



Planning & Code Enforcement

2 York Street
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PLANNING & CODE ENFORCEMENT

**WESTBROOK PLANNING BOARD
TUESDAY, SEPTEMBER 1, 2020, 7:00 P.M.
Performing Arts Center
Westbrook Middle School
471 Stroudwater Street, Westbrook**

**Enter Building from Street side (Performing Art Center Entrance)
Masks are required to enter building as well as proper physical distancing
Meeting attendance is capped at 50 attendees**

AGENDA

1. **Call to Order**
2. **Approval of Minutes – 5/5/2020; 5/19/2020; 6/16/2020; 8/4/2020**
NEW BUSINESS
3. **2020.28 – Conditional Use – 10 Roy Avenue - Widad Zige – Public Hearing:** The applicant is requesting a 6-child home daycare use at their residence located at 10 Roy Avenue. Tax Map: 039 Lot: 140B Zone: Residential Growth Area 1
4. **Item withdrawn at the applicant's request 2020.29 – Subdivision – Wormell Farms – Wormell Group – Public Hearing:** The applicant is requesting a 3 lot subdivision with frontage along Bridgton Road and Brook Street. Tax Map: 016 Lot: 002 and Tax Map: 019 Lot: 029 Zone: Residential Growth Area 2
5. **2020.14 – Amendment to the Comprehensive Plan – Public Hearing:** The proposed amendment is a modification to the 2012 Comprehensive Plan's Proposed Growth Areas and Rural Areas Map to reclassify the properties located 037-001, 010-002 and 032-130 from Rural District to Growth Area District in accordance with the growth guidelines of the Comprehensive Plan.
6. **2020.16 – Amendment to the Zoning Map & Proposed New Section 412 Lincoln Street Overlay District - 216 Lincoln Street – WORG, LLC - Public Hearing:** The applicant is requesting a zoning map change for a portion of two (2) lots located along Lincoln Street and the Presumpscot River, formerly Rivermeadow Golf Club, from Rural District to the Residential Growth Area 1. Included in this request, the applicant is also proposing a new overlay zone over these parcels, Lincoln Street Overlay District, to provide additional performance and design standards associated with any future development of the parcels located at 216 Lincoln Street. Tax Map: 037 Lot: 001 and Tax Map: 010 Lot: 002 Zone: Rural District, Residential Growth Area 1
7. **2020.15 – Amendment to the Zoning Map – 58 Lincoln Street – Public Hearing:** The City of Westbrook is proposing a map amendment to rezone the parcel located at 58 Lincoln Street to City Center District or Residential Growth Area 1 to maintain consistency with the zoning directly abutting the parcel and in conformance with the existing land use. Tax Map 032 Lot 130 Zone: Rural District

S:\PLANNING\2020\09.01.2020\AGENDA 09.1.2020.DOCX 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.



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PLANNING & CODE ENFORCEMENT

DATE: August 28, 2020

TO: Planning Board

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

Cc: Plan Review Team

RE: September 1, 2020 Planning Board Meeting

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1. **2020. 28 – Conditional Use – 10 Roy Avenue - Widad Zige**
 2. **2020. 29 – Subdivision – 3 Lots – Wormell Farms – Wormell Group – Brook St & Bridgton Rd**
 3. **2020. 14 – Amendment to the Comprehensive Plan – Growth Area Amendment**
 4. **2020. 16 – Amendment to the Zoning Map & Proposed New Section 412 Lincoln Street Overlay District - 216 Lincoln Street – WORG, LLC**
 5. **2020.15 – Amendment to the Zoning Map – 58 Lincoln Street – City of Westbrook**
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1. **2020. 28 – Conditional Use – 10 Roy Avenue - Widad Zige**

PUBLIC HEARING

Tax Map: 039 Lot: 140B
Zone: Residential Growth Area 1

Project Description:

The applicant is requesting a 6-child home daycare use at their residence located at 10 Roy Avenue.

Project History:

August 14, 2020 - Home Inspection
September 1, 2020 – Public Hearing

Staff Comments:

1. Per the requirements of Section 202.9, Home Day Care Provider, the applicant has provided the following documentation.
 - a. An enclosed play area in excess of 300 sf (minimum 50sf per child)
 - b. Adequate parking on site for 6-children and one employee
 - c. Separate restroom facilities are available for the daycare use
2. Applicant is currently working to obtain State licensure.
3. Public Services does not anticipate an adverse impact on the sewer system.
4. Code Enforcement provided the applicant with a list of outstanding items based on the 8/14 home inspection that require attention prior to the business being operational.

Motion:

The Conditional Use application for Widad Zige to operate as a Home Daycare Provider at 10 Roy Avenue, Tax Map: 039 Lot: 140B Zone: Residential Growth Area 1 is **(approved with conditions/ denied)** and the following finding of fact, conclusions and conditions as stated on pages 2 through 3 of this Staff Memo dated August 28, 2020 are adopted in support of that approval.

Conditional Use – Finding of Fact

Standard	Finding
Landscape Environment and Enhancement	No impacts are proposed to the existing landscape.
Surface Water Drainage	No changes to the existing structure or impervious cover are proposed. Surface drainage will not be altered from existing conditions.
Water, Air, Soil Pollution	No impacts known or anticipated.
Soil Integrity	The integrity of the soil will be maintained.
Natural Environment	Not applicable
Nuisance Factor	The hours of operation where there is the potential for outdoor play will be limited to 7am – 5:30
Special Features	Play area is limited to the rear yard, enclosed in a fence greater than 4-feet in height.
Vehicular Access	The applicant has demonstrated 4 parking spots accessed via the existing driveway off of Roy
Parking and Circulation	The applicant has demonstrated 4 parking spots accessed via the existing driveway off of Roy. An additional 2-parking spaces are required for a 6-child home daycare with one additional employee that does not reside in the dwelling. This standard has been met.
Public Services	Public Services has reviewed the application and concluded it does not present an unreasonable burden on City services.

Conclusions

1. The landscape **is/is not** preserved in its natural state insofar as practicable and **is/is not** designed so as to stabilize the slopes and buffer the site, where necessary.
2. Surface water drainage **does/does not** have an adverse effect on surrounding properties, downstream water quality, soil stability or the storm drainage system.
3. The development **will/will not** cause unreasonable water, air or soil pollution
4. The development **will/will not** cause unreasonable soil erosion or reduction in the capacity of the soil to hold water.
5. The development **does/does not** have an unreasonably adverse effect on a historic site or irreplaceable natural areas
6. The development **does/does not** cause unreasonable noise, odors, dust, gas, fumes, smoke, light, or other annoying or dangerous emissions.
7. Exposed storage areas, machinery installation, service and loading areas and similar facilities **are/are not** set back, screened, or buffered so as to minimize any possible adverse effect on the surrounding uses.
8. The site layout **does/does not** provide for safe vehicular access and egress, including that for emergency vehicles.
9. The layout of vehicular and pedestrian traffic patterns **does/does not** provide for safe interior circulation, separation of pedestrian and vehicular traffic and storage of plowed snow. Parking **does/does not** comply with the parking requirements set forth in the Ordinance.
10. The development **does/does not** impose an unreasonable burden on the water supply and sewage disposal systems, fire or police services, public ways, schools, recreational facilities and other public services or facilities.

Conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated July 23, 2020 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. Prior to occupancy being issued for the project:
 - a. Code Enforcement sign off of outstanding items list provided to the applicant.
3. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

2. 2020. 29 – Subdivision – 3 Lots – Wormell Farms – Rodney Wormell, Richard Wormell and RMD, LLC – Brook St & Bridgton Rd

PUBLIC HEARING

Tax Map: 016 Lot: 002

Tax Map: 019 Lot: 029

Zone: Residential Growth Area 2

Project Description:

The applicant is requesting a 3-lot subdivision with frontage along Bridgton Road and Brook Street. This division of property will create 3 parcels for future projects. Parcel lines were chosen based on land topography limitation and best utilization of the property. Typical items needed for a subdivision will not be incorporated at this time but will be provided once a full proposal is determined on each of the new parcels. A project that is currently in process, Brook Street Apartments, is a parcel boundary that would be created in this division; however the project details and full design will be applied for by the project team separately.

Project History:

September 1, 2020 – Public Hearing – **Item withdrawn at the applicant's request**

3. 2020. 14 – Amendment to the Comprehensive Plan – Growth Areas Map

PUBLIC HEARING

Project Description:

The proposed amendment is a modification to the 2012 Comprehensive Plan's Proposed Growth Areas and Rural Areas Map to reclassify the properties located 037-001, 010-002 and 032-130 from Rural District to Growth Area District in accordance with the growth guidelines of the approved City of Westbrook Comprehensive Plan.

Project History:

June 2, 2020 – Planning Board Workshop
September 1, 2020 – Public Hearing

Staff Comments:

The 2012 Comprehensive plan identifies criteria for designating growth areas as the following:

- *lands in proximity to existing municipal services, infrastructure, schools, and major transportation networks;*
- *Areas in which developable lands are readily available to accommodate future growth; and*
- *areas devoid of critical natural resources and visual/cultural resources that should be preserved.*

Rural District Areas are identified as:

- *land that is not presently well suited for higher density development due to isolation from schools, emergency services and adequate connection to road networks and*
- *land that contains environmental factors that limit development potential (steep slopes, protected vernal pools, etc.).*

The proposal before the Board is to amend the Proposed Growth Areas and Rural Areas Map (page 10-3) to include the parcels identified as 216 Lincoln and 58 Lincoln Street as 'growth area'. Based on the criteria outlined above, these locations are more appropriately identified as Growth Area rather than Rural. The location is directly adjacent to the Lincoln Street & Mayberry Rd neighborhoods, which are included in the growth area. Public infrastructure (water and sewer) is available and public amenities are accessible within walking distance of the site, such as the Lincoln Street rink/boat launch, Downtown businesses and Transit bus stops. **Additionally, prior to the use of two of the lots a golf course, these parcels were historically Industrial parcels.** For reference, the City Rink Parcel is less than a ¼ Mile from the Bridge St Bridge being the center of the downtown area.

All three parcels have frontage on the Presumpscot River. The Presumpscot River is a valuable asset to the community, both environmentally as well as visually.

- To address concerns related to environmental resources, the site will continue to be protected through the Shoreland Overlay Zone, which limits the type/location of development, as well as provides strict regulations on the removal of vegetation. As is shown on the Zoning Map, a significant portion of the Lots shown are not only covered by Shoreland Zoning Regulations, but the "edge of the resource" line extends significantly into these parcels and thus protects a significantly larger portion of the lots than in other areas of the City. The area afforded development will be predominantly in the previously cleared areas of the old golf course, leaving the land adjacent to the resource to be natural. The existing Shoreland Zoning regulations provide the protection to the critical natural resources.

- To address the concerns related to the visual connection to the River, in addition to the Shoreland zoning Regulations, there is an application before the Board, on the lands of the previous golf course, that would add a zoning overlay with requirements for public access to the River, which do not currently exist.

This proposal has been reviewed by our City Solicitor and guidance on the process has been provided. This same action was taken for the Middle School project on Stroudwater St to place that parcel in the growth area as it was a Rural district property previously.

Though we do not regularly amend the Comprehensive Plan, it is an action that we are permitted to conduct if certain measures are met, which Staff feel in this instance are achieved and further the goals of the Plan. Staff feel the selected lots are not correctly mapped per the criteria of the Comprehensive Plan and should have been revised previously.

In summary, the selected lots meet the criteria of being in a Growth area by being:

- *lands in proximity to existing municipal services, infrastructure, schools, and major transportation networks;*
- *Areas in which developable lands are readily available to accommodate future growth;*

*And further the selected lots **do not** meet the requirements of the Rural areas as defined:*

- *land that is not presently well suited for higher density development due to **isolation** from schools, emergency services and adequate connection to road network*

Based upon the information stated, Staff recommend the amendment to the 2012 Comprehensive Plan's "Proposed Growth Areas and Rural Areas Map" (page 10-3) to designate lots 037-001, 010-002 and 032-130 as Growth area vs Rural area.

Motion:

Motion to recommend the proposed amendment to the 2012 Comprehensive Plan for adoption by the City Council.

4. 2020. 16 – Amendments to the Zoning Map & Proposed New Section 412 Lincoln Street Overlay District - 216 Lincoln Street – WORG, LLC

PUBLIC HEARING

Tax Map: 037 Lot: 001
Tax Map: 010 Lot: 002
Zone: Rural District; Residential Growth Area 1

Project Description:

The applicant WORG, LLC is requesting a zoning map change for a portion of two (2) lots located along Lincoln Street and the Presumpscot River, formerly Rivermeadow Golf Club, from Rural District to the Residential Growth Area 1. Included in this request, the applicant is also proposing a new overlay zone over the entirety of the two parcels, called the Lincoln Street Overlay District, which would provide additional performance and design standards associated with any future development of the two parcels located at 216 Lincoln Street.

Project History:

June 2, 2020 – Planning Board Workshop
July 21, 2020 – Planning Board Workshop
September 1, 2020 – Public Hearing

Staff Comments:

The Residential Growth District 1 is the zoning district directly across the street from the parcels. A portion of these parcels is already zoned RGA1, and this proposal would provide a mirrored zoning district on both sides of Lincoln St and Mayberry Road, where the parcels obtain their frontage.

In reviewing the history on this process:

Feedback from the public both prior to and during the June 2nd workshop was received, primarily which expressed concerns regarding the following issues: 1. Protection of habitat and natural lands adjacent to the Presumpscot; 2. Access to/along the Presumpscot; 3. Traffic and density on Lincoln Street; 4. Water quality/general impacts to the resource; 5. Affordable Housing 6. Lack of a surety from developers leaves the potential for this or another developer to not follow through with the vision as it is being presented to the Board during the request for a zone change.

During the 6/2 workshop, general comments from the Planning Board included that, while the Board appreciated the plan for formalizing public access, connectivity of open space and a transitional residential design, the Board mirrored concerns that a zone change without a way to assure those components coming to fruition, does not provide sufficient assurances that a future development will be held to the statements made during this process if there is no Ordinance requirement to do so.

In response, the applicant proposed an Overlay District, at the Board's July 21, 2020 meeting, to provide additional performance and design standards, above what any project is held to in the City, to memorialize these commitments. The overlay zone accomplishes the following objectives related to the feedback provided from the June meeting:

-Open Space:

Currently the site is privately owned and does not have formal trails or public access. The proposed overlay zone requires future development of the land to provide public access to the riverfront as well as connectivity with the Sebago to Sea Trail. This is an opportunity for the City to work with developers to identify areas of high priority on the site (i.e. area along the river) most appropriate to conserve and formalize a trail system accessible to the public. This provision is in addition to the open space requirements of the subdivision review process.

-Transitional Residential Development:

Currently, the applicant could create a multifamily development in the 10 acres of RGA1 land adjacent to Mayberry Rd and Bell Street, as well as develop a city street system looping through the entire parcel to create a maximized development pattern of single family and duplex lots through the 37 acres of RD area beyond the Shoreland Zoning area. Also, the current zoning would require all multi-family components to be located in the land area located adjacent to Mayberry St and abutting the single-family homes along Bell St.

The proposed overlay zone would require a transitional development design where the single-family homes are continued along the existing single-family neighborhoods and gradually transition to two-family and multi-family homes. The overlay as proposed would require the largest multi-family units to be located furthest from Lincoln St and Mayberry Rd, while still outside of the shoreland overlay zone, thus continuing to provide protection to the resource while also buffering the existing neighborhoods.

-Building Design:

As part of this overlay, additional design standards are included to provide variation of the structures to encourage the look of a neighborhood using at least 3 variations for abutting structures of the 6 design elements stated.

-Workforce Housing:

The proposed overlay defines workforce housing and requires a minimum of 10% of the proposed units meet this standard. This model is taken from the Ordinances of neighboring municipalities and has been provided to the City Solicitor for review.

Feedback from the July 21st meeting The Board asked for further refinement of the placement or setback of the larger structures from the single-family homes and the accessways to the various phases of development.

In response to that feedback, the applicant has incorporated the following additional language to the performance standards under Section B, Transitional Residential Development that requires:

Buffering between Different Uses:

Specific separation between multiple-family structures and single-family/two-family dwelling lot lines.

Access for Different Uses:

Single-family/two-family development have separate primary access from multiple-family development.

Staff are supportive of the proposed overlay district to provide the level of certainty that the high-level parameters that the Board raised during its review are incorporated in a future project. The standards provided in the overlay are in excess of standards required of any other residential district standards, but clearly are important to memorialize for the future.

In summary, the proposal provides:

- Compatible residential housing development patterns that would be in keeping with zoning in this neighborhood,
 - o Expanding the RGA1 District Line allows for the space to provide better transition of housing types from single-family homes next to the Mayberry, Emery, Bell and Lincoln Street to two-unit and then to multi-family dwellings to meld with the established neighborhoods.
 - o Creation of Housing Design standards for more visual contrast in building designs.
 - o Incorporation of affordable housing criteria for the neighborhood
 - o Increased setbacks of the larger structures from the single/two family lots.
 - o Separation of primary access points for various housing types.
- Consistency with regional planning initiatives
 - o Promoting residential development in areas where it makes the most sense from land utilization, resources, access to services, reducing sprawl and fiscally beneficial to community.
 - o Lower cost per unit provides more affordable housing opportunities.
 - o Reduced road Right of Way networks reduces costs per resident to the community due to private trash pickup and private road maintenance.
- Improved opportunities for amenities for the community through better land utilization.
 - o Guaranteed Public access thorough the parcel working with partnering agencies and the City.
 - o More opportunities for open/green space by allowing density vertically within a multifamily structure vs expanding horizontally on the land.
 - o Potential for Conservation and passive recreation of a substantial portion of the property with existing Shoreland Zoning regulations

Motion:

Motion to recommend for adoption by the City Council the proposed Zoning Map Amendments and Lincoln Street Overlay District Ordinance.

5. 2020.15 – Amendment to the Zoning Map – 58 Lincoln Street

PUBLIC HEARING

Tax Map: 032 Lot: 130
Zone: Rural District

Project Description:

The City of Westbrook is proposing a map amendment to rezone the parcel it owns located at 58 Lincoln Street from Rural District to RGA1 District.

Project History:

June 2, 2020 – Planning Board Workshop
September 1, 2020 – Public Hearing

Staff Comments:

In reviewing the zoning on Lincoln Street, Staff are recommending an amendment of the zoning map for the City owned 58 Lincoln Street parcel to be consistent with adjacent zoning, where Staff sees this parcel is mis-zoned being adjacent to the City Center District, is a ¼ Mile from the heart of downtown, and does not fit the Rural District Zoning as per the Comprehensive Plan. (See attached map) Based on the feedback provided in the June workshop, staff are proposing the RGA1 District be utilized for this parcel vs the City Center District.

The current parcel functions as the “Lincoln St Ice rink” and as an access point to the Presumpscot River for swimmers and carry in boaters. Underway are two City initiatives that are investing Federal Dollars into enhancing and upgrading both of these City amenities.

- **Four Season Rink.** The City has already started a reconstruction project to build a new 4 season rink on the old ice rink location so that it will be used by soccer associations during the warm months and then flooded during the colder months for ice hockey. The funding for this project is from multiple sources but one of them is the Community Development Block Program (CDBG) which is the Federal funding mentioned above.
- **Lincoln St Boat Launch.** Another CDBG grant was also applied for this year to upgrade the Boat launch access, parking, removal of evasive species along the river and improve lighting around the rink. This second grant was also successfully awarded to the City and work will be done in conjunction with the 4-season rink project to hopefully have all work completed by Fall 2020 or Spring 2021 depending on contractor availability.

The Federal Dollars invested are important to note as that creates a level of protection over the areas that Federal funds have been utilized. We cannot just take those Federal dollars, invest in the property, then sell the property for a private use. This would violate the use of those funds and jeopardize any future federal funding for the City, which is not the intent, nor anything the City would ever do.

Staff have received several inquiries on this rezoning matter related to concerns of redevelopment of the parcel. There is no intent to redevelop the parcel. The only reason this proposal is before the Board is to address the issue of a mis-zoned property, where this property is clearly not a rural area. The rezoning will not change the public amenities on the parcel or their function.

Motion

Motion to recommend for adoption by the City Council the proposed Zoning Map Amendment to rezone 58 Lincoln St (Map 32 Lot 130) to RGA1 District.