



PLANNING & CODE ENFORCEMENT



Planning & Code Enforcement

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WESTBROOK PLANNING BOARD TUESDAY, JUNE 2, 2020, 7:00 P.M. TELECONFERENCE

Zoom Link: <https://zoom.us/j/567210213>

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

Webinar ID: 567-210-213

AGENDA

1. Call to Order
2. Approval of Minutes

NEW BUSINESS

3. **2018.34 – Amended Site Plan – Rock Row – 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 layout and internal pedestrian and traffic circulation. The amendment is for the Phase 1 portion of the complex. Tax Map: 042B Lots: 009, 010, 011 & 014 Zone: Contract Zone 12 – Rock Row Contract Zone.

WORKSHOP

4. **2020.16 – Amendment to the Zoning Map – 216 Lincoln Street – WORG, LLC** – The applicant is requesting a zone change for a portion of two (2) lots located between Lincoln Street and the Presumpscot River, formerly River Meadow Golf Club, to the growth area district Residential Growth Area 1. Tax Map: 037 Lot: 001 and Tax Map: 010 Lot: 002 Zone: Rural District, Residential Growth Area 1
5. **2020.15 – Amendment to the Zoning Map – 58 Lincoln Street** – The City of Westbrook is proposing a map amendment to rezone the parcel located at 58 Lincoln Street from Rural District to City Center District. Tax Map 032 Lot 130 Zone: Rural District
6. **2020.14 – Amendment to the Comprehensive Plan** – The proposed amendment is a modification to the 2012 Comprehensive Plan's Proposed Growth Areas and Rural Areas Map to reclassify the property 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.

S:\PLANNING\2020\06.02.2020\AGENDA 06.02.2020.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: May 29, 2020

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

RE: June 2, 2020 Planning Board Meeting

-
1. **2018.34 – Amended site Plan – Rock Row – 58 & 80 Main Street – Waterstone Properties Group**
 2. **2020.16 – Amendment to the Zoning Map – 216 Lincoln Street – WORG, LLC**
 3. **2020.15 – Amendment to the Zoning Map – 58 Lincoln Street**
 4. **2020. 14 – Amendment to the Comprehensive Plan**
-

1. **2018.34 – Amended Site Plan – Rock Row – 58 & 80 Main Street – Waterstone Properties Group**

PUBLIC HEARING

Tax Map: 042B Lots: 009, 010, 011 & 014
Zone: Contract Zone 12 – Rock Row Contract Zone

Project Description:

Jones & Beach, Inc. on behalf of Waterstone Properties Group, is proposing an amendment to a previously approved site plan to reconfigure building layout and internal pedestrian and traffic circulation. The amendment is for the Phase 1 portion of the complex.

Project History:

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
May 5, 2020	Workshop – Site Plan Amendment; Phase 1
June 2, 2020	Public Hearing – Site Plan Amendment; Phase 1

Staff Comments:

1. Application-Noticing Fees Due - \$422.00
2. Two additional hydrants internal to site required to serve buildings 1-A, 1-B & 1-C. Final location of hydrants to be determined in coordination with Fire Department.
3. Front facing sprinkler system required, building 1-A
4. Final edited plans with conditions of approval due Monday, June 1st

Motion:

Motion that the Planning Board approve Dirigo Center Developers LLC’s application for an amendment to the Site Plan approvals granted by the Planning Board on October 18, 2016 and amended January 3, 2017,

March 21, 2017, June 6, 2017, September 5, 2017 and September 18, 2018 for property located at 58 and 80 Main Street, Tax Map: 042B Lots: 009, 010, 011, & 014 Zone: Contract Zone 12 – Rock Row Contract Zone, is (**approved with conditions/ denied**) and the following findings of fact, conclusions and conditions as stated on pages 2 through 5 of this Staff Memo dated May 29, 2020 are adopted in support of that approval.

Site Plan – Finding of Fact

Standard	Finding
Utilization of the site	Meets the intent of the Ordinance
Handicap Access	Sidewalk tip downs and accessible parking with van aisles are provided. Site is compliant with ADA standards.
Appearance Assessment	The amendment provides connectivity with the surrounding public and private sidewalk infrastructure to connect within the development. Enhanced landscaping is provided along Main Street, specifically at the intersection of Main Street and Rock Row (private) and includes a variety of species. Adequate site lighting is provided to ensure safety and be consistent with surrounding plaza development. Signage shall meet the standards of the Ordinance. The amendment satisfies standards 1-5. Standard 6 is not applicable as the site is not located within the Village Review Overlay Zone.
Landscape Plan	A landscape plan has been provided by Site Solutions
Odors	No adverse impact known or anticipated
Noise	Noise levels associated with a drive-through restaurant use are consistent with the commercial businesses surrounding the property and permitted within the Contract Zone 12 and abutting Gateway Commercial District.
Technical and Financial Capacity	The project has previously provided the City with a bond for all site improvements associated with Phase I approvals
Solid Waste	An enclosed dumpster is located within the pad site 1-B. The dumpster is oriented in a manner where the gate is directed southerly, in the opposite direction from Main Street.
Historic, Archaeological and Botanical Resources or Unique Features	None known
Hazardous Matter	None known
Vibrations	The site should create no vibration issues for abutting properties.
Parking & Loading Design and Site Circulation	Adequate on-site parking has been provided to satisfy the requirements of the Ordinance and the demand for the restaurant. 564-total parking spaces (30 handicap) provided for Phase 1.
Adequacy of Road System	Adequate
Vehicular Access	Access to the building 1-B site is provided via one-way circulation through the parking area. Traffic flow from the southerly parking pod associated with the Market Basket has been blocked to limit conflict at the egress point.
Pedestrian and Other Modes of Transportation	Crosswalks and sidewalks are provided along the westerly, southerly and a portion of the easterly edge of site 1-B to connect to Main Street, Rock Row (private) and the site pad for building 1-A.
Utility Capacity	Utility connections are consistent with the utility plan as approved on September 18, 2018.
Stormwater Management, Groundwater Pollution	Stormwater management is consistent with the plan approved September 18, 2018. The amendment is a reconfiguration in building layout and parking design and does not increase impervious area for Phase 1.

Conclusions

1. The proposed site plan **will not** result in undue water or air pollution.
2. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed site plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed site plan **will** provide for adequate sewage waste disposal.
7. The proposed site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed site plan **conforms** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet standards of this section.
11. The proposed site plan **is** 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 April 13, 2020 (Revised May 19, 2020) with plans dated 05-15-20 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. All prior Conditions of approval for this site related to September 18, 2018 Planning Board Decision as well as applicable Minor amendments.
4. 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. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator
- c. Copy of all recorded easements between the leased portions of the site and the main parcel for access, drainage and snow storage.
- d. A pre-construction meeting/telcon must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
- e. An inspection fee shall be made payable to the City of Westbrook for inspection of site improvements made by the Code Enforcement Officer and/or other appropriate City staff. 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 for Phase I work. This inspection fee will be recalculated, and payment adjusted, as appropriate.
- f. The applicant shall file a performance guarantee with the City of Westbrook. The amount of the guarantee shall be agreed upon in advance with the City of Westbrook and shall be of an amount to ensure completion of all on- and off-site improvements necessary to support the proposed project. (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.
- g. Stormwater 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.
- h. 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.
- i.
- 5. Prior to any sign permits, a site signage package meeting the district requirements must be reviewed and approved of by the City.
- 6. 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.
- 7. Prior to commencing any work in the City Right-of-Way, the applicant must obtain a road-opening permit from the Public Works Department.
- 8. Prior to the first Occupancy Permit issuance,
 - a. 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 construction site.
- 9. Prior to release of the performance guarantee, the site will be in compliance with the approved plan and as-built plan provided.

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. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
12. 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. In future phases, provide an easement along the Arterial side of the site for potential future sidewalks/pedestrian amenities.
 - c. Piano Key sidewalk striping will be acceptable to Westbrook.
 - d. In public ROW islands or along roads, any vegetation needs to be salt tolerant plantings. NO grassed areas will be allowed.
 - e. A monitoring program for traffic system will be required if not part of the MDOT TMP.
 - f. Left turn pockets on Larrabee Road will need to be evaluated once final plans are provided.

5. 2020.16 – Amendment to the Zoning Map – 216 Lincoln Street – WORG, LLC

WORKSHOP

Tax Map: 037 Lot: 001

Tax Map: 010 Lot: 002

Zone: Rural District; Residential Growth Area 1

Project Description

The applicant is requesting a zone change for two (2) lots located between Lincoln Street and the Presumpscot River, formerly known as the Rivermeadow Golf Club, to the district Residential Growth Area 1.

Project History

June 2, 2020 – Planning Board Workshop

Staff Comments

The applicant's requesting to rezone the parcels located at Tax Map 010/Lot 2 and Tax Map 37/Lot 1, previously the River Meadow Golf Club, that are currently in the Rural District Zone to the Residential Growth District 1 which is the zoning district across the street from 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.

This proposal will solicit significant feedback and comments from the community which is entirely expected and appropriate. Staff would ask the Board to review the Zoning Map online to see the areas clearly, review the boundaries to the project and see the various developments patterns that surround this land.

To start, without a rezoning, these parcels are afforded the ability to develop under current zoning regulation. The applicant could create a multifamily development in the 10 acres of RGA1 land area along Mayberry Rd 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. This type of development is resource intensive (roadway construction & lack of open space areas due to land requirements per parcel and no multifamily units allowed), is more costly to the community (plowing, road maintenance, trash services) and creates more expensive lots costs due to extent of infrastructure costs per unit.

Staffs comments should not be construed that we are supporting the applicant in this matter, but rather that Staff find the proposal is in keeping with proper land use planning when you review the areas around the heart of our community. Staff provide the following comments for the Board's consideration as we navigate through the process of reviewing the proposal before you and the questions raised by the community during this process.

- 1) The proposed amendment demonstrates proper planning principles for not only Westbrook but the region. Current studies are underway by the Greater Portland Council of Government on reviewing land use patterns and ways to promote residential development in areas where it makes the most sense from land utilization, resources, access to services, reducing sprawl and fiscally beneficial to community.
 - a. Lower cost per unit provides more affordable housing opportunities.
 - b. Reduced road Right of Way networks reduces costs per resident to the community due to private trash pickup and private road maintenance.

- c. Lack of ROW frontage provides density bonus to the development which translates into lower cost to the residents within the development.
- 2) Location is within proximity of public utilities. As the City continues to grow, it is consistent with the Comprehensive Plan to facilitate growth in areas accessible by public infrastructure and with access to street connectivity to avoid sprawl in the northerly rural areas of the City.
- 3) Creativity in design and layout provides for improved neighborhoods options. (By affording more residential use options and increased density, additional amenities as well as improved neighborhood layout can be achieved that traditional subdivision layouts cannot achieve due to current zoning & cost constraints.) A rezone of the parcel to RGA1 expands the location where higher density is permitted which could allow for a better transition of housing types from single-family homes next to the Mayberry, Emery and Lincoln Street to two-unit and multi-family dwellings to meld with the established neighborhoods.
- 4) The parcels are within walking distance proximity to transit.
- 5) The parcels are within a proximity to downtown which would enhance and attract more opportunities to our downtown by bringing more residents into this vicinity which is needed for a thriving downtown.
- 6) Looking at the zoning map and aerials of development surrounding this parcel, these parcels are connected more to the heart of the community vs the Rural District. There is an end to this district expansion with the Presumpscot Estates project to the north of the project site. This process would not be a gateway for continuation past this point but rather a natural end to transition to the next district.
- 7) The proposal provides a location for residential development thus reducing the push and pressure of development into the more rural areas of the community.
- 8) A project afforded the RGA1 zoning district could reduce pollutants into the waterway by providing public sewer vs utilization of individual septic systems for a residential development in the Rural District. There is no density incentive with Rural District standards to bring in public sewer as the smallest lot allowed per district standards is smallest allowed per state law with a septic system. To provide the infrastructure (public water and sewer), a project requires a level of density support those costs thus the request for the RGA1 zoning district.
- 9) Allowance for better land utilization with denser development and land preservations vs RD land intensive zoning layout, which can result in poor land utilization in such an important location in our community. To not use our lands to the highest and best use based on the availability of services adjacent to those lands, is poor land utilization and is the contributor to sprawl in our neighboring communities.
- 10) A project of a certain scale can address public infrastructure deficiencies as part of off-site improvements.

Concerns Raised by Public in emails sent thus far:

- 1) River/Wildlife protection
 - a. There is a significant Shoreland Zoning district that runs over the land. (See Lincoln St Rezoning Map – Shoreland Zoning) In the last update of the SZ ordinance & map the state required our line of the resource (edge of the river) to be significantly pushed back in this area of the Presumpscot River due to wetlands that are associated with the river. The line in some locations pushed back 500’ into the parcel. In this one action, a significant portion of Riverfront land was placed in for all intent and purpose, preservation.
 - b. The district line for the shoreland zone over this property is Limited Commercial, which has a 100’ setback line from the “edge of the resource” which is not the line of the river but rather the green hatching on the zoning map. The placement of this area into RD was done before the advent of Shoreland Zoning which did provide a “level” of protection, however with the most recent SZ rewrite, the state increased the protections on this parcel significantly where the setback

line was moved back and additional 250-500' in some locations along this parcel, thus placing the wetlands associated with the river into protection and ensuring this area to be left in a more natural state. (To provide this information in terms of acreage - total area of parcel is approximately 90 acres, total area in SZ/Floodplain approximately 43 acres, at least 43 acres have this higher level of protection due to shoreland zoning, with potentially more acreage internal to the parcel being wetlands that would be deducted from density allowance.)

- c. Proposal does not remove any Shoreland Zoning regulations that are in place to protect the natural resource, such as significant limitations on development within the district, setback from the resource and restrictions on clearing of existing vegetation located within 250-feet of the river. Due to the regulations and limitations of the Shoreland Zone, the most feasible location for development is upland of the Shoreland Zoning area, where the majority of the site is already cleared from the previous golf club use.
- 2) Access to Riverfront – public amenity/conservation
- a. Currently the site is privately owned and does not have formal trails or public access. 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.
 - b. In previous discussions with the development team, it was relayed that working with the Presumpscot Regional Land Trust as well as the Recreation and Conservation Commission is essential to providing trail access along the River for not only the residents of the project but also the greater community. This trail could be improved as part of a greater project to include public access. Incorporated with this, would be a plan of conservation of the sensitive areas along the River that support the natural environment in this area. As stated above, the Shoreland zoning area over the parcel along with the expanded “edge of the resource” puts a significant portion of these parcels into protected status that would keep development well away from the River’s Edge and protect critical habitat area along the river while affording public access to a future trail system along the River.
 - i. Applicant had rough ideas on trail systems along River as well as creating connections to the Sebago to the Sea trail system which runs on the Rail land.
 - ii. An additional idea posed by the applicant which would fall out of any review process with a formal open space plan when a project comes forward, could be an additional kayak boat launch with potential for storage rack rentals.
- 3) Traffic
- a. Impacts to traffic, and related off-site improvements (ex: sidewalks on Mayberry St and Lincoln St), are a noted concern and will be reviewed during a site/subdivision process with the Planning Board
 - b. As with any project, the requirements of the ordinance will need to be reviewed and if impacts from a project are determined as part of a traffic study, then the project would be responsible for implementing those off-site improvements to the existing City street system.
 - c. Scale of project would determine level of off-site improvements but could vary from:
 - i. Sidewalk installations along City Streets where there are none currently to connect to existing system.
 - ii. Improvements at intersecting streets
- 4) Stormwater
- a. The impacts of impervious cover in the watershed will be evaluated at a project level, and depending on size of project, it may require MDEP review for either a Stormwater or the Site

Location of Development depending on size. These regulations are placed to protect the resources in the watershed of any project.

5) Density

- a. Additional housing units would be afforded to this parcel, however the allowable density is the same density permitted across the street. The zoning district of RGA1 is across the street and is not introducing a district that is dissimilar from what already exists.
- b. Lot sizes in the existing developments of Osaka & Bremen are smaller lots than what would be permitted across Lincoln St on this parcel. The Osaka Lots are 5000 sf lots of historical subdivisions, where minimum RGA1 lot size is 7,500.
- c. The acreage that is shown to be changed to RGA1 would not all be available for density as the wetland areas would all need to be removed as unusable lands.

For an example of a creative development pattern afforded by this proposal, Staff requested the applicant provide the Planning Board with a conceptual design demonstrating an example of a development within the RGA1 District. This is being utilized as a demonstration exercise only and does not necessarily take into consideration final net residential density, topography or other requirements of the Ordinance/Subdivision review and is not binding on the application. However, the layout as shown speaks to the transitional housing layout discussed above by providing the RGA1 district to place higher density further away from the established neighborhoods as well as the ability to conserve a significant portion of the land for preservation and passive recreation.

If the requested Zoning Map amendment is approved, the applicant will then work with a design team to then bring forward a proposed development layout which the details would then be provided to the Planning Board for their review.

In summary, the proposal provides:

- Compatible residential options for 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 and Lincoln Street to two-unit and then to multi-family dwellings to meld with the established neighborhoods.
- Consistency with regional planning initiatives, and
- Improved opportunities for amenities for the community through better land utilization.
 - 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
 - o Potential for Public access thorough the parcel working with partnering agencies and the City.

Board Action:

- Provide feedback to Staff and the Applicant
 - o Board can provide feedback on ways to improve the application or amend the application.
- Schedule a public hearing

6. 2020.15 – Amendment to the Zoning Map – 58 Lincoln Street – City of Westbrook

WORKSHOP

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 City Center District.

Project History

June 2, 2020 – Planning Board Workshop

Staff Comments

In conjunction with the map amendment proposed with Planning application 2020.16, Staff are recommending an amendment of the zoning district for the City owned 58 Lincoln street parcel to be consistent with adjacent zoning if the applicant for 2020.16 was to be considered for approval by the City Council. (See attached map)

The current parcel the “Lincoln St Ice rink” and an access point to the Presumpscot River for swimmers and carry in boaters. Underway are two initiatives that are investing Federal Dollars into enhancing and upgrading both of these City amenities. The City has underway 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. Another 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 flip the property for a profit because we rezoned it. 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 want to do.

Staff have received several inquires on this rezoning matter related to concerns of redevelopment of the parcel. There is no intent to redevelop the parcel in the foreseeable future especially where we are allowing the investment of federal dollars into this parcel for the abovementioned amenities.

The only reason this proposal is before the Board is merely to avoid having a patchwork quilt of zoning districts where if the proposal 2020.16 were to receive approval, it would not make sense to have this parcel surrounded by different zoning districts. The proposal of the City Center District was due to the adjacent parcel of land that is CCD zoned. The Zoning District could go either RGA1 or CCD however Staff provided a recommendation for the Board to consider that seemed consistent with the adjacent parcel to the south. The rezoning will not change the public amenities on the parcel or their function.

Board Action:

- Provide feedback to Staff
- Schedule a public hearing

7. 2020.14 – Amendment to the City of Westbrook 2012 Comprehensive Plan

WORKSHOP

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 Comprehensive Plan.

Project History

June 2, 2020 – Planning Board Workshop

Staff Comments

To avoid having to explain the rationale of this amendment, we placed this item at the end of the agenda to allow all the details of the proposals for items 2020.16 & 2020.15 to be provided to the Board in advance of hearing this item. In subsequent meetings, this item will need to be heard first and voted upon by the Board prior to items 2020.16 & 2020.15 as both are connected with this item's recommendation to the Council.

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 (10-3) to include the parcels identified as 216 Lincoln and 58 Lincoln Street as 'growth area'. Based on the criteria outlined above, this location is more appropriately identified as a Growth Area rather than Rural. The location is directly across the street from Lincoln Street & Mayberry Rd, 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 and Transit bus stops.

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, and presents a concern with potential development of the site that is associated with a growth area. To address this concern, 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 impedes significantly into this parcel and thus protects a significantly larger portion of the land 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 Shoreland Zoning regulations provide the protection to the critical natural resources.

This action 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. 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.

Board Action:

- Provide feedback to Staff
- Schedule a public hearing – to be in compliance with State Statute requirements.