



City of Westbrook

DEPARTMENT OF PLANNING & CODE ENFORCEMENT

2 York Street

Westbrook, Maine 04092

(207) 854-0638

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**WESTBROOK PLANNING BOARD
TUESDAY, SEPTEMBER 18, 2018, 7:00 P.M.
WESTBROOK HIGH SCHOOL, ROOM 114**

AGENDA

PUBLIC HEARING

- 1. 2018.34 – Amended Site Plan, Subdivision & Special Exception – Rock Row (previously called “Dirigo Plaza”) – 58 & 80 Main Street – Waterstone Properties Group:** Jones & Beach, Inc. on behalf of Waterstone Properties Group, is proposing an amendment to a previously approved site plan to reconfigure building layouts and internal traffic circulation. The amendment is for Phase 1 of a 495,915 +/- square foot regional retail shopping center. Tax Map: 42B Lots: 9, 10, 11 & 14 Zone: Gateway Commercial.

REGULAR MEETING

- 2. Call to Order.**
- 3. Approval of Minutes.**
- 4. 2018.34 – Amended Site Plan, Subdivision & Special Exception – Rock Row (previously called “Dirigo Plaza”) – 58 & 80 Main Street – Waterstone Properties Group:** Jones & Beach, Inc. on behalf of Waterstone Properties Group, is proposing an amendment to a previously approved site plan to reconfigure building layouts and internal traffic circulation. The amendment is for Phase 1 of a 495,915 +/- square foot regional retail shopping center. Tax Map: 42B Lots: 9, 10, 11 & 14 Zone: Gateway Commercial.

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



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Fax: 1-866-559-0642

DATE: September 14, 2018

TO: Planning Board

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

Cc: Plan Review Team

RE: September 18, 2018 Planning Board Meeting

1. 2018.34 – Amended Site Plan, Subdivision & Special Exception – 58 & 80 Main Street - Rock Row (previously called “Dirigo Plaza”) – Dirigo Center Developers, LLC

1. 2018.34 – Amended Site Plan, Subdivision & Special Exception – 58 & 80 Main Street - Rock Row (previously called “Dirigo Plaza”) – Dirigo Center Developers, LLC

Tax Map 042B Lots 9, 10, 11 & 14

Zone: Gateway Commercial District

PUBLIC HEARING

Project Description:

The applicant is proposing an amendment to a previously approved site plan to reconfigure building layouts and internal traffic circulation. This application and requested approval is specific to the Phase I area ONLY.

Project History:

November 17, 2015	Workshop: Introduction of the development
March 1, 2016	Workshop: General overview of the project and focused on architecture and landscaping.
March 15, 2016	Workshop: Discussion on site circulation and layout
April 5, 2016	Workshop: Reviewed updates to architecturals, site layout, site amenities and provided information related to natural resources and utilities.
May 3, 2016	Workshop: Reviewed the stormwater report, landscaping and other related topics.
May 17, 2016	Joint Meeting with Portland: Recap of overall stormwater report and reviewed the Traffic report.
July 19, 2016	Public Hearing: Entire application discussion open to the public and Board. a) The Board granted a waiver from the parking standards from 1,753 spaces to 1,414 spaces b) The Board granted a waiver from Section 502.4 to permit all required subdivision plan information to be submitted in the plan set instead of on one subdivision.
September 20, 2016	Workshop: Recap of MDOT’s traffic mitigation permit.
October 18, 2016	Old Business: The Board voted unanimous in favor 7-0
January 3, 2017	Site Plan Amendment: Amendment to construction phasing plan

March 21, 2017	Site Plan Amendment: Amendment to construction phasing plan
June 6, 2017	Site Plan Amendment: Amendment to construction phasing plan
September 5, 2017	Site Plan Amendment: Amendment to construction phasing plan
July 17, 2018	Workshop: Introduction to a revised master plan for the site
August 21, 2018	Workshop – Site Plan Amendment; Phase 1
September 18, 2018	Public Hearing – Site Plan Amendment; Phase 1

Staff Comments:

The workshop was conducted in topic format to group comments by topic. We have kept that format going into the Public Hearing. The applicant will provide a summarized presentation in the same format.

- 1) Internal circulation/parking lots
 - a. Staff comments:
 - i. Access road will need to be named and businesses addressed appropriately. (Condition of approval)

- 2) Pedestrian circulation/amenities
 - a. Staff Comments:
 - i. Containment of lake must be part of the phase 1 amendment (Condition of approval).
 - ii. Provide a barrier along the limits of Phase 1 and the remainder of the site. (Condition of approval)

- 3) Building Elevations/Architecture
 - a. Staff Comments:
 - i. All signage shown on elevations, including Market Basket signage above the cornice line, will need independent review and permitting to ensure compliance with ordinance requirements. (Condition of approval)
 - ii. Screening required for all dumpsters (Condition of Approval)

- 4) Landscaping
 - a. Staff Comments:
 - i. Board provided favorable comments on the design and specifications of the plan.

- 5) Utilities (Stormwater, Power, Sewer, water)
 - a. Staff Comments:
 - i. Applicant is working with the Sewer Department on the appropriate upgrades to the sewer main that the Phase I buildings will connect into which travels down Terminal Street to the pump station.
 - ii. Updated ability to serve/connect documents from the Westbrook Sewer Dept detailing connection to Terminal Street sewer system (Phase 1 approved structures only) and Main Street sewer main (building 1-C only).
 - iii. Provide differential in the approval of impervious cover for this area if different from first approval. (see sheet c2)

- 6) Update on permitting MDEP-Army Corp (Status provided by applicant)

- 7) Misc Comments:
- a. Knox boxes required at all lake gates
 - b. Free standing sign on sheet D3 needs to be updated.
 - c. Fill in all zoning district standards (proposed) on the site plans. Plan must state how the entire site plan, with the amended Phase 1 improvements, meets the district requirements (impervious cover, etc.)
 - d. Provide updated performance guarantee estimate
 - e. GIS Plans in compliance with the Ordinance State Plain requirements will need to be provided

Motion:

Motion that the Planning Board approve Dirigo Center Developers LLC's application for an amendment to the Final Site Plan, Subdivision, and Special Exception approvals granted by the Planning Board on October 18, 2016 and amended January 3, 2017, March 21, 2017, June 6, 2017 and September 5, 2017 for property located at 58 and 80 Main Street, Tax Map: 42B Lots: 9, 10, 11, & 14 Zone: Gateway Commercial, including, without limitation, approval of the amended phased commencement and completion schedule attached to the application; reapprove the Special Exception approval as a Conditional Use approval and the Subdivision waivers for Rock Row; waive joint meetings and hearings with the City of Portland reviewing authority to review the application; and the following findings of fact, conclusions and conditions as stated on pages 3 through 8 of this Staff Memo dated September 14, 2018, which are adopted in support of that approval.

Site Plan – Finding of Fact:

Utilization of the Site - *Adequate. Site features meet dimensional requirements of the ordinance with the exception of the Parking requirement in Phase 1 (North Campus) whereby the Planning Board granted a waiver on July 19, 2016. The Board granted a waiver from the parking standards of the Westbrook Land Use Ordinance section 505.1A to reduce the parking requirement from 1,753 spaces to 1,414 spaces.*

Adequacy of Road System - *Adequate. Applicant has received their MDOT traffic movement permit. They have submitted for an amendment to phase the components of those improvements.*

Access to the Site - *Adequate. Applicant has provided 2 access points, in Phase I and are looking for 4 with the final build out which allow for multiple points of diffusion of traffic.*

Internal Vehicular Circulation - *Adequate. Applicant has shown that the site will function from a circulation standpoint.*

Pedestrian and Other Modes of Transportation - *Adequate. A bus stop pull out is being constructed as well as improvements to the pedestrian sidewalk system in the greater area.*

Stormwater Management - *Adequate. Applicant has received a MDEP site location permit and a Stormwater Permit/approval. Applicant has met the treatment criteria for MDEP and will contribute towards the Urban Impaired Stream fund for Nasons Brook. MDEP has issued its Site Location of Development Act Natural Resources Protection Act Freshwater Wetland Alteration and Water Quality Certification Finding of Fact and Order for this project. Applicant will receive an amendment to this permit based upon the changes proposed in Phase I.*

Erosion Control - *Adequate. Plans provided show the site will have sufficient erosion control measures installed during construction.*

Utilities - *Adequate. Site is serviced by CMP, Portland Water District, Public Sewer and natural gas.*

Hazardous, Special and Radioactive Materials – *N/A*

Technical and Financial Capacity - *Adequate. Waterstone Properties, Ltd has provided a consolidated interim financial statement for the fiscal year ending June 30, 2018 as evidence of financial capacity.*

Solid Waste - *Adequate. Applicant will be responsible for disposal of all solid waste for the Center.*

Historic, Archaeological and Botanical Resources – *None Known*

Landscape Plan - *Adequate – Applicant has provided a plan for enhancement of the Main Street and Larrabee Rd corridors and screening as applicable. Additionally, internal landscaping is included in the plan to beautify the Center.*

Subdivision – Finding of Fact:

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

Water - *Adequate. – Applicant has received an ability to serve from the Portland Water District.*

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

Traffic - *Adequate. - Applicant has been reviewed by MDOT for the amendment to their traffic movement permit to ensure that the applicant will mitigate traffic issues in the region.*

Sewage - *Adequate. – Application is conditioned upon the receipt of an ability to serve from the Westbrook Sewer Department.*

Solid Waste - *Adequate. Applicant will be responsible for disposal of all solid waste for the Center.*

Aesthetics

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

Conformity with Local Plans and Ordinances – Adequate.

1. *The proposal is in conformance with the Comprehensive Plan.*
2. *Subdivision Plan meets requirements of the Land Use Ordinance with the exception of the submission requirement of Section 502.4 that states the Subdivision Final Plan must contain all of the information required by Section 502.4. The Planning Board granted a waiver on July 19, 2016 to this requirement such that the Applicant is not required to show all of the required information on the Final Subdivision Plan, but instead may provide all of that required information in the Dirigo Plaza Plan Sets as submitted.*

Financial and Technical Capacity - *Adequate. Waterstone Properties, Ltd has provided a consolidated interim financial statement for the fiscal year ending June 30, 2018 as evidence of financial capacity.*

River, Stream or Brook Impacts - *Adequate* – Applicant has received a MDEP site location permit and a Stormwater Permit/approval. Applicant has met the treatment criteria for MDEP and will contribute towards the Urban Impaired Stream fund for Nasons Brook. MDEP has issued its Site Location of Development Act Natural Resources Protection Act Freshwater Wetland Alteration and Water Quality Certification Finding of Fact and Order for this project. Applicant will receive an amendment to this permit based upon the changes proposed in Phase I.

The applicant will be reconstructing an old stream crossing of Nasons Brook to restore it to a natural flow channel. MDEP and the US Army Corps of Engineers have issued Freshwater Wetland Alteration and wetlands permits for the stream culvert and crossing.

Special Exception (Conditional Use) – Finding of Fact:

Uses specific to this section are: Restaurant Class 1 (Drive thru), Bank Class 1 (Drive thru)

The Board adopts as its Finding of Fact on the Applicant's application for Special Exception the Jones & Beach letter to the Planning Board dated February 29, 2016 supplementing that application, as amended by the Subdivision Plan and other proposals and plans submitted to the City, and determines the following:

- A). Certain Requirements Met. That the use requested meets the dimension, parking, loading, and sign requirements of this Ordinance. - *Adequate*.
- B). Value. That the use requested will not significantly devalue abutting property or property across public or private way. - *Adequate*.
- C). Effects of Land Use. That the use granted will:
 - (1) Maintain safe and healthful conditions.
 - (2) Not cause water pollution, erosion, or sedimentation.
 - (3) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.
 - (4) Conserve shared tree cover and visual, as well as actual, access to water bodies.
 - (5) Not burden on-site septic or off-site waste disposal.
 - (6) Not burden existing public ways. – *Adequate as to C) (1) through (6)*.
- D). Performance Standards. That the use granted is compatible with adjacent land uses and that it meets the following performance standards:
 - 1. Landscape Environment and Enhancement. The landscape must be preserved in its natural state insofar as practicable. It must be designed so as to stabilize the slopes and buffer the site, where necessary.
 - 2. Surface Water Drainage. Surface water drainage must not have an adverse effect on surrounding properties, downstream water quality, soil stability, or the storm drainage system.
 - 3. Water, Air, Soil Pollution. The development will not cause unreasonable water, air, or soil pollution.
 - 4. Soil Integrity. The development will not cause unreasonable soil erosion or reduction in the capacity of the soil to hold water.
 - 5. Natural Environment. The development must not have an unreasonably adverse effect on a historic site or irreplaceable natural areas.
 - 6. Nuisance Factor. The development must not cause unreasonable noise, odors, dust, gas, fumes, smoke, light or other annoying or dangerous emissions.
 - 7. Special Features. Exposed storage areas, machinery installation, service and loading areas, and similar facilities must be set back, screened, or buffered so as to minimize any possible adverse effect on the surrounding uses.
 - 8. Vehicular Access. The site layout must provide for safe vehicular access and egress, including that for emergency vehicles.

9. Parking and Circulation. The layout of vehicular and pedestrian traffic patterns must provide for safe interior circulation, separation of pedestrian and vehicular traffic, and storage of plowed snow and the parking shall comply with the parking requirements set forth in Section 505.1 A-D, regardless of whether the special exception requires site plan review.
10. Public Services. The development must not impose an unreasonable burden on the water supply and sewage disposal systems, fire or police services, public ways, schools, recreational facilities, and other public services or facilities.
- Adequate as to D) (1) through (10)

Conclusions:

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

Conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated September 13, 2016 and amended July 12, 2018 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. Consistent with Section 504.3, the Code Enforcement Officer shall not issue any permits until a site plan has been approved by the Planning Board and a Mylar signed by the Planning Board. Mylars must be submitted to the City within 90 days of Planning Board approval or the approval shall be null and void.

3. Prior to any permits being issued for Phase I only (as delineated on approved Site Plan):
 - a. All outstanding Staff comments must be addressed.
 - b. Copy of updated Maine Department of Transportation Traffic Movement permit
 - c. Copy of updated MDEP Permits
 - d. Updated site plan set based upon all State permits if necessary (Mylar & Paper form)
 - e. Copy of the recorded amended subdivision plan.
 - f. Copy of SWPPP shall be provided to Planning Office
 - g. Copy of Maine Construction General Permit to Planning Office
 - h. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator
 - i. Copy of all recorded easements between the leased portions of the site and the main parcel for access, drainage and snow storage.
 - j. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
 - k. Final Sewer Plans (including the upgrades to the main lines servicing Phase I along Terminal Street all the way to the pump station) reviewed and approved of by City of Westbrook Sewer Department. Additionally connection of Building 1-C to the Main Street sewer is only permitted as the use is a bank with low flows and there is an existing lateral into the site, however the applicant will replace the existing lateral all the way to the main line in Main Street to the satisfaction of the sewer department.
 - l. An inspection fee shall be made payable to the City of Westbrook for inspection of site improvements made by the Code Enforcement Officer and/or other appropriate City staff. This fee is required per Section 500.8 of the Land Use Ordinances in order to cover the costs of inspection of site improvements. Previously paid - \$168,744.00 This inspection fee will be recalculated and payment adjusted, as appropriate.
 - m. 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. (Current guarantee amount : \$8,437,220.00) The performance guarantee will be recalculated and the amount of the current performance guarantee will be adjusted, as appropriate.
 - n. Stormwater components:
 - i. All Grassed Underdrained Soil filters will have cleanouts.
 - ii. All sediment forebays will have concrete pad in base of forebay
 - iii. 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.
 - o. Site Components:
 - i. Verification that all Truncated domes in City ROW will be cast iron type.
 - ii. All dumpsters, compactors and storage of recycling or waste materials must be fully screened. Screening method shall be approved of by Planning Department.
4. Prior to any sign permits, a site signage package meeting the district requirements must be reviewed and approved of by the City.
5. Prior to any building permit issuance beyond the “Phase 1 Limit of Work Line” as shown on the approved site plans:
 - a. Applicant will reapply to the Planning Board for approval of all site improvements and building elevations. (Parking layouts revised, pedestrian systems addressed, internal signage directing traffic to Exit 47, etc.)
 - b. Provide an easement along the Arterial side of the site for potential future sidewalks/pedestrian amenities.

6. Prior to commencing any work in the City Right-of-Way, the applicant must obtain a road-opening permit from the Public Works Department.
7. Prior to the first Occupancy Permit issuance,
 - a. An internal signage plan shall be approved by the City and installed per plan.
 - b. Businesses addressed to the satisfaction of the E911 coordinator
 - c. Provide documentation of maintenance contractor for the project to keep site maintained.
 - d. Lake must be contained from public access.
 - e. Barrier along Limit of Phase I work line to separate the active site from the under construction site.
8. Prior to release of the performance guarantee, the site will be in compliance with the approved plan and as-built plan provided.
9. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance. On January 15th every year, a copy of the maintenance log for the previous year for the stormwater treatment features associated with this project needs to be provided to the Planning Office.
10. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
11. Traffic Conditions:
 - a. On all turning movements where skip lines are shown on the road to delineate lanes, those skip lines should be recessed into the pavement.
 - b. Construction of the traffic improvements will be phased based on the amended MDOT Traffic movement permit, and will be a coordination effort with the City of Westbrook, Portland, MDOT and MTA.
 - c. ROW drawings will need to be completed to verify work limits.
 - d. In future phases, provide an easement along the Arterial side of the site for potential future sidewalks/pedestrian amenities.
 - e. Piano Key sidewalk striping will be acceptable to Westbrook.
 - f. In public ROW islands or along roads, any vegetation needs to be salt tolerant plantings. NO grassed areas will be allowed.
 - g. A monitoring program for traffic system will be required if not part of the MDOT TMP.
 - h. Left turn pockets on Larrabee Road will need to be evaluated once final plans are provided.
12. Project letters with conditions to be part of the approval (as modified by this approval):
 - a. Westbrook Fire Department – letter from Andrew Turcotte, Fire Chief dated September 7, 2016
 - b. Westbrook Sewer Department – letter from Eric Dudley, P.E. dated September 22, 2016
 - c. Portland Water District ability to serve letter – dated January 19, 2016
 - d. Westbrook Police Department – letter from Chief Janine Roberts dated September 13, 2016
13. Conditioned on the Responses provided by the applicant (as modified by this approval):
 - a. Letter from Wayne Morrill of September 27, 2016 to Jennie Franceschi
 - b. Letter from Wayne Morrill of October 10, 2016 to Jennie Franceschi