



# City of Westbrook

## DEPARTMENT OF PLANNING & CODE ENFORCEMENT

2 York Street

Westbrook, Maine 04092

(207) 854-0638

Fax: 1-866-559-0642

**WESTBROOK PLANNING BOARD  
TUESDAY, NOVEMBER 6, 2018, 7:00 P.M.  
WESTBROOK HIGH SCHOOL, ROOM 114**

### AGENDA

#### PUBLIC HEARING

- 1. 2018.40 – Conditional Use – 155 Warren Ave – Daniel O’Connell** – The applicant is proposing a medical marijuana cultivation facility as a change of use within an existing structure. Tax Map: 046 Lot: 003A Zone: Industrial Park District
- 2. 2018.45 – Conditional Use – 155 Warren Ave – Brian Stone** – The applicant, is proposing a medical marijuana cultivation facility as a change of use within an existing structure. Tax Map: 046 Lot: 003A Zone: Industrial Park District

#### REGULAR MEETING

- 3. Call to Order.**
- 4. Approval of Minutes.**

#### UNFINISHED BUSINESS

- 5. 2017.56 – Subdivision/Site Plan Review – 500 Spring Street – Twin Falls – Westbrook Housing Group, LLC:** The applicant is proposing to develop 36 single-family residential house lots and four commercial lots along Spring Street. Tax Map: 008 Lot:008 Zone: Residential Growth Area 1

#### NEW BUSINESS

- 6. 2018.40 – Conditional Use – 155 Warren Ave – Daniel O’Connell** – The applicant is proposing a medical marijuana cultivation facility as a change of use within an existing structure. Tax Map: 046 Lot: 003A Zone: Industrial Park District
- 7. 2018.45 – Conditional Use – 155 Warren Ave – Brian Stone** – The applicant, is proposing a medical marijuana cultivation facility as a change of use within an existing structure. Tax Map: 046 Lot: 003A Zone: Industrial Park District
- 8. 2017.60 – Request for Extension – 590 County Road – Rickett Bros. LLC:** The applicant/owner is requesting a one year extension on an approval for a new 7,450 sq. ft. building. The Planning Board approved this item on December 5<sup>th</sup>, 2018. Tax Map: 2 Lot: 24C Zone: Industrial Park District.

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.

## WORKSHOP

9. **2018.46 – Site Plan, Subdivision & Conditional Use - 212 Brown St – Clark Painting, Inc –**  
The applicant is proposing an additional 4-units within an existing mixed use, commercial and residential multifamily structure. Tax Map: 033 Lot: 250 Zone: 212 Brown Street Contract Zone
  
10. **2018.47 – Site Plan, Subdivision & Conditional Use - 388 Austin St – Hill Street Apartments, LLC -** The applicant is proposing to develop 28 duplexes, totaling 56 units, on an existing vacant lot and associated off-site improvements to a portion of Austin Street. Tax Map: 055 Lot: 002B Zone: Residential Growth Area 2
  
11. **2018.48 – Site Plan, Subdivision & Conditional Use - Cumberland Woods – Graiver Family Holdings, LLC -** The applicant is proposing to develop a 60-unit multifamily subdivision located at 425 Cumberland Street. Tax Map: 010 Lot: 028B Zone: Residential Growth Area 1
  
12. **2018.34 – Amended Site Plan, Subdivision & Conditional Use – 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 for a 495,915 +/- square foot regional retail shopping center. The applicant is proposing an 8,000 seat amphitheater and parking area on the south parcel of the campus. 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.



# City of Westbrook

## DEPARTMENT OF PLANNING & CODE ENFORCEMENT

2 York Street

Westbrook, Maine 04092 (207) 854-0638

Fax: 1-866-559-0642

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DATE: November 2, 2018

TO: Planning Board

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

Cc: Plan Review Team

RE: November 6, 2018 Planning Board Meeting

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1. **2018.40 – Conditional Use – 155 Warren Ave – Daniel O’Connell.**
  2. **2018.45 – Conditional Use – 155 Warren Ave – Brian Stone**
  3. **2017. 56 – Subdivision/Site Plan Review – 500 Spring Street – Twin Falls – Westbrook Housing Group, LLC – 37 Single Family Lots and 4 commercial lots**
  4. **2017.60 – Request for Extension – 590 County Road – Rickett Bros. LLC**
  5. **2018.46 – Site Plan, Subdivision & Conditional Use – 212 Brown St – Clark Painting, Inc.**
  6. **2018.47 – Site Plan, Subdivision & Conditional Use – 388 Austin St – Hill Street Apartments, LLC**
  7. **2018.48 – Site Plan, Subdivision & Conditional Use – Cumberland Woods – Graiver Family Holdings, LLC**
  8. **2018.34 – Amended Site Plan, Subdivision & Conditional Use – Rock Row (previously called “Dirigo Plaza”) – 58 & 80 Main Street – Waterstone Properties Group**
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### **1. 2018.40 – Conditional Use – 155 Warren Ave – Daniel O’Connell**

Tax Map 046 Lots 003A

Zone: Industrial Park District

#### **PUBLIC HEARING**

##### **Project Description**

The applicant is proposing a medical marijuana cultivation facility as a change of use within an existing, vacant structure. In addition to cultivation, the laboratory will use extraction techniques (Ethanol based extraction and heat presses) and the kitchen will produce edible products.

The facility is approximately 4,400 square feet. Per the Ordinance, a Medical Marijuana Cultivation Facility may not exceed 3,000 square feet in size. Therefore, two cultivation facilities that are owned and operated independently by two different licensed Caregivers are proposed. As these are two separately permitted conditional uses, they each require review and approval by the Planning Board.

The facility will employ no more than 2 employees. No exterior alterations are proposed on the site. Site has ample parking for the use.

### **Project History**

September 27, 2018: Neighborhood Meeting

October 2, 2018: Planning Board Workshop

November 6, 2018: Public Hearing

### **Staff Comments**

1. Fees due: \$190.38
2. The Police Department has reviewed the proposed security measures that are included with the application and finds them to be sufficient for the use and building location.
3. Septic System – need to show if the current system can support the use (Will need to use a pump system for sewer within unit.)
4. A list of designated emergency contacts must be provided to Dispatch (Condition of Approval)
5. Sprinkler system/Fire Suppression needed in Lab and in the hoods in the Kitchen
6. Electrical system will require upgrade – Allied Engineering will design upgrade.
7. Kitchen space will need to be walled off as its own area.
8. No retail sales permitted on site
9. Ventilation – Applicant stated air in facility would be put through 2 filter processes before venting outside. Venting to be directed externally to create the least impact.
10. Proof of Pesticide license is required to be provided to the CEO

### **Motion**

The Conditional Use application for Daniel O’Connell to operate a medical marijuana cultivation facility as a conditional use within an existing vacant building located at 155 Warren Ave, Tax Map: 046 Lot: 003A Zone: Industrial Park District 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 November 2, 2018 are adopted in support of that approval.

#### **Conditional Use – Findings of Fact:**

- 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 conditional use requires site plan review, and
- (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)*

**Conditions:**

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated September 15, 2018 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 the issuance of an Occupancy Permit:
  - a. All outstanding staff comments shall be addressed.
  - b. A site inspection of the improvements by the City to ensure public health & safety is addressed and compliance with the approval.
3. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

## 2. 2018. 40 – Conditional Use – 155 Warren Ave – Brian Stone

Tax Map 046 Lots 003A  
Zone: Industrial Park District

### **PUBLIC HEARING**

#### **Project Description**

The applicant is proposing a medical marijuana cultivation facility as a change of use within an existing, vacant structure.

The facility is approximately 4,400 square feet. Per the Ordinance, a Medical Marijuana Cultivation Facility may not exceed 3,000 square feet in size. Therefore, two cultivation facilities that are owned and operated independently by two different licensed Caregivers are proposed. As these are two separately permitted conditional uses, they each require review and approval by the Planning Board.

The facility will employ no more than 2 employees. No exterior alterations are proposed on the site. Site has ample parking for the use.

#### **Project History**

September 27, 2018: Neighborhood Meeting

October 2, 2018: Planning Board Workshop

November 6, 2018: Public Hearing

#### **Staff Comments**

1. Fees due: \$190.38
2. The Police Department has reviewed the proposed security measures that are included with the application and finds them to be sufficient for the use and building location.
3. Septic System – need to show if the current system can support the use (Will need to use a pump system for sewer within unit.)
4. A list of designated emergency contacts must be provided to Dispatch (Condition of Approval)
5. Electrical system will require upgrade – Allied Engineering will design upgrade.
6. No retail sales permitted on site
7. Ventilation – Applicant stated air in facility would be put through 2 filter processes before venting outside. Venting to be directed externally to create the least impact.
8. Proof of Pesticide license is required to be provided to the CEO

#### **Motion**

The Conditional Use application for Brian Stone to operate a medical marijuana cultivation facility as a conditional use within an existing vacant building located at 155 Warren Ave, Tax Map: 046 Lot: 003A Zone: Industrial Park District is **(approved with conditions/ denied)** and the following finding of fact, conclusions and conditions as stated on pages 4 through 5 of this Staff Memo dated November 2, 2018 are adopted in support of that approval.

#### **Conditional Use – Findings of Fact:**

- 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 conditional use requires site plan review, and
- (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)*

**Conditions:**

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated September 1, 2018 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 the issuance of an Occupancy Permit:
  - a. A site inspection of the improvements by the City to ensure public health & safety is addressed and compliance with the approval.
  - b. All outstanding staff comments shall be addressed.
3. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

**3. 2017.56 – Subdivision/Site Plan Review – 500 Spring Street – Twin Falls – Westbrook Housing Group, LLC – 37 Single Family Lots and 4 commercial lots**

Tax Map 008 Lots 008  
Zone: Residential Growth Area 1

**UNFINISHED BUSINESS**

**Project Description:**

The applicant is proposing a 41-lot subdivision (36 new single-family residential house lots, one existing house lot and four commercial lots along Spring Street) and open space lots (One to City of Westbrook and one to Presumpscot Regional Land Trust) for trails to be incorporated into the Portland Trails system as well as off street parking for access to a trail head.

**Project History:**

October 12, 2017 – Neighborhood Meeting  
November 21, 2017 – Planning Board Workshop  
December 9, 2017 – Site Walk  
June 21, 2018 – Recreation and Conservation (*See attached summary provided to the R/C Commission – vote was unanimous in favor of the Open Space Plan proposed by the applicant*)  
July 3, 2018 – Planning Board Workshop  
August 7, 2018 – Public Hearing  
November 6, 2018 – Planning Board Final Meeting

**Staff Comments:**

1. Surveyor's stamp needs to be on all survey/subdivision sheets.
2. Sheet 19 – Air release valve manhole detail – please edit the plan view to be consistent with the section view and Please change the manhole diameter to 6'. –in both plan and section view
3. Stormwater – in reviewing the calculations and the layout we need the following added to the plans:
  - a. Add a set of CB's to Twin Falls Drive near the (2) intersections of Twin Falls Drive with Spring street.
    - i. Place the CBs on Twin Falls Drive just past (into the site) the radii points so the CB in is the straight section of the curb.
4. Sheet 16 & 17 have incorrect match sheets stated for cut lines on plan views. – Please review these sheets as the “see sheet XX” notes are not correctly labeled.
5. Final Conditions of approval need to be on the plan set. (Will be provided Friday)
6. Final Mylar & Paper set for signature, with additional mylar and paper of all signature sheets.

**Motion:**

The Site Plan / Subdivision Plan application for Westbrook Housing Group, LLC for a 41-lot subdivision with open space lots located at 500 Spring Street, Tax Map: 008 Lot: 008 Zone: Residential Growth Area 1 is **(approved with conditions/ denied)** and the following finding of fact, conclusions and conditions as stated on pages **6 through 9** of this Staff Memo dated November 2, 2018 are adopted in support of that approval.

**Site Plan – Finding of Fact:**

Utilization of the Site – *Adequate.*



Adequacy of Road System - *Adequate.*  
Access to the Site – *Adequate.*  
Internal Vehicular Circulation - *Adequate.*  
Pedestrian and Other Modes of Transportation - *Adequate.*  
Stormwater Management – *Adequate.*  
Erosion Control - *Adequate.*  
Utilities – *Adequate.*  
Hazardous, Special and Radioactive Materials – *N/A*  
Financial and Technical Capacity – *Adequate.*  
Solid Waste – *Adequate.*  
Historic, Archaeological and Botanical Resources – *Adequate*  
Landscape Plan – *Adequate.*

### **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.*

Soil Erosion - *Adequate.*

Traffic – *Adequate.*

Sewage - *Adequate. The applicant has received an ability to serve from the Westbrook Sewer Department.*

Solid Waste – *Adequate. The applicant will have private pick up service for trash disposal until such time as the street is accepted by the City.*

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*

Financial and Technical Capacity – *Adequate.*

River, Stream or Brook Impacts – *Adequate.*

### **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 date May 11, 2018 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 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 site disturbance for the project or lots sold:
  - a. All Staff comments must be addressed.
  - b. All recorded open space easements and lot transferences must be provided to the Planning Office for documentation. (City Council action required for acceptance.)
  - c. Copy of recorded subdivision plan must be provided to the Planning Office.
  - 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. This fee is required per Section 500.8 of the Land Use Ordinances in order to cover the costs of inspection of site improvements. **\$37,762**
  - 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. A performance guarantee in the amount of **\$1,888,107** is required.
  - h. Coordinate with the E911 Coordinator on addressing lots.
  - i. 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.

4. Prior to building permits being issued:
  - a. Road system must be constructed to a vehicular passable standard for Codes, and Public Safety access. (Base Gravel.)
5. Prior to the first lot sold:
  - a. Provide copy to Planning Office of recorded Homeowners association by laws & Declaration of Covenants and Restrictions
6. Prior to first Occupancy Permit issuance
  - a. Road system must be base paved.
  - b. Documentation of private curbside trash hauling service to be provided for all lots until such time as the Street is accepted by the City as a public street.
  - c. Documentation of private plowing services to be provided for all lots until such time as the Street is accepted by the City as a public street.
  - d. Documentation of maintenance contractor for Stormwater Best Management Practices.
  - e. A site inspection of the improvements by the City to ensure public health & safety is addressed and compliance with the approval.
  - f. All site improvements must be installed, unless a performance guarantee amount is held in the amount of the remaining improvements.
  - g. All traffic/street related improvements in Spring Street shall be completed.
  - h. Street signs, stop signs and stop bars at all intersections as well as all pedestrian/ADA amenities.
  - i. "Turning Traffic ahead" sign to be installed in Spring St advance of Southern Twin Falls Access.
7. Prior to release of the performance guarantee, the site will be in compliance with the approved plan and as-built plan provided in City approved format for the GIS system.
8. The applicant shall comply with the requirements of local and state authorities for life and safety requirements
9. Plowing of Twin Falls Drive and Eagle Drive and trash pickup for residential lots in this subdivision will be the responsibility of the owner or the Homeowners Association until the streets are accepted by the City as public streets. Trash disposal for any commercial property shall be the responsibility of the business/property owner.
10. 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.
11. Night work and/or directional boring required for all utility work within the Spring Street right-of-way.
12. The City Council may require a majority of the homes to be built before the City accepts the streets, or an increase in the performance guarantee may be required for damages created by home construction.
13. For new catchbasins: last section of pipe at inlet to CBs shall be underdrain pipe.
14. No driveways off of Spring St, to any of the new lots associated with this subdivision, will be permitted.
15. Project letters with conditions to be part of the approval:
  - a. Sewer Department Letter of July 16, 2018 by Katherine Kelley, P.E.
  - b. Requirements stated as part of the August 3, 2018 Portland Water District Ability to Serve letter.

#### **4. 2017. 60 – Request for Extension of Site Plan approval – 590 County Road – Rickett Bros. LLC**

Tax Map 002 Lots 024C  
Zone: Industrial Park District

#### **NEW BUSINESS**

##### **Project Description**

The applicant/owner is requesting a one-year extension on their approval for a new 7,450 sq. ft. office building. The Planning Board approved this item on December 5, 2017. Please see applicant's letter of request. Delay in start was due to DEP permitting and change in tenancy.

##### **Project History**

November 21, 2017 – Planning Board Workshop  
December 5, 2017 – Public Hearing – Final Site Plan Review  
November 6, 2018 – Request for Extension

##### **Staff Comments**

Staff takes no issue with the request as the Site plan ordinance has not had any changes made to it that would warrant any further review of this application and therefore we have no further comments on the applicant's request.

##### **Motion**

Motion to approve a request for an extension of the site plan approval for a new 7,450 sq. ft building located at 590 County Road. Work associated with this approval must commence no later than December 5, 2019 and completed no later than December 5, 2020.

## 5. 2018. 46 – Site Plan, Subdivision & Conditional Use - 212 Brown St – Clark Painting, Inc

Tax Map 033 Lots 250

Zone: 212 Brown Street Contract Zone #11

### WORKSHOP

#### Project Description

With the approval of the Contract Zone #11, the applicant is now proposing 4 additional dwelling units on the vacant 3<sup>rd</sup> floor of the existing mixed use, (commercial and residential), structure. The first floor is commercial uses and the second floor is currently 4 dwelling units (apartments). Parking for the additional dwelling units has been secured off-site at 25 King Street.

#### Project History

November 6, 2018: Planning Board Workshop

#### Staff Comments

- 1) Dry pendent sprinkler system required for covered deck areas
- 2) Provide one cigarette smoking station on patio and 2 cigarette stations appropriately located outside the entrance of the commercial business.
- 3) Change the space and bulk requirements to be reflective of Contract Zone #11.
- 4) For Final Approval:
  - a. Ability to Serves from Water District and Sewer Department
  - b. Performance guarantee estimate for site improvements
  - c. Financial capacity letter from financial institution
  - d. Open Space fee – the total fee is \$2011 for the 4 new units. If you wished to request that the patio area be counted towards the fee, you can present at a Recreation/Conservation meeting to make your case to the committee to reduce the land area requirement from 1200 sq. ft to 945 sq. ft which would reduce the fee to \$1,583.67.
    - i. Patio – Would suggest a paver block vs the peastone for a patio area
    - ii. Patio must be signed to indicate it is for the use of the residents of 212 Brown Street only.
    - iii. Patio needs to show amenities for the tenants (chairs, picnic table etc.).
  - e. Deeds for 25 King Street and 212 Brown street
  - f. Easements on 25 King Street that shows tie to the 212 Brown street property for parking purposes per the contract zone #11.
  - g. Private Trash disposal will need to be addressed for the building. Please provide the method that will be utilized.
  - h. Mailboxes for the units?
  - i. Make the 212 Brown site plan also a subdivision plan with a signature block.
    - i. Place a signature block on the 25 King Street plan.
  - j. Final Conditions to be placed on the plan

#### Potential Board Actions for Discussion

1. Site Walk – Can conduct a virtual site walk during the meeting if the Board would prefer.
2. Public Hearing

## 6. 2018. 47 – Site Plan, Subdivision & Conditional Use - 388 Austin St – Hill Street Apartments, LLC

Tax Map 055 Lots 002B  
Zone: Residential Growth Area 2

### WORKSHOP

#### Project Description

The applicant is proposing to develop 28 duplexes, totaling 56 units, on an existing vacant lot and associated off-site improvements to a portion of Austin Street.

#### Project History

October 29, 2018: Neighborhood Meeting  
November 6, 2018: Planning Board Workshop

#### Staff Comments

1. Fire Comments
  - a. Sketch Plan indicates an existing fire hydrant on Austin Street north of Fairmount Road is to be relocated but does not indicate new location.
  - b. Fire hydrants are required within the site per ordinance standards (1 hydrant every 500-feet)
  - c. Is there a possibility of a loop road system within the development site instead of a hammer head? Would improve access for emergency vehicles.
2. All proposed lighting must be depicted on the final plan – photometrics provided.
3. Driveway/access roads must be named, and units addressed accordingly. Please submit proposed names to the Planning Office for review. Road names must be shown on the final plan.
4. Signage – all named roads must be identifiable by street signs. A sign identifying the Cumberland Woods complex is required along Austin Street.
5. Traffic circulation – allow parking on one side of the road(s) for visitor parking and designate the non-parking side as such with signage. Staff Recommends the no parking side of the road align with hydrants
  - a. Stop signs and bars to be placed at all intersection points.
6. Plan shows access to the site at the intersection with Austin Street is encumbered by the 100-year flood zone. Further clarification is required.
7. Indicate locations for snow storage and mailbox on final plan. Coordinate with USPS on mailbox type and location within the project parcel.
8. Clarification needed for method of trash collection (dumpster vs private curbside)
9. Provide a location within the project limits that is suitable for individuals waiting for school bus drop off/pick up.
10. Austin Street improvements
  - a. 11-foot travel lanes do not meet City Standards. Staff recommends a minimum of 12-foot travel lanes and a formal sidewalk along the southerly portion of Austin Street that is within a 50-foot Right of Way
  - b. Will review intersection at Pride St to see if any improvements should be included.
  - c. Review condition of cross culverts in Austin Street
11. Full elevation views and landscaping plan required with final application submission

12. Neighborhood meeting required prior to the 11/6 workshop. Please provide sign in sheet and minutes of the meeting to the Planning Office
13. Reconfigure the duplexes located along the cul-de-sac to allow ample space for a pedestrian trail along the rear property line to connect with the Mill Brook trail system.
14. Reach out to Presumpscot Regional Land Trust to discuss a trail system that can address the open space requirement for the project. (May require land transfers as part of the project)
15. Final Open space plan will be required with Final submission documents. – Will need to be reviewed by Rec & Con.
16. Homeowners association documents/declaration of covenants will need to be provided.

**Potential Board Actions for Discussion**

1. Site Walk
2. Public Hearing

## 7. 2018. 48 – Site Plan, Subdivision & Conditional Use - Cumberland Woods – Graiver Family Holdings, LLC

Tax Map 010 Lots 028B  
Zone: Residential Growth Area 1

### WORKSHOP

#### Project Description

The applicant is proposing to develop a 60-unit multifamily complex subdivision located at 425 Cumberland Street.

#### Project History

November 1, 2018: Neighborhood Meeting  
November 6, 2018: Planning Board Workshop

#### Staff Comments

1. Fire Dept Comments
  - a. Development will require 2, (possibly 3) hydrants
  - b. All units require full fire alarm systems and sprinklers
  - c. Clarification needed on location of mechanic/sprinkler rooms (internal vs external?)
2. Will require complex signage along Cumberland St
  - a. Driveway should be named (“Micah Drive” proposed – Staff will review to confirm)
  - b. No parking signs required along driveway entering the complex
3. Coordinate with PD re: construction along Cumberland St due to possible scheduling conflicts with planned construction in the area
4. Final plans should show dumpster pads (fully enclosed)- recommended centralized dumpsters vs a dumpster for each pod, snow storage areas and mailbox location on access drive. Coordinate with USPS re: mailbox type and location
5. Stormwater structure located along Cumberland St (in grassy area). If proposed to tie subgrade soil filter to existing infrastructure, replacing/updating and repaving is required.
  - a. A new structure will need to be installed at this location.
6. Open Space Requirement - 18,000 sf (in lieu of fee would be - \$30,165); Final open space plan required with final submission – will need to go to Rec & Con for review of open space plan prior to final approval.
7. Neighborhood meeting required prior to the 11/6 workshop. Please provide sign in sheet and minutes of the meeting to the Planning Office
8. DEP oversight may be required for pond expansion
9. All lighting along Micah Drive and associated parking areas required on final plan -photometric plan.
10. Reconfigure parking areas to eliminate parking along the access aisle (i.e. possibility of expanding parking pods and/or create an additional parking pod. See markups provided during the Staff Review)
  - a. Look at bringing building closer together to access drive if possible. (More streetscape concept)
  - b. Landscaping will be an important feature for the Board



- c. Provide accessways to the front doors of the buildings (striped areas in parking lots) – tip down sidewalks into parking lots at the front doors.
11. Staff is in support of reducing the provided parking to a ratio of 1.5 spots per unit as the units are 1 or 2 bedrooms.
12. Final plan should show appropriate number of ADA spots; at least one accessible to each unit/total number in compliance with ADA requirements

**Potential Board Actions for Discussion**

1. Site Walk
2. Public Hearing

**8. 2018.34 – Amended Site Plan, Subdivision & Conditional Use – Rock Row (previously called “Dirigo Plaza”) – 58 & 80 Main Street – Waterstone Properties Group**

Tax Map 042B Lots 009, 010, 011 & 014  
Zone: Gateway Commercial

**WORKSHOP**

**Project Description**

The applicant is proposing an amendment to a previously approved site plan and the addition of a Conditional Use (Theater). The applicant is proposing an 8,000-seat amphitheater and parking areas both on and off campus. Due to the substantive change in the design layout from the previous workshop, the applicant requested a second workshop with the Planning Board to receive initial comments/feedback prior to proceeding with a final application submission.

This application and requested approval is specific to areas South of Phase I.

**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 architectural, 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: Final Approval - 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 17, 2018	Neighborhood Meeting - Site Plan Amendment; - South Campus Amphitheater
September 18, 2018	Public Hearing – Site Plan Amendment; Phase 1
October 2, 2018	Workshop: Site Plan Amendment; - South Campus Amphitheater
October 25, 2018	Forest Street Neighborhood meeting - South Campus Amphitheater
November 6, 2018	Workshop: Site Plan Amendment; - South Campus Amphitheater

## Staff Comments

1. The Plan has been revised to flip the direction of the amphitheater by 180-degrees as well as to provide 1,221 parking spaces on site (142 VIP and ADA spaces and 1,079 general admission spaces).
2. Parking/Traffic Control
  - a. Clarify total number of parking spaces proposed, differentiate between on and off-site amounts, and waiver request based upon Ordinance requirement.
  - b. Provide documentation confirming off-site parking proposed. Documentation must be signed by property owner(s) for all off-site locations. Finalized lease agreements required prior to occupancy.
  - c. Provide a narrative detailing parking management plan. (Any fees charged, spaces provided, direction for when on-site parking is at capacity)
  - d. Access to parking area should be constructed to equivalent road standards as all other access points to the site. Relocate the 30-foot gate with Knox box currently located southerly of the cul-de-sac to just beyond the intersection of the newly constructed drive to allow full traffic circulation for Phase 1 to avoid conflicts with delivery truck traffic along the rear of Market Basket.
  - e. Traffic Control Plans – initial review
    - i. Final Plans would need to be approved of by the PD, FD and Public Services.
    - ii. Additional lighting at the intersection of Larrabee and Saunders would be necessary.
    - iii. Would need to run this request by MDOT as Larrabee is an Arterial Road.
    - iv. Possible mitigation measures required at the intersections of Larrabee/Westbrook Arterial and Larrabee/Main to manage overflow traffic
  - f. Public Safety staffing and equipment required to be determined during final review
3. Structure
  - a. Unified Command center onsite with necessary components for Public Safety
  - b. Stage will need to be designed by a PE (stamped)
  - c. Will need permits for tents.
  - d. Will need a location for those detained by the Police on-site
  - e. Surveillance video of on-site activities is required
  - f. Only 1 way into the venue would be considered so that all attendees can be wanded.
  - g. Evacuation Plan?
  - h. Egress doors on all exit points from theater – please show where those are.
  - i. State Fire Marshall review will be required
  - j. The concession structures are self-contained units that are brought to the site.
4. Utilities
  - a. Lighting of the Site is a major component, which would include the venue, the walkways, the parking lot adjacent to the venue, the driveway access to Larrabee, and to Arterial and along Saunders way to the parking areas and including parking lighting in the lots.
  - b. Emergency lighting – provide plan
  - c. Power to the site – how will that be provided? Would be assuming full service being pulled into the site to service the electrical needs. (Underground)
  - d. Water source - Some Self contained within bathrooms, or concessions and a public water line will be brought into the site.

5. Noise - Provide written mitigation plan for noise control
6. Miscellaneous
  - a. Provide documentation on September 17<sup>th</sup> Neighborhood meeting.
  - b. Show auto turn on parking lot area perimeter road.

**Potential Board Action for Discussion**

At their October 2<sup>nd</sup> meeting, the Planning Board determined a public hearing is warranted. The applicant is preparing a final submission. No further action by the Board is required at this time.

The Board can provide comments for the applicant to incorporate into their final submission package as well as hear public comment on this application.