalk must be entirely located within the limits of the right-of-way – may require lot line adjustment around area of Lincoln St parking
9. Road A shows structure within setback on Lot 2
10. Final submission should include building elevations for Condo units.
  - a. Provide proposed color palate with elevations.
  - b. Priority for condos to provide a usable porch space on Lincoln Street façade of condos
11. Lincoln Street Condo Units
  - a. Street Tree requirement only applicable to lots, not units. Concern with proximity of the trees in right of way as shown on plan. Recommend spacing trees along Lincoln St as well as along Driveway C.
12. Full landscape plan Condo Unit required with final submission.
13. Provide draft copy of association docs with final submission.
14. C101. Relocate CB at intersection of roadway A with mayberry to curb line to create low points for drainage
15. Address drainage on north-easterly section of Road A – may use Type-F catch basin to intercept
16. Final plan set should include separate condo plan vs subdivision plan (land separation only)

#### **Preliminary Sewer Comments:**

Sheet C102:

- SMH 2 shows stub at 0.2% -- typo
- 3 inverts in are shows for SMH2, but only two in the plan view – where is the 3<sup>rd</sup>?

Sheet C103:

- No info for SMH 23A

Sheet C104:

- Plan shows flat slope from new line into existing MH in Lincoln Street. The City prefers are least 0.1 drop in channel
- GP will need to provide a detail on how they plan to reconstruct the existing channel in Lincoln Street.

Sheet C203:

- Cross culvert @ 102+60ish the outlet is lower than the grades shown in the swale.
- 3:1 slope on left side should be stabilized somehow – TRM?

Sheet C204:

- No info on SMHs or line from DMH 8 to 9 to 10
- Sediment forebay should be concrete.

Sheet C304:

- A granite curb detail should be added for within right-of-way showing the curb being backfilled with concrete fill (not gravel or flowable fill).
- Base should be 12.5 mm and surface at 12.5 mm or 9.5 mm.
- Sidewalk should be two 1” lifts of 9.5 mm.

Sheet 401:

- Where are piano keys going? If in public ROW, City prefers 6” striping.

Sheet 405:

- Note 11 references Scarborough. Westbrook has its own specifications.
- Insert City standard details

**Board Action:**

1. Provide feedback to the applicant on the submission to be incorporated into a final plan set.