



PLANNING & CODE ENFORCEMENT



Planning & Code Enforcement

2 York Street
Westbrook, Maine 04092
Phone: 207-854-0638
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**WESTBROOK PLANNING BOARD
TUESDAY, AUGUST 4, 2020, 7:00 P.M.
Performing Arts Center
Westbrook Middle School
471 Stroudwater Street, Westbrook**

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

AGENDA

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

REGULAR BUSINESS

3. **2020.20 – Site Plan Amendment, Shoreland Overlay Zone – 5 Bradley Dr – Abbott Diagnostics:** The applicant is proposing a +/- 46,200 sf expansion to an existing building for manufacturing use and associated site improvements, improved access drive and an expanded 416-space parking area. Tax Map 005B Lot 034 Zone: Manufacturing District, Shoreland Overlay Zone – General Development; Resource Protection

NEW BUSINESS

4. **2020.22 – Site Plan – 5 Karen Drive – 5 Karen Drive Associates, LLC – Public Hearing:** The applicant is proposing an 14,000 sf expansion to an existing building located in the Glassworld Business Park. Tax Map: 002 Lot: 052 Zone: Industrial Park District
5. **2020.23 – Site Plan – 65 Spiller Drive – Christopher Holdings, LLC – Public Hearing:** The applicant is proposing a new 6,000 sf commercial building to be divided into two 3,000 square foot commercial units on an existing vacant lot. Tax Map: 004 Lot: 302 Zone: Manufacturing District.

WORKSHOP

6. **2020.25 – Site Plan Amendment – 7 Hardy Road – Dave Moore:** The applicant is proposing to construct a new 3,600 shed for storage of equipment and materials associated with an existing excavation business. Tax Map: 023 Lot: 008E Zone: Highway Services
7. **2020.26 – Subdivision – Greenfield Place – Bramblewood, LLC:** The applicant is proposing a 26-unit condominium development on a 750-foot private driveway located on New Gorham Road. Tax Map: 027 Lot: 184B Zone: Residential Growth Area 1

S:\PLANNING\2020\08.04.2020\AGENDA 08.4.2020.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: July 31, 2020

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

RE: August 4, 2020 Planning Board Meeting

-
1. **2020.20 – Site Plan Amendment, Shoreland Overlay Zone – 5 Bradley Dr – Abbott Diagnostics**
 2. **2020.22 – Site Plan – 5 Karen Drive – 5 Karen Drive Associates, LLC.**
 3. **2020.23 – Site Plan – 65 Spiller Drive – Christopher Holdings, LLC.**
 4. **2020.25 – Site Plan Amendment – 7 Hardy Road – Dave Moore**
 5. **2020.26 – Subdivision – Greenfield Place – Bramblewood, LLC**
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1. **2020.20 – Site Plan Amendment, Shoreland Overlay Zone – 5 Bradley Drive – Abbott Diagnostics**

PUBLIC HEARING

Tax Map: 005B Lot: 034
Zone: Manufacturing District

Project Description:

The applicant is proposing an approximately 46,600 sf expansion along with associated site improvements, improved access drive and an expanded 416-space parking area to an existing industrial building. The applicant will be changing the use to light manufacturing and will be producing the testing components for COVID-19.

Project History:

June 16, 2020 – Public Hearing
August 4, 2020 – 2nd Public Hearing

Permit Process:

MDEP Site Location of Development Act Major Amendment – In process (Stormwater)
MDEP SLODA ownership transference – in process
Natural Resource Protection Act – Permit by Rule – Submitted June 24, 2020 – Under review
Army Corp of Engineers – Tier One Permit – Approved – June 29, 2020
Maine Department of Transportation Traffic Movement permit – In process – offsite mitigation agreed to

Staff Comments:

Utility:

1. Two Easements needed from City to CMP and Property owner for new Poles on City Land. – **Condition of Approval.**

Traffic-Parking-Circulation:

1. Sidewalk – Small Transition needed of 5’ width by the flagpole to the striped path.
2. MDOT review of Traffic Movement Permit to provide recommendations to the Board on Offsite Traffic Improvements. – Staff will provide draft agreement for Board’s review.
 - a. Based on change of employees vs previous user, the applicant had to go through the lower tier review of the Traffic Movement permit which only requires the study to go as far as the ends of Eisenhower Drive.
 - b. In reviewing the study, the City, Abbott and MDOT provided feedback on the offsite impacts necessary to address the traffic impacts of the expansion. In summary Abbott will participate in the following offsite improvements:
 - i. A financial contribution will be made towards the Spring/Eisenhower project that is underway.
 - ii. Lighting improvements, as needed, at the intersections of Pershing and Eisenhower and Bradley with the access drive.
 - iii. The construction of a traffic signal and turning lanes at the intersection of Eisenhower and Saco St.

MDEP:

1. Status of MDEP process will be provided by the applicant at the meeting.
 - a. They are in final review stages for the Stormwater component of the Site Location of Development permit.
 - b. Noise - A **noise mitigation study** was provided regarding the chiller units that due to the massing will create a substantive volume. Based upon the study, the mitigation strategy to dampen the noise is to install a 10’ high acoustical barrier around the mechanical yard. Additionally, alternative Chiller units were selected with lower sound output.

Plans:

1. Please update the Pershing Way road work plan to include a Mill/Fill from the reconstruction line to Eisenhower Drive.
2. Final revised plans with signature block and conditions of approval (one full set paper, one full set mylar) due by Monday, August 3rd.

Misc.

1. Noticing Fees Due - \$97.50
2. Finalized cost estimate – Minor edits
 - a. Include pavement cost of Pershing Way.
 - b. Please edit the as-built cost to \$1500
 - c. Please edit the loam and seed number to \$5,000
 - d. Include note at bottom – This performance guarantee will be held to include the MDOT off-site improvements, although not specifically calculated in this total, the MDOT TMP required off-site mitigation must be completed prior to the performance guarantee being released.
 - i. Offsite mitigation includes:
 1. Eisenhower/Spring St intersection – payment to City towards improvement to be completed in the amount of \$155,000

2. Design/Construction of Eisenhower/Saco St intersection – cost estimate at \$1.27M. Abbott’s share of cost to be 1/3 remaining costs above MDOT/City funding.

Motion:

Motion that the Planning Board approve Abbott Diagnostic’s application for Site Plan and Shoreland Overlay Zone for the expansion of an existing building for manufacturing use and an expanded 416-space parking lot located at 5 Bradley Drive, Tax Map: 005B Lot: 034 Zone: Manufacturing District, Shoreland Overlay Zone, is **(approved with conditions/ denied)** and the following findings of fact, conclusions and conditions as stated on pages 3 through 6 of this Staff Memo dated July 31, 2020 are adopted in support of that approval.

Site Plan – Finding of Fact

Standard	Finding
Utilization of the site	The building layout takes into consideration the topography of the site and is utilizing an existing driveway to minimize land disturbance to the greatest practicable extent. Applicant’s plan meets the intent of the Ordinance.
Handicap Access	Site is ADA compliant with accessible entrances, accessways and nine (9) ADA parking spaces
Appearance Assessment	Expansion is a continuation of the same form and materials.
Landscape Plan	A landscape plan has been provided by the applicant that meets the intent of the Ordinance.
Odors	
Noise	The manufacturing use is consistent with the zone. A noise study was completed by ACENTECH (Report dated 7/21/2020) as part of the applicant’s DEP SLOD permit. The generators are enclosed in a sound insulating fencing system. Based upon the information provided the mitigation appears to meet the standard of the Ordinance.
Technical and Financial Capacity	Financial capacity has been demonstrated via Form 10-k for FY2019 provided to City Staff. The applicant has retained the services of SMRT which demonstrates technical capacity.
Solid Waste	Waste removal is currently privately managed. Existing trash compactors are located on the southerly side of the existing building and have the capacity to manage the building expansion.
Historic, Archaeological and Botanical Resources or Unique Features	None known.
Hazardous Matter	Hazardous waste removal will be managed privately. Only domestic flow is proposed to the City system.
Vibrations	Not applicable.
Parking & Loading Design and Site Circulation	Applicant has provided a design to address circulation patterns for vehicles, trucks and pedestrians.
Adequacy of Road System	Adequate. The project includes widening of Pershing Way to maintain 24’ paved width.
Vehicular Access	Applicant has adequate site access from Pershing Way and Bradley Drive.
Pedestrian and Other Modes of Transportation	Pedestrian walkways are provided around the perimeter of the building.
Utility Capacity	No changes to the existing water, sewer or gas connection to the site are proposed. Underground electric is proposed in accordance with the Ordinance. Coordination with CMP will occur regarding external

	labeling/disconnect of electrical utilities. Ability to serve letters will be provided to the City upon receipt.
Stormwater Management, Groundwater Pollution	The applicant has submitted an amendment to the site's SLODA permit L-19591-26-D-N to address stormwater runoff resulting from the development's increase in impervious cover.
Erosion and sedimentation Control	Adequate measures are provided on the plan.

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.

Shoreland Protection Zone - Finding of Fact

Standard	Finding
Will maintain safe and healthful conditions	Applicant's design achieves this standard.
Will not result in water pollution, erosion, or sedimentation to surface waters	Applicant's design achieves this standard.
Will adequately provide for the disposal of all wastewater	Applicant's design achieves this standard.
Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat	Applicant's design achieves this standard.
Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters	Applicant's design achieves this standard.

Will protect archaeological and historic resources as designated in the comprehensive plan	Applicant's design achieves this standard.
Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district	Applicant's design achieves this standard.
Will avoid problems associated with floodplain development and use	Applicant's design achieves this standard.
Is in conformance with the provisions of Section 15, Land Use Standards.	Lot size not being altered in this approval.

Conclusions

1. The proposed development **does** maintain safe and healthful conditions
2. The proposed development **does not** result in water pollution, erosion, or sedimentation to surface waters
3. The proposed development **does** adequately provide for the disposal of all wastewater
4. The proposed development **does not** have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat
5. The proposed development **does** conserve shore cover and visual, as well as actual, points of access to inland and coastal waters
6. The proposed development **does** protect archaeological and historic resources as designated in the comprehensive plan
7. The proposed development **does not** adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district
8. The proposed development **does** avoid problems associated with floodplain development and use
9. The proposed development **is** in conformance with the provisions of Section 15, Land Use Standards.

Conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated May 22, 2020 and all supporting/subsequent submission 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 any permit issuance or ground disturbance/site work related to the expansion:
 - a. A copy of the approved MDEP SLOD permit, including ownership transfer, and MDOT Traffic Movement Permit must be provided to the City.
 - b. Copy of recorded Grading easement onto abutting property needs to be provided to the Planning Office.
 - c. Updated Pershing Way construction plan showing a Mill/Fill from the reconstruction line to Eisenhower Drive.
 - d. Review of building elevations to be consistent with submitted documentation or testimony.
 - e. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
 - f. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
 - g. 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. 2% Inspection fee.
 - h. 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-site and off-site improvements necessary to support the proposed project. Cost estimate to be provided to the Planning Office. Intersection improvement costs associated with the Traffic Movement Permit are to be an included item of the overall performance

- guarantee. In no case will the performance guarantee be reduced down to an amount lower than the costs associated with the off-site improvements if they have not already been addressed at that time.
- 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.
 - j. List of Construction Emergency Contacts needs to be provided to the Planning Dept for Dispatch.
3. Fire Department conditions:
 - a. Expansion will be fully sprinkled with fire alarm. Need verification that fire flow is adequate.
 - b. If a new sprinkler design is required, separate service for sprinkler pump in existing building.
 - c. Provide separated 1-hour fire rated around sprinkler room.
 4. Coordination needed between Fire Department and CMP regarding electrical connection and associated requirements (labeling, disconnect location, etc). **Letter dated 6-5-2020 from Michael Corey CFI-1 Fire Inspector.**
 5. Prior to commencing any work in the City Right-of-Way, the applicant must obtain a road-opening permit from the Public Services Department.
 6. Prior to the Phase 4 Occupancy Permit issuance:
 - a. Documentation of electrical easements provided to the City for poles along Southwest boundary line on City Lands. (2 easements – one with CMP and one for property owner)
 - b. Radio testing will be conducted during the course of construction to ensure adequate ability of public safety personnel to communicate into the building.
 - c. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval. (This includes all paving, striping, sidewalks, etc.)
 - d. All other site improvements must be installed, unless a performance guarantee amount is held in the amount of the remaining improvements.
 7. MDOT traffic movement permit conditions:
 - a. The entrances shall provide overhead illumination, if not existing, to illuminate the intersections per MaineDOT standards at a minimum. Overhead lighting shall have an average of 0.6 to 1.0 foot candles, with the maximum to minimum lighting ratio of not more than 10:1 and an average to minimum light level of not more than 4:1.
 - b. All other conditions of the MDOT traffic movement permit regarding construction of off-site improvements or payments towards the construction efforts of the intersections of Eisenhower/Spring St and Eisenhower/Saco St.
 - c. Construction of Eisenhower/Saco St Intersection to be completed by Summer 2022.
 8. Prior to release of the performance guarantee:
 - a. The site will be in compliance with the approved plan and as-built plan provided in City approved format for the GIS system
 - b. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
 - c. All Off-site improvements must be completed.
 9. Noise threshold addressed based on the information provided. If post-construction conditions should vary from study, additional mitigation measures may be required by the City and/or DEP.
 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.

2. 2020.22 – Site Plan – 5 Karen Drive – 5 Karen Drive Associates, LLC

PUBLIC HEARING

Tax Map: 002 Lot: 052
Zone: Industrial Park District

Project Description:

The applicant is proposing an 14,000 sf expansion and associated site improvements to an existing commercial building located in the County Road Business Park.

In review of the application it was noted that the parcel lines depicted on City Tax Map and GIS differs from the boundary survey that was provided by the applicant. The parcel lines provided by the applicant are reflective of the 4th amendment to the County Road Subdivision Plan, approved July 13, 2010. City map data will be updated as part of the review of this application.

Project History:

July 6, 2010 – Neighborhood Meeting
July 7, 2020 – Planning Board Workshop
August 4, 2020 – Public Hearing

Staff Comments:

1. Clarification/coordination still needed with CMP for electrical service. Stamped electrical plans required with building permit submission package.
2. Ability to serve from Water
3. Fire conditions of approval
 - a. Stortz connection will be 5”
 - b. Extend Sprinkler system and fire alarm into building expansion.
 - c. Fire alarm needs to be separated for each unit and have an addressable system
 - d. Fire wall separating from Unit 1 required.
 - e. Knox box for new side of building. Location to be determined by FD
 - f. BDA test may be required. (as determined by FD)
4. LCWMD – Letter of confirmation – Condition of approval
5. New sidewalk should meet the existing sidewalk at grade and provide protection from motoring vehicles.
6. Signage summary in July 9, 2020 submission provides inventory of signage to use for any future sign permit requests.
7. Final revised plans with signature block and conditions of approval (one full set paper, one full set mylar) due by Monday, August 3rd.

Motion:

Motion that the Planning Board approve 5 Karen Drive Associate’s, LLC’s site plan application a 14,000 sf expansion to an existing building for commercial use lot located at 5 Karen Drive, Tax Map: 002 Lot: 052 Zone: Industrial Park District, is **(approved with conditions/ denied)** and the following findings of fact, conclusions and conditions as stated on pages 8 through 10 of this Staff Memo dated July 31, 2020 are adopted in support of that approval.

Site Plan – Finding of Fact

Standard	Finding
Utilization of the site	Project meets the intent of the Ordinance
Handicap Access	Project improves existing conditions with the addition of two ADA parking spaces and accessways to all building entrances. Site is compliant with ADA standards
Appearance Assessment	Elevations have been provided to demonstrate the proposed expansion is visually consistent with the existing structure and will not adversely impact the abutting properties. Additional lighting will be provided in the form of wall packs on the easterly, southernly and westerly side of the building expansion. Lighting is limited to the site and does not spillover onto the abutting properties. An inventory of existing signage is included with the application. Any additional signage requires a permit from the Code Enforcement Officer. Criteria 1-5 are met. Criteria 6 is not applicable as the site is not located within the Village Review Overlay Zone.
Landscape Plan	Additional landscaping is provided along the Karen Drive accessway as well as in front of the building expansion.
Odors	No adverse impact is known or anticipated
Noise	None known or anticipated
Technical and Financial Capacity	Applicant has provided a letter from TD Bank dated July 9, 2020 to demonstrate proof of Financial Capacity. The applicant has retained the services of Gorrill-Palmer which demonstrates technical capacity.
Solid Waste	Trash collection will be privately managed. An enclosed dumpster is provided on the plan.
Historic, Archaeological and Botanical Resources or Unique Features	None known
Hazardous Matter	None known
Vibrations	None known or anticipated
Parking & Loading Design and Site Circulation	Adequate parking is provided on site. A paved loop provides access to all sides of building. A turning template has been provided to demonstrate adequate emergency access.
Adequacy of Road System	Adequate
Vehicular Access	Access is provided via Karen Drive which can accommodate the increased use.
Pedestrian and Other Modes of Transportation	A paved walkway is provided along the front of the building, which is the primary entrance for employees.
Utility Capacity	Ability to serve letters will be provided to the City upon receipt.
Stormwater Management, Groundwater Pollution	Water quality treatment is provided by a 12-foot drip edge located along the southerly side of the building expansion. Site will utilize the existing stormwater structure, which the applicant has demonstrated can accept the increased runoff. The site is located within the Long Creek Watershed Management district. The existing permit has been updated as part of this application to accommodate the increase in impervious area.

Erosion and sedimentation Control	Adequate erosion and sedimentation control measures are provided on the plan sheet C-5.0.
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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 not** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed site **is not** situated entirely or partially within a floodplain.
14. All freshwater wetlands **have** been shown on the site plan.
15. Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.
16. The proposed site plan **will** provide for adequate storm water management.
17. The proposed plan **will not** negatively impact the ability of the City to provide public safety services.

Conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated July 9, 2020 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.
2. 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 or building permits being issued for the project:
 - a. All Staff comments must be addressed.
 - b. Review of building elevations to be consistent with submitted documentation or testimony.
 - c. Clarification/coordination with CMP for electrical service. Stamped electrical plans required with building permit submission package.
 - d. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
 - e. Provide documentation of updated permit from Long Creek Watershed Management District.
 - f. Ability-to-Serve letter from PWD provided to the Planning Department

- g. 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. **\$1,034.96**
 - h. 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. **\$51,748.00**
 - i. Coordinate with the E911 Coordinator on addressing of the building units.
 - j. Best management practices shall be adhered to during all ground disturbance operations.
4. Prior to the first Occupancy Permit issuance:
- a. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval. (This includes all paving, striping, sidewalks, directional signage, etc.)
 - b. All site improvements must be installed, unless a performance guarantee amount is held in the amount of the remaining improvements.
 - c. Fire Department Conditions
 - i. Stortz connection will be 5”
 - ii. Extend Sprinkler system and fire alarm into building expansion.
 - iii. Fire alarm needs to be separated for each unit and have an addressable system
 - iv. Fire wall separating from Unit 1 required.
 - v. Knox box for new side of building. Location to be determined by FD
 - vi. BDA test may be required. (as determined by FD)
5. Prior to release of the performance guarantee:
- a. The site will be in compliance with the approved plan and as-built plan provided in City approved format for the GIS system
6. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

3. 2020.23 – Site Plan – 65 Spiller Drive – Christopher Holdings, LLC – 6,000 sf Commercial Building

PUBLIC HEARING

Tax Map: 004 Lot: 302
Zone: Manufacturing District

Project Description:

The applicant is proposing a new 6,000 sf commercial building to be divided into two 3,000 square foot units for a light manufacturing and service business use on an existing vacant lot. On May 18, 2020, City Council approved the sale of Lot 2 of the Westbrook Heights Business Park to Glass Solutions, who is proposing to occupy one of the two commercial spaces. The other unit is a service business that provides cat grooming services to clients either on-site or at the customers home. All utilities are stubbed into the site as part of the original business park construction as well as a joint stormwater system for the park.

Project History:

July 6, 2010 – Neighborhood Meeting
July 7, 2020 – Planning Board Workshop
August 4, 2020 – Public Hearing

Staff Comments:

1. Include a boundary survey with final plan set.
2. Provide galvanized chain link fence- epoxy painted – suggest black (dumpster enclosure with privacy slats)
3. ADA ramp & planters
 - a. Per the applicant’s response letter dated July 29, 2020, the plans have been revised to remove the ADA ramp from one of the businesses as that business is not open to the public. The applicant states this is in compliance with ADA standards. ADA standards are reviewed by the Fire Marshall as part of the Construction and Barrier Free Permit
4. Remove detail for Sanitary Manhole
5. Remove guardrail detail
6. Provide ability to Serve letter from water
7. Dumpster enclosure – Staff recommends dark colored vinyl wrap with coordinating privacy slats
8. Knox box & fire alarm system is required.
9. Final revised plans with signature block and conditions of approval (one full set paper, one full set mylar) due by Monday, August 3rd.

Motion:

Motion that the Planning Board approve Christopher Holdings, LLC’s site plan application for a new 6,000 sf commercial building on an existing vacant lot located at 65 Spiller Drive, Tax Map: 004 Lot: 302 Zone: Manufacturing District, is **(approved with conditions/ denied)** and the following findings of fact, conclusions and conditions as stated on pages 11 through 14 of this Staff Memo dated July 31, 2020 are adopted in support of that approval.

Site Plan – Finding of Fact

Standard	Finding
Utilization of the site	Project meets the intent of the Ordinance

Handicap Access	The site provides one ADA parking space, which meets the requirement of parking lots with less than 50-spaces. Public entrances to both units are accessed via pre-fab medal ADA ramps. Site is ADA compliant.
Appearance Assessment	Site design is considerate of the topography in determining structure location and orientation. The proposed use permitted in the Manufacturing District and is consistent with abutting properties. Additional landscaping is proposed in areas accessible and visible from the public right-of-way. Lighting type and locations do not present an adverse impact on abutting properties. All signage will require a sign permit from the Code Enforcement Officer. Criteria 1-5 have been met. Criteria 6 is not applicable as the site is not located within the Village Review Overlay Zone.
Landscape Plan	A landscape plan has been provided to demonstrate site beautification along the Spiller Drive right-of-way as well as around all sides of the structure that are visible from the public right-of-way.
Odors	The operations should create no odor issues, outside of proper maintenance of trash disposal.
Noise	No adverse impact is known or anticipated
Technical and Financial Capacity	Applicant has provided documentation from Norway Savings Bank dated February 3, 2020 to demonstrate proof of Financial Capacity. The applicant has retained the services of Gorrill Palmer which demonstrates technical capacity.
Solid Waste	Trash collection will be privately managed. An enclosed dumpster is provided on the plan to the rear of the structure where it will not impede on the visual aesthetic of the site.
Historic, Archaeological and Botanical Resources or Unique Features	None known
Hazardous Matter	None known
Vibrations	None known or anticipated
Parking & Loading Design and Site Circulation	The project provides 17-parkign spaces which meets the minimum parking standards as required by the Ordinance. A turning template has been provided to demonstrate adequate site circulation for emergency and delivery vehicles.
Adequacy of Road System	Adequate
Vehicular Access	Site in/egress is provided via Spiller Drive at a location approved by Public Services
Pedestrian and Other Modes of Transportation	Site provides a pedestrian path around the building to allow safe access from all parking areas to building entrances.
Utility Capacity	Public utilities are accessible and located within the Spiller Drive right-of-way. As part of the Westbrook Heights Business Park Plan, all utilities have been stubbed to the site. No impact to Spiller Drive is known or anticipated.
Stormwater Management, Groundwater Pollution	Stormwater management is within the limits of the approved Westbrook Heights Business Park. Applicant has provided a stormwater analysis to demonstrate the inlet points located on the site are adequately sized to manage larger storm events.
Erosion and sedimentation Control	Adequate erosion and control measures are provided on plan sheet C-4.0

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 not** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed site **is not** situated entirely or partially within a floodplain.
14. All freshwater wetlands **have** been shown on the site plan.
15. Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.
16. The proposed site plan **will** provide for adequate storm water management.
17. The proposed plan **will not** negatively impact the ability of the City to provide public safety services.

Conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated July 9, 2020 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.
2. 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 or building permits being issued for the project:
 - a. All Staff comments must be addressed.
 - b. Review of building elevations to be consistent with submitted documentation or testimony.
 - c. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
 - d. Ability-to-Serve letter from PWD provided to the Planning Department
 - e. Obtain Barrier Free permit from the Office of State Fire Marshal
 - 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.
\$3,197.90

- 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. **\$159,895.00**
 - h. Coordinate with the E911 Coordinator on addressing of the buildings.
 - i. Best management practices shall be adhered to during all ground disturbance operations.
4. Prior to the first Occupancy Permit issuance:
- a. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval. (This includes all paving, striping, sidewalks, directional signage, etc.)
 - b. All site improvements must be installed, unless a performance guarantee amount is held in the amount of the remaining improvements.
5. Prior to release of the performance guarantee:
- a. The site will be in compliance with the approved plan and as-built plan provided in City approved format for the GIS system
6. A barrier (boulder, guardrail, etc.) shall be provided along all slopes in excess of 3:1
7. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

4. 2020. 25 – Site Plan Amendment – 7 Hardy Road – Dave Moore - A.R. Cail & Sons Excavating

WORKSHOP

Tax Map: 023 Lot: 008E
Zone: Highway Services

Project Description:

The applicant is proposing to construct a new 3,600 shed for storage of equipment and materials associated with A.R. Cail & Sons Excavating business and utilize a portion of the existing structure for a service business.

Project History:

July 7, 2010 – Neighborhood Meeting
August 4, 2020 – Planning Board Workshop

Staff Comments:

1. Proposed uses – A.R. Cail & Sons Excavating & Barber Shop
2. Proposed barn to be reduced in size from what is shown on plan to approximately 40' x 60'
3. Parking area may be extended to be in line with edge of barn
4. It was stated that no fuel storage would be on the premise.
5. Show parking lot layout with spaces on plan and include a plan note stating the required and proposed parking. Per discussion, 2-3 dump trucks would be stored in the barn so the current pavement limits do not seem to be adequate.
6. More detail needed on parking area. Will any of the parking spaces be dedicated to the barber shop use? How many chairs will barber shop have? Provide number of employees for Excavating business/number of pieces of equipment to be stored on the premise? All vehicles must be in a parking space and not parked on the lawn, in the driveway or on Hardy Rd.
7. Previous review had grading issues with the parking lot being too flat that may continue to be an issue as design work continues.
8. Stormwater analysis will be needed and review of impacts to 302 and back property line with Roukey.
9. Storage barn – provide a narrative of use (i.e. What will the storage be utilized for? What will not be stored inside the Barn? On-site storage of gravels/materials? Floor drains?)
10. Any materials stored on-site must be fully screened and enclosed.
11. Will equipment repair occur in any of the buildings?
12. Remove access & culvert along Rte 302
13. Provide buffering of neighbors (provide fence details and landscaping plan)
14. Erosion and sediment control plan
15. Provide building elevations
16. Provide Septic analysis for expanded use.
17. Landscape plan required with final submission
18. Provide neighborhood meeting notes (attendance and minutes) to Planning office
19. Show existing and proposed for space and bulk standards on site plan.
20. All final submission requirements including a stamped survey plan, signature block on plan set, etc.

Board Action:

1. Provide feedback to applicant
2. Schedule a public hearing (upon receipt of a final application)
3. Staff can provide a virtual site walk during the meeting to show the Board the location.

5. 2020. 26 – Subdivision – Greenfield Place – Bramblewood, LLC – 26 Unit Condominium Development

WORKSHOP

Tax Map: 027 Lot: 184B
Zone: Residential Growth Area 1

Project Description:

The applicant is proposing a 26-unit condominium development on a 750-foot private driveway located on New Gorham Road.

Project History:

July 2020 – Neighborhood Meeting
August 4, 2020 – Planning Board Workshop

Staff Comments:

1. Road will be a private road. The City will not accept a public road into a homeowners association ownership complex.
2. Driveway must be designed to provide adequate access for public safety vehicles and provide sidewalks for pedestrian activity. Staff recommends granite or slip-form concrete curbing.
3. Structures must be at least 10' apart.
4. Sewer in New Gorham Road is shallow. Project will likely require pump.
5. One side of driveway should be signed no parking.
6. Provide a pull off with cluster mailbox. Mailbox location should be reviewed/approved by USPS during site design phase.
7. Landscape Architect required as part of design team.
8. Provide open space plan with narrative of required and proposed open space. Requirement is 300sf per unit. Open Space plan requires review and recommendation by the Recreation and Conservation Commission. Open space requirement cannot be met with unusable lands or lands not feasible for recreational programming.
9. Provide adequate site lighting with focus on the intersection with New Gorham Road and internal along sidewalks.
10. Hydrant internal to the site required
11. Turning template on driveway needs to be shown.
12. Parking concerns – accommodations for guest parking required. Recommend guest parking pods throughout the site to avoid congestion along the driveway. (ie between units 5 & 6 and units 21 & 22)
13. Draft Homeowners association docs are required with final application which shall include:
 - a. Provide private trash hauling method for project? Curbside pick up?
 - b. Association responsible for all road maintenance and plowing.
 - c. Association responsible for maintenance of stormwater features.
 - d. Methodology for votes and financial obligations.
 - e. Project owner to have all maintenance responsibilities until sufficient number of units are sold.
14. Schedule neighborhood meeting prior to August 4th. Provide neighborhood meeting notes (attendance and minutes) to Planning Office.
15. Unit design not finalized – likely to be 2-3 bedroom units.
16. Elevation views required of structures – will need to provide variation of architectural treatments including color to provide a neighborhood feel vs a complex.
17. Layout feels constricted with number of units. Consider providing a mix of single and two-family dwellings to allow for a variation in design and more space between units vs the 10' separations between structures that end up providing fragmented green space.

- a. For example, connect units 1 & 2, 3 & 4, 6 & 7, 9 & 10, 13 & 14, 15 & 16, 17 & 18, 19 & 20, 22 & 23, 25 & 26. Connect driveways? Each owner has ½?
 - b. Unit 11 is in the wetland. Remove this unit.
 - c. Place unit 11 and unit 12 closer to the driveway off a common driveway with parking to the rear of the units.
18. IF & W review of parcel – please review
 19. Landscaping will be an important feature for the project.
 20. DEP stormwater permit approval required prior to final approval.
 21. Stormwater, erosion/ sediment control, traffic summary, and stamped survey plan will be part of the final submission along with all other requirements of the ordinance.

Board Action:

1. Provide feedback to applicant
2. Schedule a public hearing (upon receipt of a final application)
3. Staff can provide a virtual site walk during the meeting to show the Board the location or suggest a site walk date of 8/29.