



Planning & Code Enforcement

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PLANNING & CODE ENFORCEMENT

**WESTBROOK PLANNING BOARD
TUESDAY, OCTOBER 20, 2020, 7:00 P.M.
Performing Arts Center
Westbrook Middle School
471 Stroudwater Street, Westbrook**

The October 20, 2020 meeting has been changed to a virtual format due to Covid related matters and the vulnerability of the Performing Arts Center at the time of this noticing.

Zoom Link: <https://us02web.zoom.us/j/87625715352>

Dial-In Number (audio only): 1-646-558-8656

Webinar ID: 8762-571-5352

AGENDA

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

NEW BUSINESS

3. **2020.30 – Site Plan, Subdivision – Vertical Harvest - Mechanic Street Parking Garage & Subdivision – TDB, LLC; City of Westbrook – Public Hearing:** The applicant is proposing a mixed-use development to include a commercial greenhouse, 50-residential units and an approximate 430-space parking structure located on the existing Mechanic Street Parking Lot. Tax Map: 032 Lot: 007A Zone: City Center District; Village Review Overlay Zone

WORKSHOP

4. **2020.35 – Amendment to the Land Use Ordinance:** The proposed amendment is a reorganization and recodification of the Land Use Ordinance. Additionally, the proposed amendment updates outdated references to State Statute and the City's Flood Plain Ordinance in accordance with the standards of the State. The proposed amendment is administrative in nature and does not revise or otherwise alter the standards of the current Land Use Ordinance.

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: October 16, 2020

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

RE: October 20, 2020 Planning Board Meeting

-
1. **2020.30 – Site Plan, Subdivision – Vertical Harvest - Mechanic Street Parking Garage & Subdivision – TDB, LLC; City of Westbrook**
 2. **2020.35 – Amendment to the Land Use Ordinance – Part III: Land Use Legislation**
-

1. **2020.30 – Site Plan, Subdivision – Vertical Harvest - Mechanic Street Parking Garage & Subdivision – TDB, LLC; City of Westbrook**

PUBLIC HEARING

Tax Map: 032 Lot: 007A
Zone: City Center District; Village Review Overlay Zone

Project Description:

The applicant is proposing a mixed-use development to include a commercial greenhouse, 50-residential units and an approximate 430-space parking structure located on the existing Mechanic Street Parking Lot.

Project History

August 26, 2020 – Neighborhood Meeting
September 15, 2020 – Planning Board Workshop
September 17, 2020 – Recreation and Conservation Commission
October 7, 2020 – Village Review Overlay Committee
October 15, 2020 – Recreation and Conservation Commission
October 20, 2020 – Public Hearing

Staff Comments:

This is a substantive project for the City incorporating three needed elements for Downtown revitalization (Commercial Use-Residential Subdivision-Parking Structure) and as such Staff has provided the applicant with the following extensive list of comments. The applicant is working with Staff to address all outstanding items, and the application is at a point where the majority of outstanding comments should not greatly impact the building footprint, pedestrian/vehicular circulation or site layout/design. Therefore, the applicant is before the Board as a public hearing to seek feedback on the final site design and building elevations, as well as present changes to the plan following the Planning Board Workshop and reviews by the Village Review and Recreation and Conservation Commission Committees, with the intent to continue to address outstanding comments prior to returning to the Board on November 3rd for final determination.

Utility/Fire

1. Final design layout for power. Applicant is still working with CMP to determine final loads which will guide design. May require going under WCD to Mechanic St to feed. **Design to be finalized prior to approval.**
2. Sewer - Staff support option 1 for sewer design. Further review required to explore alternate options that would allow existing infrastructure to remain in place while still accessible. Public Services will seek peer review. A condition of approval for final signoff on sewer design from the Wastewater Director will be required prior to any site work commencing or permits issued.
 - a. #12461 General Foundries frames and covers required
 - b. The City does not allow concrete riser rings less than 2 inches and does not allow any other kind of riser ring that is made of a different material (i.e. plastic or metal).
3. Any pavement removal in the City ROW needs to be squared off. If the trench will run parallel to the roadway, the joint will need to be placed so that it is not in the wheel path of oncoming traffic.
4. Vertical granite curbing in the City ROW needs to be backed up with concrete and not gravel or flowable fill.
5. Any signage posts needed in public lands (Regulatory, directional, etc) needs to be approved of by the Public Services Director or their designee. **A signage study needs to be determined prior to construction start to determine which signs need to be provided in post conditions.**
6. Standpipes required in all stairwells and within parking garage
7. Confirm location of sprinkler room on plan.
8. DBA testing required

Traffic

9. Project anticipates multi-lane closures on both Mechanic St & WCD. Traffic control plan required prior to issuance of building permit. TCP should address any required lane closures on William Clarke Drive and Mechanic Street, including duration of work, as well as a plan for parking during construction operations. Any work resulting in complete shutdown of either street will require night work. At the discretion of Police, work resulting in lane closure may require night work depending on impact.
10. Fencing construction site to prevent conflict with pedestrian traffic. Provide a protected walkway around credit union and along perimeter as necessary to keep pedestrian flow available during construction.
11. Sidewalk/Pedestrian connection (crosswalks) needed from main access across Vertical Way and another point along the easterly side of the structure to direct people toward Main St.

Public Safety

12. Public safety signage to be reviewed/approved of by Police
13. Security cameras. The camera system needs to have the capability to copy videos to a DVD and be converted to a MP4 (this is a requirement of the court system). Surveillance both internal to garage and around perimeter of building to be provided.
14. Ensure sufficient lighting is provided internal to garage. Photometrics

Alley Way – “Vertical Way”

15. Coordinate with E-911 for addressing. Addressing should be off Vertical Way
16. Provide photometrics plan demonstrating adequate lighting

Subdivision

17. Subdivision plan
 - a. Need metes and bounds of leased area shown on plan
 - b. Parking counts should reflect requirement of Downtown District (1 per residential unit. Not required for commercial)
 - c. State standards of zoning district on plan (City Center District – Village Review Overlay Zone)

18. Plan for waste removal for residential units
19. Verification location of mail room access with USPS. Show location of mailroom on final subdivision Plan

Misc:

20. Garage
 - a. Verify sufficient number of handicap spaces in garage.
 - b. Provide for potential of E-Car stations in garage
 - c. State area for compact cars – signed
 - d. Design of stairwells/elevators – designed with safety in mind.
21. Provide documentation of agreement with Metro for removal/replacement/relocation of bus shelter
22. Plan note clarifying maintenance responsibilities of sidewalk and plaza along WCD (to be publicly maintained)
23. Construction staging plan to include parking plan for contractors (shuttles, etc).
24. Construction Management Plan – edit road name from West Clarke Drive to William Clarke Drive
25. Trash Management Plan for the apartments is required.
26. Provide more information on lighting of Vertical Harvest during dark hours. Rendering from Wyoming?
27. Landscape plan –
 - e. no fruit bearing trees on street level
 - f. Provide detailed plan delineating out the selected plants
 - g. Plant species selected must be low maintenance.
 - h. Tree selection needs to be reviewed by City Arborist (Once final design is provided – or you can reach out to Doug Eaton in Public Services directly to discuss initially.)
28. Provide update on DEP submission
29. Stormwater design needed for structure into the system.
 - i. Treatment elements – need more detail
30. ABS letters – PWD, CMP & Sewer
31. Provide Cost Estimate
32. Provide copy of turning template

Recreation and Conservation Commission

1. See memo dated 10/16/2020

Village Review Committee

In general, the VROZ provided a favorable recommendation of the project façade to the Planning Board with more information needed on the pedestrian scale of the building, landscaping and the building façade fronting Vertical Way. Following is a summary of comments/discussion provided during the meeting.

1. Discussion on the potential for bird strikes due to the large glass windows. Can you provide more information on whether this is an issue for the existing VH building.
2. Provide more detail on pedestrian level scale. Explore opportunities to break up pedestrian façade through either landscaping, hardscaping or façade treatments.
3. More information on northerly elevations. Where this area does not have the same level of landscaping as the other sides, explore opportunities to soften.
4. Seasonality of landscaping – Consideration of wall treatments to provide 4-season accentuations
5. Windows for residential units – add cross mullion in addition to vertical to give residential feel
6. Discussion on night lighting of Vertical Harvest component
7. Sidewalk along WCD – Discussion on elements that can encourage pedestrians to feel comfortable along the high traveled WCD, particularly in winter months when snow fall/removal can pose a challenge to pedestrian movement.

Board Action:

1. Provide feedback to applicant

Motion:

Motion to continue the application to the November 3, 2020 Planning Board meeting to address outstanding comments.

3. 2020.35 – Amendment to the Land Use Ordinance – Chapter 335 Land Use

WORKSHOP

Ordinance Description:

The proposed amendment is a reorganization and recodification of the Land Use Ordinance. Additionally, the proposed amendment updates outdated references to State Statute References and the City’s Flood Plain Ordinance in accordance with the standards of the State. The proposed amendment is administrative in nature and does not revise or otherwise alter the standards of the current Land Use Ordinance. With this reorganization, will be a new Ordinance website that will be exceptionally easier to navigate, search and print sections of the ordinance for the public and applicants.

In addition to this memo, a link to the complete Code of Ordinances, including the proposed Chapter 335, can be found on the City website under “Proposed Recodification” <https://westbrookmaine.com/379/City-Charter-Code-of-Ordinances>.

Ordinance History:

October 20, 2020 – Planning Board Workshop

Staff Comments:

The proposed amendment is part of a comprehensive reorganization and recodification of the Complete Code of Ordinances for the City. This action will be a repeal of Appendix A and replacement with Chapter 335 Land Use. The majority of the amendment is a direct mirror of Appendix A with Chapter 335 in both order and substance. The only alterations from the existing Ordinance are updates to State Statute references and an amendment to new Section 335.9.1, Flood Plain Management.

The Floodplain language presented has been drafted by the Maine Department of Agriculture, Conservation and Forestry who completed a review of the City Ordinance in advance of the release of the new Flood Insurance Rate Maps as part of the Maine Floodplain Management Program.

With this recodification, the entire Code of Ordinances will now be viewable via the online format of ecode360. This is a format that is commonly used in other municipalities throughout the state and allows for a more streamlined access to the code via a search bar. The full Ordinance can also be downloaded by Chapter for a comprehensive review.

Directions to access Chapter 335 Land Use:

- Go to the following link: <https://www.ecode360.com/WE3873>
- Scroll through the page and click on “Part III Land Use Legislation”
- From this page you may either download the chapter, select a specific section to view or enter a search term (ex: Subdivision or Parking). Note – if you are utilizing the search bar function, the results will be for the utilization of that term within the entire Ordinance, not necessarily specific to the Chapter you have selected when typing your search

Board Action:

1. Provide feedback to Staff on amendment
2. Public Hearing is scheduled for November 3, 2020