



**Planning & Code Enforcement**

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**PLANNING & CODE ENFORCEMENT**

**WESTBROOK PLANNING BOARD**

**Tuesday, May 2, 2023, 7:00 P.M.**

**MINUTES**

**1. Call to Order**

**Rebecca Dillon** this meeting will be offered as a hybrid meeting, accommodating both in-person and remote participation. The link and phone number to join the meeting via Zoom is located on the Planning Board agenda, which can be found on the City of Westbrook website [westbrookmaine.com/agenda-center](http://westbrookmaine.com/agenda-center).

**Zoom Link:** <https://us02web.zoom.us/j/81700741385>

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

**Webinar ID:** 817 0074 1385

Where public comment is permitted, members of the public attending remotely will have the opportunity to provide remote testimony. If you wish to speak during a Public Hearing or Public Comment, use the "Raise Hand" function through Zoom (or dial \*9 on your phone) when instructed by the Planning Board chair. Comments will only be accepted during a Public Hearing or Public Comment period and should remain specific to the application that is being discussed.

**Roll Call – Attendance**

<b>Karen Axelsen</b>	<b>Present</b>
<b>Robin Tannenbaum</b>	<b>Absent</b>
<b>Vice Chair - Larry McWilliams</b>	<b>Present</b>
<b>Nancy Litrocapes</b>	<b>Absent</b> <i>Let the record show Nancy arrived after Roll Call</i>
<b>John Turcotte</b>	<b>Present</b>
<b>Jason Frazier</b>	<b>Present</b>
<b>Kevin Price</b>	<b>Present</b>
<b>Susan Roma</b>	<b>Present</b>
<b>Chair - Rebecca Dillon</b>	<b>Present</b>

**Staff:** Rebecca Spitella, Associate Planner; Linda Gain, Office Coordinator

**2. Approval of Minutes of April 4, 2023**

**Karen Axelsen** move to approve April 4, 2023, minutes.

**2<sup>nd</sup>** by **Jason Frazier**

**Roll Call Vote**

<b>Karen Axelsen</b>	<b>Yes</b>
<b>Robin Tannenbaum</b>	<b>Absent</b>
<b>Vice Chair - Larry McWilliams</b>	<b>Yes</b>
<b>Nancy Litrocapes</b>	<b>Absent</b> <i>Let the record show Nancy arrived after Roll Call Vote</i>
<b>John Turcotte</b>	<b>Yes</b>
<b>Jason Frazier</b>	<b>Yes</b>
<b>Kevin Price</b>	<b>Yes</b>
<b>Susan Roma</b>	<b>Yes</b>
<b>Chair - Rebecca Dillon</b>	<b>Yes</b>

**The vote is unanimous in favor 7-0**

**REGULAR BUSINESS**

**Rebecca Dillon** Rebecca, please read the next item into the record.

- 3. **Rebecca Spitella reads item into the record** 2022.19 – Site Plan, Subdivision – 984 Spring Street Residential Development – Tom Watson & Co., LLC: The applicant is requesting a 204-unit residential complex with associated site improvements and amenities located at 984 Spring Street. Tax Map: 003 Lot: 005 Zone: Highway Services Use: Dwelling, Multiple-Family

**Presentation on file at the Westbrook Planning Department and on the Westbrook Website link shown below:**

<https://vimeo.com/showcase/3075539/video/778681994>

**Rebecca Dillon** let the record show that Nancy Litrocapes has arrived in is now present.

**Mike Barton** Thanks members of the Board my name is Mike Barton, with Tom Watson Company. One of the applicants with me here this evening is my co-developer and partner John Liberty, and also Kaleb Bourassa with Gorrill Palmer.

We are excited to be here tonight. We have been before you on a couple of occasions multiple, in fact about this project. We were primarily awaiting the administrative approvals from the Maine Department of Environmental Protection. As well as the Maine Department of Transportation for our traffic movement permits, so we have secured those and as an outcome, the project that we presented prior to is pretty much unchanged.

We have made some refinements to the site as we progressed in the month since we have last met, and Kaleb will go through those and be prepared to answer any other questions you have. But again, I want to thank you for listening to us tonight, and we look forward to the conversation.

**Kaleb Bourassa Gorrill Palmer** presented aspects of the Site Plan, Subdivision – 984 Spring Street.

I am happy to be back before you folks this evening to present this final application and we are looking for a final approval from you folks tonight.

All right, so we got it up on here. So more or less these slides that you are going to see, are going to be more or less the same from the last time we were before you in November, so this is just kind of an aerial view with an overlay of the site plan. Here north, is top of the screen south to the bottom and then kind of running north south.

On the left-hand side is Spring Street. This is the project that we have seen here, and I am just going to step through the next slide just to give you an overview.

Here is the location, Tax Map: 003, Lot: 005 We just kind of looked over with the aerial on the existing use of the property is a be spread across six residential buildings, with a clubhouse building and then some other amenities including a mail location and kind of bike storage facility as well.

We have other items that we will see on the site plan including a pool area, garden space, Dog Park, multi-use Trail and a lot of things were really excited about it and ready to kind of get underway for this project.

So permits that were required for this, of course the site and subdivision approval with you folks here in the City of Westbrook. We had a site walk which we received in March and not listed on here but a DOT traffic movement permit that we received all so in March associated with the State Law, we had some Wetland impacts under tier one and then also for our location within the Watershed of Long Creek. We also elected to join the main general permit for a post construction discharge through that.

Just a quick history through here actually our first application, you folks saw almost a year ago in June of last year for our sketch plan and then we submitted our applications for DOT and DEP in June and August. Once we started to receive some initial feedback from both of those entities, we came back for more or less an update meeting once we felt pretty sure about the site layout as it stood.

Then as I mentioned, we received both those approvals in March and then here we are before you here in May.

Again, just the site plan with a little bit more color added to it here that is what we are showing everything is generally stayed the same what I will note since the November meeting the key things really Minor Adjustments to the building footprint talking, you know, a couple hundred square feet to the residential building. It is just as the building designs progress; you know additional space for DEP water closest things like that. The clubhouse has actually gotten a bit smaller. I do not recall my head. I think it was about a slight revision to the parking area in between building two and building three down in the bottom kind of triangular portion of the site.

Then just some very minor kinds of revisions. Utility layouts and some storms drain as we had gone along with those reviews biggest thing of that working with staff, and then also with DOT are just some off-site improvements that we have which is kind of noted in the in the Planner's memo here, but those kind of include just some off-site mitigation centered around the driveway. Applicants can put in a two-way Center turn lane and right turn lane into the site sidewalk along the front edge and then sidewalk down to the County Road where there is an existing sidewalk there.

Gbe picking up some of the overlay work that DOT was planning to do down through Spring Street. So, they will be paving from Thomas Drive down to the city line, which is essentially basically at the end of the project Frontage southerly, and then also some replacement of public sewer main which spans from Spring Street and several sections down through Thomas Drive and then to the pump station down to County Road.

Applicants have been more than willing have been really appreciative of staff's input and really excited about this project and what they are able to kind of provide you public improvements here as well, you know as a nice facility on site here.

Again, just some of the renderings that we had put together. Just kind of better context to the site here from a kind of high level view here really just highlighting some of the multi-use path that is shown in yellow kind of going around the kind of upper left hand or right hand side triangular area down to the perimeter garden space in the rear if you can see the cursor as I bring it along dog park here, clubhouse central to the site with some other space exterior to it down on the southerly side with some nice exposures the pool area grills everything out there as well.

You have a kind of Central Parking area for the clubhouse that kind of leads to the end of the boulevard driveway that we have here and then generally the rest of the site there. So, most of that remains unchanged a couple of these are really just black and white, but if you have any additional questions about the grading and drainage and the utility on the next one here. Our approach has basically remained the same. We have not really changed any of the schemes or any of the actual BMPS that we are using for stormwater management here. Predominantly subsurface sand filters and a lot of subsurface systems so that we can really kind of efficiently use the site here, then the utility plan again.

Then I will just kind of quickly go down through a couple of these other sheets as we kind of make our way to the landscape section here. But another view a nice rendering I thought really still kind of highlighting all of the key kind of site amenities that were really offering here, same with the landscape plan.

Another colored view of this site here and then a good bird's eye view looking East towards the clubhouse here. I think it is a really good job here. I like this view a lot just kind of really adding the context, you know, showing a little bit of growth and the in the Landscaping there and then we have floor plans and elevations of the buildings.

I can just get down through them relatively quickly. But if you have any questions, please let me know. But with that I will turn it back over to the Board and be happy to answer any questions you may have.

**Rebecca Dillon** thank you Kaleb, Staff Comments?

**Rebecca Spitella** presented Staff Comments:

I do not have too much more. I think Kaleb did a great job summarizing the application as he stated not much has changed in the site layout since the board lasts all this in the fall, but there's been a lot of collaboration happening with different departments to finalize the storm water pull together the offside improvement including the sewer work that the development is taking on in Spring and Thomas Drive, which is a great improvement for the city and get the state permits that were outstanding.

The open space plan was reviewed by the recreation Conservation Commission in October and they are in support of it as is currently provided and the final items that we're outstanding we have requested to be included as a condition of approval to be provided prior to site commencement and those would include items such as a way finding plan to ensure their signage because it is a little bit of a confusing site with for emergency access or can be so we want to make sure that there's adequate way finding as well as some phasing plans for construction.

To see how this development will come online once buildings start to be completed. So those would be included under condition three, I believe yes three.

A motion draft motion is provided on page two.

## **REGULAR BUSINESS**

Tax Map: 003 Lot: 005  
Zone: Highway Services District  
Use: Dwelling, Multiple-Family

### **Project Description**

The applicant is requesting a 204-unit residential complex with associated site improvements and amenities located at 984 Spring Street.

A final submission packet was provided for the November public hearing. A full packet is available for viewing at the Planning Office during normal business hours.

### **Project History**

June 1, 2022 – Neighborhood Meeting  
June 7, 2022 - Planning Board Workshop  
October 20, 2022 – Recreation and Conservation Commission  
November 1, 2022 – Public Hearing  
May 2, 2023 – Regular Meeting

### **Staff Comments**

1. Noticing Fees: \$34.04
2. Sewer
  - a. Need of detail of channel rework in Spring St existing structure
3. Coordination may be required for sidewalk installation northerly of Thomas Dr with DOT paving project.
4. Project is located within the Long Creek watershed and will be closely monitored for compliance with approved e/c plan throughout duration of construction.
5. Recommend as Conditions of Approval
  - a. Prior to scheduling preconstruction meeting:
    - i. Provide copy of wayfinding plan for file
    - ii. Provide plan for temporary sediment ponds for stormwater management during construction.
    - iii. Provide c/o phasing plan to demonstrate life safety measures/separation of construction materials/activities while phasing c/so for units.
6. Coordinate with FD on Knox box locations

### **Rebecca Dillon Introduction of Public Comment**

- Speak into the microphone. Remember to state your name and address.
- Public has one opportunity to provide comment.
- All comments should be addressed to the Planning Board, who will address the applicant/Staff following the public hearing.

### **Rebecca Dillon Open Public Hearing**

- In-person

No comments

- Zoom participation.

**Rebecca Spitella** If you are participating via Zoom, please and you would like to provide a comment on this application, please raise your hand now.

No Comments

### **Rebecca Dillon Close Public Hearing**

- **Applicant/Staff response**
- **Board Comment/Discussion**

- In-Person

**Jason Frazier** Once again great, great plan. This is very exciting to see this come along like this. So just one quick question for the underground stormwater filters.

How often do they need to be maintained and who is going to be doing the maintenance on them?

**Kaleb Bourassa** I do not recall. I think probably twice a year, I believe they will be maintained on the applicants have already signed on and as part of the State Law permit. They have to go through and have a five-year maintenance contract for the site so that includes all BMPs they have signed on for as well.

**Jason Frazier** that is all I have. Thank you.

**Rebecca Dillon** Questions or comments from the Board?

**Larry McWilliams** the plan looks great good access to the site. I drove by there today just to take a peek at it again because my wife said how they are building.

I said, what are they building that was on the other side of the street? I don't that was totally different which was good because I got a little concern but if this gets approved when and there's a lot of projects that have been put in front of the board too that we see and then don't get started and then next thing, you know, the properties are being for sale again.

If this gets approved what type of time limit are you looking to get started? Is it something that is going to get started groundbreaking this year? Is it something that you are looking for further in the future waiting on pricing and so forth.

I am just kind of curious.

**Mike Barton** with the developer we are looking forward to this today with approvals with any luck. And our game plan is to work through the final remaining conditions of approval specific to the off-site improvements with staff and get ourselves in a position to start construction towards the latter end of this summer.

**Rebecca Dillon** thank you. other questions? There is no other comments or questions. We have a motion on the memo on page two.

**John Turcotte** Move that the Planning Board approves the Site Plan-Subdivision application for Tom Watson & Co., LLC for a 204-unit residential complex with associated site improvements and amenities located at 984 Spring Street. Tax Map: 003 Lot: 005 Zone: Highway Services District. Approval includes the following findings of fact, conclusions, and conditions as stated on pages **2 through 7** of this Staff Memo dated April 28, 2023, which are adopted in support of this approval.

**Site Plan – Finding of Fact**

<b>Standard</b>	<b>Finding</b>
Utilization of the site	The proposed development conforms with the performance standards of the Highway Services District. Adequate on-site parking is provided in excess of the minimum parking standards as required by the Ordinance. Stormwater management is provided on site and has been reviewed by the City Engineer. A landscape plan is provided demonstrating a diversity of species internal to the site as well as along the Spring Street frontage to provide site beautification. The project meets the intent of the Ordinance.
Handicap Access	12 accessible parking spaces are located throughout the site to provide ADA accessibility to each building. Sidewalk tipdowns are provided to access the pedestrian walkway system. Tipdowns and cast-iron truncated domes are provided at the Spring Street crosswalk. The site is compliant with ADA standards.
Appearance Assessment	<ul style="list-style-type: none"> <li>(a) Site ingress/egress is provided at a location that has been reviewed and approved by the City Engineer. A right/left turn pocket is shown on the offsite improvement plan, as required by the MDOT traffic movement permit.</li> <li>(b) Site layout takes into considerations topography and wetlands located on the site.</li> <li>(c) A landscape plan is provided which demonstrates a diversity in plant type and species throughout the site as well as along the Spring Street frontage to provide site beautification.</li> <li>(d) A lighting plan is provided which demonstrates adequate site and safety lighting. All fixtures are down casting to limit light pollution and trespass.</li> <li>(e) Adequate signage is provided for site identification and wayfinding.</li> <li>(f) Project is not located within the Village Review Overlay Zone.</li> </ul>
Landscape Plan	A landscape plan is provided which demonstrates a diversity in plant type and species throughout the site as well as along the Spring Street frontage to provide site beautification.
Odors	The use is consistent with the permitted uses of the Highway Services District. Dumpsters are located throughout the site

	for solid waste collection and removal. No adverse impact is known or anticipated.
Noise	The use is consistent with the permitted uses of the Highway Services District. No adverse impact is known or anticipated.
Technical and Financial Capacity	The applicant has provided a letter from Bar Harbor Bank & Trust dated May 31, 2022 to demonstrate financial capacity. The applicant has retained the services of Gorrill Palmer, which demonstrates technical capacity.
Solid Waste	Solid waste will be privately managed. Enclosed dumpsters are located throughout the site for solid waste collection and removal.
Historic, Archaeological and Botanical Resources or Unique Features	No historic, archaeological/botanical resources have been identified on the site.
Hazardous Matter	Project does not propose the handling, storage, or use of hazardous materials. No adverse impact known or anticipated.
Vibrations	The use is consistent with the permitted uses of the Highway Services District. No adverse impact is known or anticipated.
Parking & Loading Design and Site Circulation	Adequate parking and site circulation are provided. The applicant has provided a turning template to demonstrate adequate access for emergency vehicles.
Adequacy of Road System	With consideration of the MDOT traffic movement permit Reg. 01-000405-A-N, Spring Street has adequate capacity to accept the additional traffic generated by the project.
Vehicular Access	Site access is provided at a location that has been reviewed.
Pedestrian and Other Modes of Transportation	A stabilized path provides access between parking areas and each residential structure and all site amenities.
Utility Capacity	Utility services are available within the Spring Street right of way.
Stormwater Management, Groundwater Pollution	Stormwater management is provided on site and is subject to the conditions and approval of MDEP permit L-30042-87-A-N/L-30042-TC-B-N.
Erosion and sedimentation Control	Adequate erosion control 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 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.

**Subdivision – Finding of Fact**

<b>Standard</b>	<b>Finding</b>
Pollution	Sewer services are available within Spring Street right of way. The ability to serve letter from wastewater services has been provided as part of the application.
Sufficient Water	Water services are available within Spring Street right of way. An ability to serve letter from Portland Water District has been provided as part of the application.
Municipal Water Supply	Water services are available within Spring Street right of way. An ability to serve letter from Portland Water District has been provided as part of the application.
Erosion	Adequate erosion control measures are shown on the plan.
Traffic	With consideration of the MDOT traffic movement permit Reg. 01-000405-A-N, Spring Street has adequate capacity to accept the additional traffic generated by the project.
Sewage Disposal	Sewer services are available within Spring Street right of way. The ability to serve letter from wastewater services has been provided as part of the application.
Municipal Solid Waste Disposal	Solid waste will be privately managed. Enclosed dumpsters are located throughout the site for solid waste collection and removal
Aesthetic, Cultural and Natural Values	The proposed development is located within a growth area as identified in the City’s comprehensive plan and is not encumbered by any easements or restrictions on tree removal or development. The project meets the standards of the district in which it is located. Site disturbance is limited to what is required for the construction and the project provides a landscape plan to provide buffering for directly abutting parcels. The project does not have an undue adverse impact on the aesthetic, cultural and natural values of the site.
Conformity with City Ordinances and Plans	The proposed development conforms with City Ordinances and the Comprehensive Plan.

Financial and Technical Capacity	The applicant has provided a letter from Bar Harbor Bank & Trust dated May 31, 2022 to demonstrate financial capacity. The applicant has retained the services of Gorrill Palmer, which demonstrates technical capacity.
Surface Waters; Outstanding River Segments	Site is located within the Long Creek Watershed and will function as a contributing member to the Long Creek Watershed management district.
Ground Water	Site is located within the Long Creek Watershed and will function as a contributing member to the Long Creek Watershed management district.
Flood Areas	Flood Zones are identified on the Overall Site Layout/Subdivision Plan.
Freshwater Wetlands	All wetlands have been identified on the plan.
Farmland	No farmlands have been identified on the site.
River, Stream, or Brook	Long Creek is located on the parcel southerly of the subject parcel and is identified on the plan.
Stormwater	Stormwater management is provided on site and is subject to the conditions and approval of MDEP permit L-30042-87-A-N/L-30042-TC-B-N
Spaghetti Lots Prohibited	The lot does not have shore frontage.
Lake Phosphorus Concentration	The subdivision is not located near or along a great pond.
Impact on Adjoining Municipality	The subdivision does not cross a municipal boundary.
Lands subject to Liquidation Harvesting	Not applicable.

### Conclusions:

1. The proposed subdivision **will not** result in undue water or air pollution.
2. The proposed subdivision **has** sufficient water available for the reasonably foreseeable needs of the subdivision.
3. The proposed subdivision **will not** cause an unreasonable burden on an existing water supply.
4. The proposed subdivision **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 subdivision **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 subdivision **will** provide for adequate sewage waste disposal and **will not** cause an unreasonable burden on municipal services.
7. The proposed subdivision **will not** cause an unreasonable burden on the City's ability to dispose of solid waste.
8. The proposed subdivision **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed subdivision **conforms** with a duly adopted subdivision regulation or Ordinance, comprehensive plan, development plan or land use plan.
10. The subdivider **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed subdivision **will not** adversely affect the quality of any pond, lake, wetland, great pond or river, or unreasonably affect the shoreline of that body of water.

12. The proposed subdivision **will not**, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The subdivision **is not** located in a flood-prone area, as determined by the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps.
14. All freshwater wetlands within the proposed subdivision **have** been identified.
15. All farmland within the proposed subdivision **has not** been identified. – Not applicable
16. Any river, stream or brook within or abutting the proposed subdivision **has** been identified.
17. The proposed subdivision **will** provide for adequate stormwater management.
18. Lots in the proposed subdivision **do not have** shore frontage on a river, stream, brook, great pond or coastal wetland as defined in 38 M.R.S.A. Section 480-B.
19. The long-term cumulative effects of the proposed subdivision **will not** unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
20. The proposed subdivision **will not** cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
21. Timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to 12 M.R.S.A. Section 8869, subsection 14.

**Conditions:**

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application packet dated April 6, 2023, 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 §335-13.5. D, the Code Enforcement Officer shall not issue any permits until a site-subdivision plan has been approved by the Planning Board and a Mylar signed by the Planning Board. The signed Subdivision Plan must be recorded 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. Copy of Recorded subdivision plan must be provided to the Planning Office.
  - c. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate. Additional Pre-construction meetings may be necessary if phased construction is not continuous. Prior to scheduling the preconstruction meeting the following must be provided to the Planning office:
    - i. Wayfinding plan provided demonstrating adequate signage throughout the site.
    - ii. Plan for temporary sediment pond during construction
    - iii. Phasing plan for c/o provided to Planning office (including the construction of the amenities)
  - d. Review of building elevations to be consistent with submitted documentation or testimony.
  - e. The applicant shall provide the digital data as required by §335-13 – 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. Inspection fee shall be 2% of the total amount of the performance guarantee. \$89,295.51
  - 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. - \$4,464,775.63

- h. Coordinate with the E911 Coordinator on addressing the building/units.
- 4. **Prior to commencing any work in the City Right-of-Way**, the applicant must obtain a road-opening permit from the Public Services Department.
- 5. **Prior to the issuance of the First Occupancy Permit:**
  - a. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval (to include but not limited to lighting (installed & lit), base paving, sidewalks, striping, dumpster, signage, stormwater features, etc.)
  - b. Frontage area offsite traffic improvements must be completed.
  - c. All Sewer & Water lines fully tested and approved. (Off-site work must be completed and signed off by Sewer Dept.)
  - d. All other site improvements, as shown or stated on plans or in conditions, must be installed unless a performance guarantee amount is held for the full amount of any remaining improvements to be completed after issuance of an Occupancy Permit.
  - e. Documentation (signed contracts), for private trash removal & snow plowing provided to the Planning Department.
  - f. Verify final USPS location for mailbox.
- 6. **Prior to the issuance of the Final Certificate of Occupancy:**
  - a. All areas shown as pavement shall be final paved & striped, as necessary.
  - b. All onsite amenities must be completed.
- 7. **Prior to release of the performance guarantee:**
  - a. The site will be inspected and deemed by City staff to be in compliance with the approved plans, monuments placed, and as-built plan provided in City approved format for the GIS system. Applicant to provide as-builts to City in paper copy, dwg file and pdf.
  - b. Documentation of maintenance contractor for Stormwater Best Management Practices.
  - c. BDA testing may be required for all structures at the discretion of the FD.
  - d. Offsite improvements completed to the satisfaction of the Planning Office.
- 8. 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. Additional BMPs may be required to address erosion and sediment control during construction. Determination of the need for additional measures are at the sole discretion of City Staff.
- 9. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
- 10. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance and maintain the Maintenance Log for the stormwater feature on the premise.

2<sup>nd</sup> by **Kevin Price**

**Roll Call Vote**

<b>Karen Axelsen</b>	<b>Yes</b>
<b>Robin Tannenbaum</b>	<b>Absent</b>
<b>Nancy Litrocapes</b>	<b>Yes</b>
<b>John Turcotte</b>	<b>Yes</b>
<b>Jason Frazier</b>	<b>Yes</b>
<b>Kevin Price</b>	<b>Yes</b>
<b>Susan Roma</b>	<b>Yes</b>
<b>Chair - Rebecca Dillon</b>	<b>Yes</b>

**The vote is unanimous in favor 7-0**

**Rebecca Dillon** with that we will go into new business.

### **NEW BUSINESS**

**Rebecca Dillon** Rebecca, please read the next item into the record.

- 4. Rebecca Spitella reads item into the record 2023.04 – Site Plan, Subdivision – 41 Arlington Avenue - Infinity Real Estate, LLC: The applicant is proposing three new single-family structures located at 41 Arlington Avenue. Tax Map: 027 Lot: 046 Zone: Residential Growth Area 1 Use: Dwelling, Single-Family**

**Presentation on file at the Westbrook Planning Department and on the Westbrook Website link shown below:**

<https://vimeo.com/showcase/3075539/video/778681994>

**Jason Haskell, DM Roma Consulting Engineers** presented aspects of the Site Plan, Subdivision – 41 Arlington Avenue here with me tonight is Aaron Additon with Infinity Real Estate LLC the applicant for the proposals to construct three single family residential structures on the 0.4-acre parcel located in the RGA 1 Zoning District.

One of the buildings is about 1,016 square feet with a footprint with each of them having a garage space kind of as you drive into the building in February.

We are in front of the board with a different layout that shows all the buildings kind of lined up along the southern property boundary, with the driveway coming in here and parking along here. A lot of the Board Members including the Planning Staff commented that it didn't have its very linear, it didn't have much character to it. We went back to the drawing board after that sketch plan meeting and came up with this layout which kind of rotates the buildings around kind of gives it different angles as you're driving in it kind of seems like more of a neighborhood feel and it definitely a little bit more character than what we were originally planning just several of the buildings were previously located on the site there was a single family house with couple out buildings, those buildings have been removed. The only structure that still remains is the existing garage. It is a two-story structure up on Arlington Avenue that building is going to remain in the post development. It is intended to be utilized by the applicant as a personal storage facility.

The three buildings will remain under the same ownership under Infinity Real Estate, and they will be rented. It will be rental property.

Parking will be provided in both the garages and parking spaces located throughout the site.

And as a result of the realignment of the buildings, there has been a lot more usable lawn area and we were able to fit paver patios behind each one of the units, so they do not have their own personal outside space.

We worked throughout the last few months working with the Portland Water District and the Wastewater Division on the design in the ability to serve the project. We have received both those

approvals and the letters have been provided to provide both stormwater quality treatment and flooding control. An under drained filter basin has been proposed between units one and two.

The flow will enter from the parking lot, go into the filter base in get cleaned and we will slowly discharge throughout the storm event to kind of prevent any unnecessary erosion going down over the slope into the Wetland, which is located to the west of the property.

Landscaping has been proposed both for the development of and screening, which includes several street trees, some Evergreen screening trees, and some ornamental grasses strategically placed throughout the development. Then also incorporating the two existing fences one along the northern property boundary and the other along the eastern property boundary where the two lots of developed the land to the west into the south is undeveloped woods at right now to the south is the school but it is a very thick wooded area before you actually get to the school. So, we will be screened from the school itself.

We are requesting one waiver, which is for the driveway width. With 90 degrees parking the ordinance requires amount of impervious area. We are proposing it as 22 feet based on the low usage of this driveway. If we do not think that will be much of an issue traffic-wise and think that the reduction is reasonable, and it has been work through with staff on that as well.

With the reduction of the driveway width, we did go through and make sure the fire truck could enter the site from both directions and we were able to prove that and then also in coordination with the fire department, they did not have any problems with the way the driveway was set up.

So just so you have a reference, these are what the proposed buildings are going to have. I am going to technically have a two-car garage. It is a little maybe a little narrow to be considered a full two car garage, but you can definitely fit one in there plus some storage. I think that will be a great amenity for the tenants.

As part of the approval the lot itself is actually considered non-conforming because of the amount of Road Frontage, but because it is an existing lot of record, we did have to go through and look at the design standards of the architect the architectural design standards. Based on the ordinance, we did have to look at the neighboring properties on either side six houses one way six houses the other the same thing on the other side of the street going through that analysis. We did realize that there is a big mix of architecture in this neighborhood. But what we did was we did try to go through the standards and make sure that we are addressing what's required we tried to find certain properties that did match I can definitely go through that if the Board would like, or I can because I know that was that explanation was included in your packet. I can definitely go through it though.

Unless it actually you did say that maybe the public would want to hear about going through those standards are I think it would be good to do that. Thank you.

The definition of what I just said was the six houses on either side of the development and six houses on the other side left and right. So, we looked at a total of 24 houses throughout the development then going through the standards. The building construction is required for it to be a non-conforming lot construction within the RGA-1 District. The proposed houses would need to be constructed with a full foundation not on, you know, peers or blocks or something like that. It would have to be a foundation and framed on site and that is what we are proposing at this point.

Not a lot of the houses along the street had covered porches, but they did have some type of porch out front. What we did was examine some of the houses that did have front porches and they were right

across the street. So, I think for this development we are showing the covered porch through the entrance here. This would be covered here, and the columns are circular in nature kind of like a circular column holding up the roof line of the roof over the top.

The windows are proposed to have windows sashes which is kind of something that is relevant without throughout the neighborhood itself, and they are vertical windows.

The proposed roof lines each one of the roof lines we were able to find one at least one building throughout the neighborhood that has the same roof pitches several of them had the steeper roof pitch that were shown here and then some of them primarily this roof pitch here. Then there was also a lot of ranches that had more of a roof pitch flatter roof pitch, which is kind of shown here as you are looking at the building from the front.

There is also those requirements for the front of the building to have a prevalent cornice along the roofline and it is a minimum of 12-inch width and that is what this is being proposed as is 12 inches.

The proposed Landscaping requirement was one tree per unit and we are showing several more than that. We are showing, I believe it was six different trees and then we were also going to be putting in the ornamental grasses throughout. Then the use of the existing vinyl stockade fence and the wooden stockade fence along the northern property boundary.

Vehicle parking will be provided on site. It will be within the garage and in the parking spaces located outside the buildings.

The building height is proposed as 27 feet.

We are right kind of in the middle and we go back to the primary view from Arlington Avenue is actually going to be either coming from the north going south. You will be looking at this building here. But coming from the other direction, your primary view is actually going to be the existing two-story garage that is going to screen most of the development back here from Arlington Avenue.

The intent is for the applicant to resize this building right now. It is kind of in rough shape, so the plan is to generally match the same siding that is proposed on the on the buildings and I believe that was all the requirements there.

We have worked through with staff several times over the past few months, and I think we have addressed their comments and concerns and we are looking for final approval tonight. If you find that we have addressed all any concerns that you may have and myself and Aaron are here to answer any questions you may have.

Thank you.

**Rebecca Dillon** thank you, Jason, Staff Comments?

**Rebecca Spitella** presented Staff Comments:

Thank you. So, this is a challenging site in that it is a non-conforming lot for that lot frontage and so the layout I think for this development, although it meets density and three units can be provided here, it was a challenge and so we appreciate the effort that was made by the applicant and the developer to try to spread this out and create almost a little bit of a cul-de-sac field at the end of the road as opposed to the previous design which looked much more like a line of buildings and a parking pod given the

challenges with this site and the limited frontage and the access the development team also closed up that curb cut for Public Safety and or public services reasonings. I think this does achieve the feel with the neighborhood in a better direction than the previously one did so thank you to the team for that.

The only comment I would like to make here is that the staff comment number 1 states that the open space fee is due prior to site disturbance. The actual amount did not get put into the conditions of approval. So, I would just like to state for the record, this was in their application, but just again that the Open Space Fee amount is \$1,5008 dollars and 26 cents and that this would be required as part of the fees prior to site disturbance or building permit issuance.

And as long as these units remain under single ownership and operate as rentals, they are eligible for public trash. However, that public trash will need to be along Arlington Ave, it will not be internal to the site and just be mindful of the location of the placement of the totters as they will not be able to block any of the neighboring driveways or access.

Other than that, all of the other staff comments have been addressed and there is a draft motion on page 8.

### **Project Description**

The applicant is proposing three new single-family structures on a lot located at 41 Arlington Avenue.

### **Project History**

January 28, 2023 – Neighborhood Meeting

February 7, 2023 – Planning Board Workshop

May 2, 2023 – Public Hearing

### **Staff Comments:**

1. Open Space fee due prior to site disturbance (BP submission incorrectly stated in application)
2. Eligible for public trash removal as one ownership (rental units) but if the property were to go under separate ownership (condo) private waste removal is required.

### **Rebecca Dillon Introduction of Public Comment**

- Speak into the microphone. Remember to state your name and address.
- Public has one opportunity to provide comment.
- All comments should be addressed to the Planning Board, who will address the applicant/Staff following the public hearing.

### **Rebecca Dillon Open Public Hearing**

- In-person

No Comments

- Zoom participation.

**Rebecca Spitella** if you would like to provide a comment, please raise your hand now.

**Mike Bodman** 46 Arlington Avenue, just wondering if there would be any thought about putting some no parking signs on Arlington Avenue, just for parking purposes for the project. I think that is it at this point.



**Rebecca Dillon** Is there anyone else?

**Rebecca Spitella** Anybody else attending via Zoom would like to make a comment. Please raise your hand.

No further comments

**Rebecca Dillon Close Public Hearing**  
**- Applicant/Staff response**

**Rebecca Dillon** We had one comment regarding no parking signs on Arlington Avenue.

**Rebecca Spitella** It is best to respond to that but so a development would not be able to dedicate no parking on a public street that would have to go through public services and would ultimately be a counsel determination for right now.

There is parking permitted on Arlington Ave. If that were to change that would have to go through the Director of Public Services and ultimately the Council.

**Rebecca Dillon** So if anyone in the neighborhood would be looking to have that done. They would have to greet the reach out to Public Services for the start of that conversation. Do we have any board comments or discussions?

**Larry McWilliams** thanks for addressing the garage because that was my question. And I said these it needs an update so that for sure is their thanks for spreading buildings out. They look much better than that straight line that we looked at with the two into one. I agree. It is going to give it a little bit more feel. I like to lay out on the roof. I mean you have done a much better job at least addressing our comments and concerns when we first started. I do not know if that gentleman was called about no parking for construction reasons, or it was permanent. No parking. I do not know.

That I know the road is a little tight in that in that neck of the woods right there on the corner. Thanks for the Landscaping Plan looks really good the fencing for the borders, you know, you did everything that we asked you to do, so, I appreciate that. Thank you.

**Rebecca Dillon** Thank you, any other Board comments, or questions.

**Jason Frazier** Thank you Madam Chair. You all did a great job of improving the layout and it looks a lot nicer quick question on sheet GU1, the grading and utility plan. There is two different types of hatching. I assume the one up towards Arlington Avenue is the construction entrance.

**Jason Haskell** So everything is maybe nice and paved everything should be.

**Rebecca Dillon** Anything else from anyone? If there is not any other questions or comments from anyone, it sounds like staff is okay with the waiver on the reducing the width.

Board affirmed.

**Rebecca Dillon** with that we have a motion on page 8 of the staff memo. Is someone prepared to make that motion?

**Larry McWilliams** move that the Planning Board approves the Site Plan-Subdivision application for Infinity Real Estate, LLC for three new single-family structures located on the lot at 41 Arlington Avenue. Tax Map: 027 Lot: 046 Zone: Residential Growth Area 1. Approval includes the following findings of fact, conclusions, and conditions as stated on pages **8 through 13** of this Staff Memo dated April 28, 2023, which are adopted in support of this approval.

**Site Plan – Finding of Fact**

<b>Standard</b>	<b>Finding</b>
Utilization of the site	The proposed development conforms with the performance standards of the Residential Growth Area 1 District. Adequate on-site parking is provided in excess of the minimum parking standards as required by the Ordinance. Stormwater management is provided on site and has been reviewed by the City Engineer. A landscape plan is provided which meets the nonconforming lots standards. The project meets the intent of the Ordinance.
Handicap Access	Site is compliant with ADA standards for single family residential development.
Appearance Assessment	<ul style="list-style-type: none"> <li>(a) Site ingress/egress is located at an existing curb cut. Proposed structures are consistent with the residential nature of the neighborhood.</li> <li>(b) The proposed residential use is consistent with the RGA 1 zoning district and abutting properties.</li> <li>(c) A landscape plan has been provided that is in compliance with the requirements of Site Plan review and development of nonconforming lots.</li> <li>(d) Lighting is proposed to be consistent with the scale of residential development.</li> <li>(e) Driveway is proposed to be named in compliance with E-911 requirements. A blue driveway (street) sign is shown on the plan.</li> <li>(f) Site is not located within the Village Review Overlay District.</li> </ul>
Landscape Plan	A landscape plan has been provided that is compliant with the requirements of Site Plan review and the development of nonconforming lots.
Odors	The proposed residential use is consistent with the abutting residential neighborhood and the underlying RGA 1 zoning district. No adverse impact is known or anticipated.
Noise	The proposed residential use is consistent with the abutting residential neighborhood and the underlying RGA 1 zoning district. No adverse impact is known or anticipated.

Technical and Financial Capacity	The applicant has provided a letter from Partners Bank dated March 13, 2023 to demonstrate financial capacity. The applicant has retained the services of DM Roma Consulting Engineers which demonstrates technical capacity.
Solid Waste	Proposed development is eligible for public waste removal. Development is responsible for obtaining City toters from Public Services prior to issuance of c/o.
Historic, Archaeological and Botanical Resources or Unique Features	No historic, archaeological/botanical resources have been identified on the site.
Hazardous Matter	Project does not propose the handling, storage, or use of hazardous materials. No adverse impact known or anticipated.
Vibrations	The proposed use is consistent with the abutting residential neighborhood and the underlying RGA 1 zoning district. No adverse impact is known or anticipated.
Parking & Loading Design and Site Circulation	The proposed development provides 7 off-site parking spaces. Site meets the standard of the Ordinance.
Adequacy of Road System	Arlington Avenue has adequate capacity to accept the additional traffic generated by the development.
Vehicular Access	Site ingress/egress is proposed to utilize an existing curb cut/driveway entrance that has been reviewed and approved by the City Engineer.
Pedestrian and Other Modes of Transportation	Not applicable.
Utility Capacity	Utilities are available within the Arlington Ave right of way.
Stormwater Management, Groundwater Pollution	Stormwater management is provided on the site utilizing foundation drains and an underdrain soil filter located on the southerly portion of the site.
Erosion and sedimentation Control	Adequate erosion control measures are shown 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 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.

### Subdivision – Finding of Fact

Standard	Finding
Pollution	Sewage disposal is via the public sewer system within Arlington Ave right of way. An ability to serve from Wastewater Services has been provided.
Sufficient Water	Water services are available within Arlington Avenue right of way. An ability to serve letter from Portland Water District has been provided.
Municipal Water Supply	Water services are available within Arlington Avenue right of way. An ability to serve letter from Portland Water District has been provided.
Erosion	Adequate erosion control measures are shown on the plan.
Traffic	Arlington Avenue has adequate capacity to accept the additional traffic generated by the development.
Sewage Disposal	Sewage disposal is via the public sewer system within Arlington Ave right of way. An ability to serve from Wastewater Services has been provided.
Municipal Solid Waste Disposal	Proposed development is eligible for public waste removal. Development is responsible for obtaining City toters from Public Services prior to issuance of c/o.
Aesthetic, Cultural and Natural Values	Not applicable
Conformity with City Ordinances and Plans	The plan conforms with City Ordinances and the Comprehensive Plan.
Financial and Technical Capacity	The applicant has provided a letter from Partners Bank dated March 13, 2023 to demonstrate financial capacity. The applicant has retained the services of DM Roma Consulting Engineers which demonstrates technical capacity.
Surface Waters; Outstanding River Segments	The project site is not located within the watershed of any pond or lake, or within 250’ of a protected resource.
Ground Water	Groundwater will not be adversely impacted by the proposed development.
Flood Areas	No flood zones have been identified on the site.
Freshwater Wetlands	No wetlands have been identified on the site.
Farmland	No farmlands have been identified on the site.
River, Stream, or Brook	No river, streams or brooks have been identified on the site.

Stormwater	Stormwater management is provided on the site utilizing foundation drains and an underdrain soil filter located on the southerly portion of the site.
Spaghetti Lots Prohibited	The lot does not have shore frontage.
Lake Phosphorus Concentration	The subdivision is not located near or along a great pond.
Impact on Adjoining Municipality	The subdivision does not cross a municipal boundary.
Lands subject to Liquidation Harvesting	Not applicable

**Conclusions:**

1. The proposed subdivision **will not** result in undue water or air pollution.
2. The proposed subdivision **has** sufficient water available for the reasonably foreseeable needs of the subdivision.
3. The proposed subdivision **will not** cause an unreasonable burden on an existing water supply.
4. The proposed subdivision **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 subdivision **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 subdivision **will** provide for adequate sewage waste disposal and **will not** cause an unreasonable burden on municipal services.
7. The proposed subdivision **will not** cause an unreasonable burden on the City’s ability to dispose of solid waste.
8. The proposed subdivision **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed subdivision **conforms** with a duly adopted subdivision regulation or Ordinance, comprehensive plan, development plan or land use plan.
10. The subdivider **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed subdivision **will not** adversely affect the quality of any pond, lake, wetland, great pond, or river, or unreasonably affect the shoreline of that body of water.
12. The proposed subdivision **will not**, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The subdivision **is not** located in a flood-prone area, as determined by the Federal Emergency Management Agency’s Flood Boundary and Floodway Maps and Flood Insurance Rate Maps.
14. All freshwater wetlands within the proposed subdivision **have** been identified.
15. All farmland within the proposed subdivision **has not** been identified. – Not applicable
16. Any river, stream, or brook within or abutting the proposed subdivision **has** been identified.
17. The proposed subdivision **will** provide for adequate stormwater management.
18. Lots in the proposed subdivision **do not have** shore frontage on a river, stream, brook, great pond, or coastal wetland as defined in 38 M.R.S.A. Section 480-B.
19. The long-term cumulative effects of the proposed subdivision **will not** unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
20. The proposed subdivision **will not** cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

21. Timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to 12 M.R.S.A. Section 8869, subsection 14.

**Conditions:**

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application packet dated March 8, 2023 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 §335-13.5.D, the Code Enforcement Officer shall not issue any permits until a site-subdivision plan has been approved by the Planning Board and a Mylar signed by the Planning Board. *The signed Subdivision Plan must be recorded 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. Copy of Recorded subdivision plan must be provided to the Planning Office.
  - c. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate. Additional Pre-construction meetings may be necessary if phased construction is not continuous. Prior to scheduling the preconstruction meeting the following must be provided to the Planning office:
  - d. Review of building elevations to be consistent with submitted documentation or testimony.
  - e. The applicant shall provide the digital data as required by §335-13 – 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. Inspection fee shall be 2% of the total amount of performance guarantee. \$2,081.30
  - 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. - \$104,065.30
  - h. Coordinate with the E911 Coordinator on addressing the building/units.
4. **Prior to commencing any work in the City Right-of-Way,** the applicant must obtain a road-opening permit from the Public Services Department.
5. **Prior to the issuance of the First Occupancy Permit:**
  - a. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval (to include but not limited to lighting (installed & lit), base paving, sidewalks, striping, signage, stormwater features, etc.)
  - b. All Sewer & Water lines fully tested and approved.
  - c. All other site improvements, as shown or stated on plans or in conditions, must be installed unless a performance guarantee amount is held for the full amount of any remaining improvements to be completed after issuance of an Occupancy Permit.
  - d. Documentation (signed contract), for snow plowing provided to the Planning Department.
  - e. Verify final USPS location for mailbox.
6. **Prior to the issuance of the Final Certificate of Occupancy:**
  - a. All areas shown as pavement shall be final paved & striped, as necessary.
7. **Prior to release of the performance guarantee:**
  - a. The site will be inspected and deemed by City staff to be in compliance with the approved plans, monuments placed, and as-built plan provided in City approved format for the GIS system. Applicant to provide as-builts to City in paper copy, dwg file and pdf.
  - b. Documentation of maintenance contractor for Stormwater Best Management Practices.

8. 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. Additional BMPs may be required to address erosion and sediment control during construction. Determination of the need for additional measures are at the sole discretion of City Staff.
9. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance and maintain the Maintenance Log for the stormwater feature on the premise.

**2<sup>nd</sup> by Jason Frazier**

**Roll Call Vote**

<b>Karen Axelsen</b>	<b>Yes</b>
<b>Robin Tannenbaum</b>	<b>Absent</b>
<b>Nancy Litrocapes</b>	<b>Yes</b>
<b>John Turcotte</b>	<b>Yes</b>
<b>Jason Frazier</b>	<b>Yes</b>
<b>Kevin Price</b>	<b>Yes</b>
<b>Susan Roma</b>	<b>Yes</b>
<b>Chair - Rebecca Dillon</b>	<b>Yes</b>

**The vote is unanimous in favor 7-0**

**Rebecca Dillon** Rebecca, please read the next item into the record.

5. **Rebecca Spitella reads item into the record** **2023.15 – Subdivision Amendment – Rock Row South Campus – Dirigo Center Developers, LLC: The applicant is requesting an amendment to the Rock Row South Campus Subdivision approved July 5, 2022 to shift parcel lines and create 4 new lots for a total of a 13-lot subdivision with 12 lots located within the Westbrook municipal boundaries.**

**Presentation on file at the Westbrook Planning Department and on the Westbrook Website link shown below:**

<https://vimeo.com/showcase/3075539/video/778681994>

**Jim Katsiaficas, Perkins Thompson** presented aspects of the Rock Row Subdivision Amendment. Jim Katsiaficas, I am here with the law firm of Perkins Thompson representing Dirigo Center Developers LLC and Waterstone Properties Inc. With me this evening is Ian McKinnon from Jones and Beach. Ian has substantive engineering information that you will need. I will try to just put it in a little bit of context.

I drove over here tonight and saw that I think about four floors of structural steel or up on the Medical Office building on the South Campus of Rock Row, and that's really great progress for phase four.

What I am here to talk about tonight is phase two and three. In this application and in the next one what Waterstone Dirigo Center Rock Row are trying to do is get the development ready for the next two phases.

So, we came in and sought and obtained South Campus Subdivision review last year. We are looking to increase the number of wats to try to contemplate the way that this might be at least might be sold to development and might occur in consultation with the master plan as that exercise goes forward. So initially there were nine lots, and we are looking to increase that to 13.

That is to provide for the residential and to provide for road relocation that is to provide for some of the other uses that are contemplated as part of that phase three and also for power for a CMP substation.

So, all of that is for South Campus, which is from the railroad tracks over to Westbrook Arterial looking for that this evening. We know that there are some changes to the notes that have to be made to make sure this is ready for prime time and for staff to approve. We are ready to make those changes. We will also be back with a separate site plan for the roadways and utilities following this.

The follow-up from this too is that we will be going to Portland because this subdivision crosses Municipal Boundaries. And so, we will be looking to their Planning Board for the same review and then taking this all to DEP the Department of Environmental Protection reviews this entire project as one common scheme of development. We will be looking to amend this site location of development act approval for this whole project by adding these boundaries by adding these road locations. This is the first step but it is the first step toward getting us ready for phases two and three.

Unless there are any questions, I will turn it over to Ian to provide the details.

Thank you.

**Ian Mackinnon, Jones and Beach** presented details of the Master Plan for individual site plan for lots.

So as Jim said we are now increasing from the December approval from 9 lots to 13 Lots. Some of that is really driven by the re-alignment of the roadways. As some of you might recall it is shown for reference on these plans, but I will try and trace with my cursors. We had some, you know, unique shaped right of ways with this unique s-shaped roadway connecting over to Larrabee.

Since then, there has been a lot of development at the beginning of this year with the Master Plan some which we already, you know, the layout you are seeing here. We are already in the process of completing the roadway design within. These are what we call the right of ways. The private road right away is it is shown as a lot.

We are going to figure that out with Rebecca. We will get the right application in terms of roadway verse, a lot of development. But there is a Master Plan that exists for a long leasing process and the applicants are working on solidifying those and they will be individual site plans for each of these lots. So, we did not meet with staff guys probably back in February March just to talk about the overall process of permitting both phases of this project.

The first step here is to establish these lot lines such that individual site plans and can be pulled on each of these lots and this is the first step as Jim alluded to hopefully the next month or two, we will be submitting the roadway design within this road lot that we are establishing.



The goal there again is to establish the right of access to each of these lots and get some main utility corridors and in your likely to see some site plan applications on some of these individual lots to follow at some point this year as well. So, fingers crossed, that is how we foresee this going but at this point its lines on paper to move some of these lots around.

I can try and answer any questions if there are any.

**Rebecca Dillon** thank you, Staff Comments?

**Rebecca Spitella** presented Staff Comments:

Yes, so these are very exciting lines on paper because I said they are the precursors set up to start getting sight plans on paper. So, this is a very exciting step just as some history for those who may remember that this did come before the Board in December and receive an approval. That approval did not move forward to get approval from Portland and ultimately be recorded partly because there was the realization I believe from the development team that those lines were going to be changing and that is why they're back tonight and in our memo and agenda, we're referencing the July 5th approval because that was the most recent approval that went through the formal process with both Westbrook and Portland and then was recorded.

So that approval that you that was granted by Westbrook in January or December rather was nullified after it was not recorded within the allotted time.

The only other comment we have is that because this process has to go as a shared municipality process and has to go through the Portland process as well. We would be supportive of amending the requirement to record this plan. Normally typically if the ordinance is within 90 days of approval we would support a condition that states a signed copy of the subdivision plan shall be recorded with the Cumberland County registry of deeds within 120 days of the approval by the Westbrook Planning Board, just to give the applicant team enough time to go through the process with planning or with Portland and avoid them having to come back in two months for an extension from this board in order to get that plan recorded.

So, if the board is amenable to that we would request that be added as condition of approval number seven that sounds about right number seven and a draft motion is actually, that is the staff comments condition of approval number four my mistake.  
And a draft motion is listed on page 14.

### **Project Description**

The applicant is requesting an amendment to the Rock Row South Campus Subdivision approved July 5, 2022 to shift parcel lines and create 4 new lots for a total of a 13-lot subdivision with 12 lots located within the Westbrook municipal boundaries.

### **Project History**

April 5, 2022 – Planning Board Workshop

June 28, 2022 – Public Hearing - Portland

July 5, 2022 – Public Hearing – Westbrook

December 6, 2022 – Subdivision Amendment Public Hearing – Westbrook (plan abandoned)

May 2, 2023 – Subdivision Amendment Public Hearing - Westbrook

**Staff Comments**

1. Public Safety does not support ‘Blue Rock Avenue’ due to conflict with commercial business Blue Rock Industries. Coordinate with Linda Gain on new private way name
2. Map and lots will need to be updated/adjusted with assessing following plat recording.
3. For reference, when plans for development of private ways return, a hydrant is required with a maximum interval of 500’.
4. Update Plan Note 1 (Intent of plan) to accurately reflect current subdivision – Note still has errors in it (duplicate language, incorrect number references, and what is parcel #2?)
5. Final association docs to be recorded prior to the sale of any lot within the subdivision.
6. Items addressed by applicant on updated plans provided to Staff:
  - a. Type on easement over Lot 1 – should read ‘easement to benefit Lot 12’.
  - b. Update Plan Note 1 (Intent of plan) to accurately reflect current subdivision.
  - c. Portland lot – Revise plan to state lot 13.
  - d. Discussion on need for lot 9 to be completely separate and not included with “lot 2” (private way) where the intent is to allow access between the North and South campus’.
    - i. Additional crossing easement over tracks required.
  - e. Easterly track crossing easement to be relocated to align with “Blue Rock Ave” (name to change). Should this be shown on plan as documentation for recording purposes?

**Rebecca Dillon Introduction of Public Comment**

- f. Speak into the microphone. Remember to state your name and address.
- g. Public has one opportunity to provide comment
- h. All comments should be addressed to the Planning Board, who will address the applicant/Staff following the public hearing

**Rebecca Dillon Open Public Hearing**

- i. In-person

No Comments

- j. Zoom participation.

**Rebecca Spitella** If you would like to provide a comment via Zoom, please raise your hand now.

No Comments

**Rebecca Dillon Close Public Hearing**

**Applicant/Staff response**

**Board Comment/Discussion**

- k. In-Person

No Comments

- l. Board Member Zoom Participation

**Applicant/Staff response to Board Comment**

**No Discussion**

**Kevin Price moved** That the Planning Board approve Dirigo Center Developers LLC’s applications for an amendment to the Rock Row South Campus Subdivision approved by the Westbrook Planning Board on July 5, 2022 to shift parcel lines and create a new Lots 10, 11 and 12. Tax Map: 042B Lots: 014B, 014C, 014D, 014E, 014F, 014G, 014H, 014I & 014J Zone: Contract Zone 12 – Rock Row Contract Zone and the following findings of fact, conclusions and conditions as stated on pages **14 through 16** of this Staff Memo dated April 28, 2023, which are adopted in support of this approval. Included with this approval is the waiver of a joint meeting with Portland, which was approved on October 1, 2019.

**Subdivision – Finding of Fact**

<b>Standard</b>	<b>Finding</b>
Pollution	No impact to water or air pollution results from the subdivision
Sufficient Water	Water services are available internal to the overall site/subdivision and individual services will be provided to all newly created lots with the review of each lot’s site plan.
Municipal Water Supply	Water services are available internal to the overall site/subdivision and individual services will be provided to all newly created lots with the review of each lot’s site plan.
Erosion	Erosion and control measures will be provided with each lot’s site plan approval.
Traffic	The subdivision does not impact the traffic counts within the permit currently under review.
Sewage Disposal	Sewer services are available internal to the overall site and individual services will be provided to all newly created lots with the review of each lot’s site plan approval. All new sewer connections are subject to the review and approval by Wastewater services.
Municipal Solid Waste Disposal	All waste removal will be privately managed for the development.
Aesthetic, Cultural and Natural Values	None known.
Conformity with City Ordinances and Plans	The subdivision amendment is in conformance with City Ordinances & Comprehensive Plan
Financial and Technical Capacity	The City of Westbrook has a performance guarantee from the applicant in an amount that is sufficient to cover the project as proposed. The applicant has retained the services of Jones and Beach Engineers which demonstrates technical capacity.
Surface Waters; Outstanding River Segments	Nason’s Brook is located on Map 042B Lot 014, and is shown on the Amended Subdivision Plat.
Ground Water	The subdivision amendment does not increase impervious cover to the project site and will not have an impact on groundwater.
Flood Areas	All flood zones have been identified on the plan
Freshwater Wetlands	All wetlands have been identified on the plan
Farmland	No current or registered farmlands have been identified on the site
River, Stream or Brook	Nason’s Brook is located on Map 042B Lot 014, and is shown on the Amended Subdivision Plat.
Stormwater	Site has received MDEP approval L-02743-23-P-A dated June 28, 2022. Stormwater management will be provided with each lot’s site plan approval.
Spaghetti Lots Prohibited	No lots within the proposed subdivision have shore frontage.

Lake Phosphorus Concentration	The proposed subdivision is not located near or along a great pond.
Impact on Adjoining Municipality	The subdivision is subject to the review and approval by the City of Portland Planning Board
Lands subject to Liquidation Harvesting	Not applicable

**Conclusions:**

1. The proposed subdivision **will not** result in undue water or air pollution.
2. The proposed subdivision **has** sufficient water available for the reasonably foreseeable needs of the subdivision.
3. The proposed subdivision **will not** cause an unreasonable burden on an existing water supply.
4. The proposed subdivision **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 subdivision **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 subdivision **will** provide for adequate sewage waste disposal and **will not** cause an unreasonable burden on municipal services.
7. The proposed subdivision **will not** cause an unreasonable burden on the City's ability to dispose of solid waste.
8. The proposed subdivision **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed subdivision **conforms** with a duly adopted subdivision regulation or Ordinance, comprehensive plan, development plan or land use plan.
10. The subdivider **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed subdivision **will not** adversely affect the quality of any pond, lake, wetland, great pond, or river, or unreasonably affect the shoreline of that body of water.
12. The proposed subdivision **will not**, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The subdivision **is not** located in a flood-prone area, as determined by the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps.
14. All freshwater wetlands within the proposed subdivision **have** been identified.
15. All farmland within the proposed subdivision **has not** been identified. – Not applicable
16. Any river, stream, or brook within or abutting the proposed subdivision **has** been identified.
17. The proposed subdivision **will** provide for adequate stormwater management.
18. Lots in the proposed subdivision **do not have** shore frontage on a river, stream, brook, great pond, or coastal wetland as defined in 38 M.R.S.A. Section 480-B.
19. The long-term cumulative effects of the proposed subdivision **will not** unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
20. The proposed subdivision **will not** cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
21. Timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to 12 M.R.S.A. Section 8869, subsection 14.

**Conditions:**

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated April 5, 2023 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. Prior to any further permits being issued for any parcel within the Rock Row South Campus:
  - a. Staff Comments Addressed
  - b. The applicant shall provide a copy of the recorded amended subdivision plan.
  - c. The applicant shall provide the digital data as required by §335-13.3 – verification with GIS coordinator.
  - d. Site Plan permits are required on all lots created by this subdivision.
3. Prior to the sale of any lot within the Rock Row South Campus subdivision a copy of recorded association docs required to be provided to the Planning Dept.
4. A signed copy of the subdivision plan shall be recorded with the Cumberland County Registry of Deeds within 120 days of the approval by the Westbrook Planning Board

**2<sup>nd</sup> by Nancy Litrocapes**

**Roll Call Vote**

<b>Karen Axelsen</b>	<b>Yes</b>
<b>Robin Tannenbaum</b>	<b>Absent</b>
<b>Nancy Litrocapes</b>	<b>Yes</b>
<b>John Turcotte</b>	<b>Yes</b>
<b>Jason Frazier</b>	<b>Yes</b>
<b>Kevin Price</b>	<b>Yes</b>
<b>Susan Roma</b>	<b>Yes</b>
<b>Chair - Rebecca Dillon</b>	<b>Yes</b>

**The vote is unanimous in favor 7-0**

**Rebecca Dillon** Rebecca, please read the next item into the record.

6. **Rebecca Spitella reads item into the record** **2023.14 – Subdivision Amendment – Rock Row North Campus – Dirigo Center Developers, LLC: The applicant is requesting an amendment to the Rock Row North Campus subdivision approved July 5, 2022, to create 12 new lots, for a total of 19 lots on the north campus.**

**Presentation on file at the Westbrook Planning Department and on the Westbrook Website link shown below:**

<https://vimeo.com/showcase/3075539/video/778681994>

**Jim Katsiaficas, Perkins Thompson** presented aspects of the Subdivision Amendment for the North Campus.

Yes chair Dillon, members of the Planning Board. Again, Jim Katsiaticas from Perkins Thompson here for Dirigo Center Developers LLC. Here tonight with the subdivision Amendment to the north campus.

The north campus had been amended last year to increase the number of lots to seven. We are now proposing to increase that to 19 that reflects the greater density of development that will occur as phase two part between the developed portion phase one with Market Basket and all the retail areas and the Quarry.

So, all of that is to be more densely developed and you are seeing that in the number of lots in the layout of lots. There is also an extension of Rock Road Boulevard from where it cuts off now behind Market Basket all the way to the railroad tracks. So, all of that is a part of this Phase 2 development and part of the subdivision application. Of course, we know that we were going to have to provide a copy of the recorded and approved Declaration of Covenants and Homeowners as a lot of Owners Association for this development as a condition of selling lots in this and we understand that's part of the requirements as well.

Well as cleaning up our plans again, make sure that all the notes are correct. So, with that if there are any questions.

Thank you.

**Rebecca Dillon** thank you, Staff Comments?

**Rebecca Spitella** presented Staff Comments:

Similar to the previous application or previous subdivision We would recommend an additional condition of approval number five to allow this application as well to have the 120-day period 30 days longer than the typical 90-day period to get their approvals with the Portland Municipality about Planning Board and record the plan.

Also, we have a condition of approval recommended here as you will see in the next item. One of these lots has a request for a site plan approval for a restaurant class three pending the approval of that a portion of that.

Restaurant is inclusive of a flex area. That is within what would be the Rock Row right-of-way. So we are recommending that prior to a lot within the north campus be sold, or have any site plan approvals that the Beer Garden restaurant class three use either, be closed or returned to the board to address safety and pedestrian vehicular access because that vehicular access would otherwise be quote blocked by the flex area of the beer garden.

So, it is an interesting melding of this subdivision and the site plan the footprint of all structures fit within the Lots created by the subdivision, but the actual usable space of this restaurant would flow over into a parking area and the Rock Row Boulevard, which is blocking the access to the other lots.

So that would be the explanation between the recommended condition of approval three and then the recommended condition of approval.

### **Project Description**

The applicant is requesting an amendment to the Rock Row North Campus subdivision approved July 5, 2022 to create 12 new lots, for a total of 19 lots on the north campus.

## **Project History**

April 5, 2022 – Planning Board Workshop

June 28, 2022 – Public Hearing - Portland

July 5, 2022 – Public Hearing - Westbrook

May 2, 2023 – Subdivision Amendment Public Hearing – Westbrook

## **Staff Comments**

1. Please provide the mechanism that ties the lots to all overarching permits (MDEP, MDOT, etc.).
2. Items addressed in updated plans provided to Staff.
  - a. Remove lot line for where Rock Row proposed meets Rock Row existing – currently shown as two separate lots.
  - b. Project Parcels title block – remove Lot 14 (Map 42B Lot 11 only)
  - c. Update Plan Note 1 (Intent of plan) to accurately reflect current subdivision
  - d. Association docs are still under Staff review – will follow up with any necessary revisions. Final association docs to be recorded prior to the sale of any lot within the subdivision.

## **Rebecca Dillon Introduction of Public Comment**

- a. Speak into the microphone. Remember to state your name and address.
- b. Public has one opportunity to provide comment
- c. All comments should be addressed to the Planning Board, who will address the applicant/Staff following the public hearing

## **Rebecca Dillon Open Public Hearing**

- d. In-person

No Comments

- e. Zoom participation

**Rebecca Spitella** If you would like to make a comment via Zoom, please raise your hand now.

No comments

**Rebecca Dillon Close** Okay, so I will close the public hearing.

Any board comment or discussion?

No comments

**Rebecca Dillon** with that. There is a motion on page 17 of the memo. If I could get someone to make a motion.

**John Turcotte** move that the Planning Board approve Dirigo Center Developers LLC's applications for an amendment to the Rock Row North Campus Subdivision approved by the Westbrook Planning Board on July 5, 2022 to create 12 new for a total of a 19-lot subdivision Tax Map: 042B Lot: 011 and Tax Map: 042B Lot: 011 Blocks: L01, L02, L05 Zone: Contract Zone 12 – Rock Row Contract Zone and the

following findings of fact, conclusions and conditions as stated on pages **17 through 19** of this Staff Memo dated April 28, 2023, which are adopted in support of this approval. Included with this approval is the waiver of a joint meeting with Portland, which was approved on October 1, 2019.

**Subdivision – Finding of Fact**

<b>Standard</b>	<b>Finding</b>
Pollution	No impact to water or air pollution results from the subdivision.
Sufficient Water	Water services are available internal to the overall site/subdivision and individual services will be provided to all newly created lots with the review of each lot’s site plan.
Municipal Water Supply	Water services are available internal to the overall site/subdivision and individual services will be provided to all newly created lots with the review of each lot’s site plan.
Erosion	Erosion and control measures will be provided with each lot’s site plan approval.
Traffic	The subdivision does not impact the traffic counts within the permit currently under review.
Sewage Disposal	Sewer services are available internal to the overall site and individual services will be provided to all newly created lots with the review of each lot’s site plan approval. All new sewer connections are subject to the review and approval by Wastewater services.
Municipal Solid Waste Disposal	All waste removal will be privately managed for the development.
Aesthetic, Cultural and Natural Values	None known.
Conformity with City Ordinances and Plans	The subdivision amendment is in conformance with City Ordinances & Comprehensive Plan
Financial and Technical Capacity	The City of Westbrook has a performance guarantee from the applicant in an amount that is sufficient to cover the project as proposed. The applicant has retained the services of Jones and Beach Engineers which demonstrates technical capacity.
Surface Waters; Outstanding River Segments	Not applicable.
Ground Water	The subdivision amendment does not increase impervious cover to the project site and will not have an impact on groundwater.
Flood Areas	No flood areas have been identified on the site.
Freshwater Wetlands	No wetlands have been identified on the site.
Farmland	No current or registered farmlands have been identified on the site
River, Stream or Brook	No rivers, streams or brooks have been identified on the site.
Stormwater	Site has received MDEP approval L-02743-23-P-A dated June 28, 2022. Stormwater management will be provided with each lot’s site plan approval.
Spaghetti Lots Prohibited	No lots within the proposed subdivision have shore frontage.
Lake Phosphorus Concentration	The proposed subdivision is not located near or along a great pond.
Impact on Adjoining Municipality	The subdivision is subject to the review and approval by the City of Portland Planning Board



Lands subject to Liquidation Harvesting	Not applicable
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**Conclusions:**

1. The proposed subdivision **will not** result in undue water or air pollution.
2. The proposed subdivision **has** sufficient water available for the reasonably foreseeable needs of the subdivision.
3. The proposed subdivision **will not** cause an unreasonable burden on an existing water supply.
4. The proposed subdivision **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 subdivision **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 subdivision **will** provide for adequate sewage waste disposal and **will not** cause an unreasonable burden on municipal services.
7. The proposed subdivision **will not** cause an unreasonable burden on the City’s ability to dispose of solid waste.
8. The proposed subdivision **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed subdivision **conforms** with a duly adopted subdivision regulation or Ordinance, comprehensive plan, development plan or land use plan.
10. The subdivider **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed subdivision **will not** adversely affect the quality of any pond, lake, wetland, great pond, or river, or unreasonably affect the shoreline of that body of water.
12. The proposed subdivision **will not**, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The subdivision **is not** located in a flood-prone area, as determined by the Federal Emergency Management Agency’s Flood Boundary and Floodway Maps and Flood Insurance Rate Maps.
14. All freshwater wetlands within the proposed subdivision **have** been identified.
15. All farmland within the proposed subdivision **has not** been identified. – Not applicable
16. Any river, stream, or brook within or abutting the proposed subdivision **has** been identified.
17. The proposed subdivision **will** provide for adequate stormwater management.
18. Lots in the proposed subdivision **do not have** shore frontage on a river, stream, brook, great pond, or coastal wetland as defined in 38 M.R.S.A. Section 480-B.
19. The long-term cumulative effects of the proposed subdivision **will not** unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
20. The proposed subdivision **will not** cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
21. Timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to 12 M.R.S.A. Section 8869, subsection 14.

**Conditions:**

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated April 5, 2023 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. Prior to any further permits being issued for any parcel within the Rock Row North Campus:
  - a. Staff Comments Addressed
  - b. The applicant shall provide a copy of the recorded amended subdivision plan.
  - c. The applicant shall provide the digital data as required by §335-13.3 – verification with GIS coordinator.
3. No lots may be sold, or building permits may be issued, within the North Campus subdivision area designated as “Phase 2 area” until the dissolution of the Beer Garden site plan approval (PB Number 2023.07) on the lot identified as Parcel 2 Lot 10 on this subdivision plat, unless the Beer Garden site plan is amended to address safe vehicular and pedestrian access to and within the site.
4. Prior to the sale of any lots created with this approval and within the Rock Row North Campus subdivision a copy of recorded association docs required to be provided to the Planning Dept.
5. A signed copy of the subdivision plan shall be recorded with the Cumberland County Registry of Deeds within 120 days of the approval by the Westbrook Planning Board.

2<sup>nd</sup> by Nancy Litrocapes

**Roll Call Vote**

<b>Karen Axelsen</b>	<b>Yes</b>
<b>Robin Tannenbaum</b>	<b>Absent</b>
<b>Nancy Litrocapes</b>	<b>Yes</b>
<b>John Turcotte</b>	<b>Yes</b>
<b>Jason Frazier</b>	<b>Yes</b>
<b>Kevin Price</b>	<b>Yes</b>
<b>Susan Roma</b>	<b>Yes</b>
<b>Chair - Rebecca Dillon</b>	<b>Yes</b>

**The vote is unanimous in favor 7-0**

**Rebecca Dillon** Rebecca, please read the next item into the record.

7. **Rebecca Spitella reads item into the record** 2023.07 – Site Plan, Conditional Use - Rock Row – Dirigo Center Developers, LLC: The applicant is requesting a Restaurant Class 3 use located within the gravel parking area of the Rock Row North Campus. Tax Map: 042B Lot: 011 Zone: Contract Zone 12 – Rock Row Contract Zone Use: Restaurant Class 3

**Presentation on file at the Westbrook Planning Department and on the Westbrook Website link shown below:**

<https://vimeo.com/showcase/3075539/video/778681994>

**Lynda Adams Waterstone Property Group Ian Mackinnon, Jones & Beach, Jim Katsiaficas, Perkins Thompson** presented aspects of the Site Plan, Conditional Use for Rock Row requesting a Restaurant Class 3 use located in the gravel parking area.

**Linda Adams** with Waterstone Properties Group representing Rock Row.

We are here to talk about the Beer Garden. It is being operated as a restaurant class three. We were here on March 7th for a workshop and we are back for approval of this. It has been quite an adventure to try and move this forward.

The last time we were here. We were talking about having an elevated boardwalk deck having the Beer Garden box on top of it. Unfortunately, that is not what we're showing you tonight only because we were not able to get engineered approved stamped drawings in time to come to the Board.

So, we had to make a last-minute decision to say, okay, we are going to put it all in the ground and be good with that for right now with the intention of hopefully in the future having some sort of elevated viewing platforms or something, so people could actually see to the Quarry. We figured we would take the money we were going to put into the boardwalk and put it into the beautification of the Beer Garden itself. And where we now have a little bit of a walking trail that is being almost fully constructed along the edge of the Quarry over towards Cowbell that that would still be an opportunity for people to be able to see into the Quarry.

So, last minute decision that is what we decided to do just so we can move this forward and get it open. Hopefully in June. So, what you are seeing tonight this this is not super exciting. This just shows you the outline of where it is going to be located and if you came in off of Main Street and drove past what is now Cowbell that is open. They're on the right and you drove straight ahead, you're going to see there's a paved parking lot there and there's a gate to your left that stays locked and so we're going to be reconfiguring that gate area and the Beer Garden will be located in that gravel lot, just beyond that gated area about 25 feet back from the edge of the Quarry. There will still be a fence up along the edge of the Quarry. So, it is very safe and we actually went to the City Council last night and got approval for the business licenses for Lone Pine Brewing. That is the company that is going to be operating this Beer Garden.

They currently have a few other locations. They have one in Gorham, which is where they brew their beer and have a tasting room. They have one in Portland, and they actually just opened a small one in Old Orchard Beach as well for the summer, so that is who we are partnering with.

I do have some more exciting pictures. If you would like to see them of what it potentially could look like would you like to see that? Okay.

So, I will tell you we are working with a company called Groundswell. They are a company that is known for creating something out of nothing and they have done a lot of these projects around the country and they went out and did some kind of looked at a bunch of different projects and said, okay, let's bring the best of all of those and bring it in kind of like what we've done for the whole Rock Row project what you're looking at here, things are going to change a little bit. We had a call the other day with Groundswell and Lone Pine just to find out what would work best for them for the location of the bar and things like that.

So, you will see basically to the left of your screen. That is the area I talked about where there's currently a locked gate and that's where you will come in if you need an ADA access, so we're going to utilize the ADA spaces within the paved parking area that's already there and we'll have a paved path coming from that parking lot over to the Beer Garden and then they'll be a secondary entrance there for like emergency vehicles that might need to come in or that's where the food will come in for different events down at the bottom of the screen where it says primary entrance in the middle that is where all of the patrons will come in.

They will park in the gravel parking lot, and we have plenty of parking spaces for them. They will be mapped out in the primary entrance will be pretty significant. I will show you a few pictures to give you an idea of what we are looking to do in the green circles. Those signify plantings of some sort. So, we plan to plant a lot of trees for greenery. We do not want it to look like a parking lot. So, they will come in they will be some market lights there above the flex space. It is going to remain a gravel area for now and that is meant so that if we have a larger event then, the up to 300 people that could fit within the beer garden itself that we could flex into that space and Lone Pine is licensed that they could actually operate a second bar within that space area. They could have more than two bars if they wanted to and that is going to be the events we have held in the past like on a monthly basis like the Truck Retreat event or Barbecue Showdown.

We could have it within that area and the past we used to have to put up a tent in the middle of the gravel lot and then bring everything in like a caterer but having the Beer Garden, when they are up and running will be able to partner with them now and have our bigger events within that Flex space but on an ongoing basis the outlining green which goes along the outer perimeter of this Beer Garden that is what will operate on a kind of daily basis. What they are looking to do is operate on Wednesdays and Thursdays until about noon until 8:00 at night or nine at night. And then on Friday Saturdays till 10 at night and on Sundays till 8:00 and we are estimating about up to 300 people here.

We did ask Groundswell to remove some of the seating because obviously more than 300 people could fit in here and that is what not what we are looking to do. We are going to be turning this bar here. So, the back side is actually going to be along the back here facing out so that Lone Pine can keep an eye on everybody with their beverages.

We will have in this left area instead of seating., we are going to have a small acoustic stage so they could have small bands and over this area.

This outline is a large canopy tent we are looking to operate this year-round. So, we are going to be purchasing a large canopy tent that has aluminum trusses that can handle a snow load for that and then along the back edge we have it says containers. We do not plan to leave all of the containers along the back edge because we want people to be able to look over to the Quarry.

We put those there just to signify that we can have those containers on site, and we will move them as the design comes together and they are mainly going to just be used for storage. We have to have a refrigerated storage container for the kegs to be stored and the extra beer so we will have that on site as well as a few storage containers.

We also have some areas where we are going to have some games and we call nature play which are all-natural kinds of things that look like toys, but kids can climb on them. It is going to be very family friendly and then the bathrooms we show are all located over here. We are talking about relocating three of those over to this side. So, people do not have to walk across the whole Beer Garden to get to the restroom. So, we would leave the ADA accessible bathroom with two regular units here and then move the other three old units over here just because that is where the ADA entrance comes in from the left as far as the lighting goes. We are still working with ground swell on that. We do know that from the staff we have to prove that it is going to light up a certain area. It is a foot candle. I do not know the exact terminology of all of that, but we are working on that we did try to get that in advance, and we just did not have all of the equipment that we were looking to buy that is something we are going to have by the end of this week. We will get a list from Groundswell of the fixtures and equipment that they are suggesting that we purchase for this Beer Garden.

Something unique, you know, there is a lot of options around here for beer gardens, and we want to make ours stand out so that people will want to come there.

So that is what I have. I can go all the way back up to the top and if you have any questions.

**Rebecca Dillon** thank you, Staff Comments?

**Rebecca Spitella** presented Staff Comments:

This is a little bit of a unique one for this Board and that this Board is being asked to approve a use without a specific building or structure that that is going in which is why there's a lot of these conversations of kind of determining what type of elements inside amenities will accompany that whereas typically if this were within a structure those things would be decided ahead of time because of that we have a little bit more of an extensive list of Draft Conditions of approval just to ensure that as this development you are getting that there at the point of being ready to request an approval for the use but as this moves forward and gets closer to opening and these some of these elements are being determined understanding that they'll need to go back for codes review depending on what they what they need.

If they end up with tents, they may need to pay for those tents and may need to receive review from the Fire Department to make sure they are fire rated and they are anchored down properly.

Their lighting plan, once that is determined that needs to come back to make sure it has the appropriate lighting for emergency egress items such as that, so we have tried to outline those as conditions of approval just to document that they will be ready and finalized and approved prior to CEO again.

There may not be building permits in this one. As there are typically so many items that we would otherwise require a building permit. We are asking prior to CEO so that it gives the team the flexibility to move forward and make the financial investments in these amenities because they know the approvals in place but understanding there still needs to be some level of code review depending on what they decide on.

### **Project Description**

The applicant is requesting a Restaurant Class 3 use located within the gravel parking area of the Rock Row North Campus. The main use will be conducted on Lot 10 of the newly approved Subdivision for North Campus. The parking lot and food truck areas will span across the adjacent lots of the Phase 2 area until such time as the Phase 2 area is ready for redevelopment. At that time, the Beer Garden will either cease operation or have a revised Site Plan to address pedestrian and vehicular traffic safety.

### **Project History**

March 7, 2023 – Planning Board Workshop

May 2, 2023 – Public Hearing

### **Staff Comments**

1. Use of generator powered temporary lighting towers is not allowed for permanent use. Fixed poles are required to be provided.
2. Conditions of Approval:
  - a. COA that stabilized path required to be provided to access beer garden entrance from parking and bathroom area.

- b. Lighting Plan shall be required to be provided to the City prior to Certificate of Occupancy to ensure adequate lighting for egress.
  - c. Occupancy levels to be reviewed at time of CO.
  - d. Beer garden requires two remote means of egress.
  - e. Signage shall be wayfinding in nature and cannot serve for the purpose of advertising/freestanding sign along Larrabee.
  - f. All food trucks are required to be licensed by the City.
  - g. Stamped electrical drawings required for electrical permit.
  - h. Proposed use is stated to be year-round – A plan for winter use is required prior to CO or heating elements will not be permitted until a plan is approved of by the Codes Office. (shelter/heat source/etc.).
  - i. Prior to the preconstruction meeting, an emergency action plan for beer garden is required to submit to Planning/FD for review.
  - j. Life safety plan and Fire Marshall approval for assembly use prior to building permit and/or c/o
3. Items addressed in updated plans provided to Staff:
- a. Provide detail for dumpster enclosure.

**Rebecca Dillon Introduction of Public Comment**

Thank you. We also have a public hearing for this item.

- a. Speak into the microphone. Remember to state your name and address.
- b. Public has one opportunity to provide comment
- c. All comments should be addressed to the Planning Board, who will address the applicant/Staff following the public hearing

**Rebecca Dillon Open Public Hearing**

If there is anyone here who would like to speak?

- d. In-person

No Comments

- e. Zoom participation.

**Rebecca Spitella** If you would like to provide a comment, please raise your hand now.

No Comments

**Rebecca Dillon Close Public Hearing**

Do we have any Board comments or questions?

**Board Comment/Discussion**

- f. In-Person

**John Turcotte** I like literally everything you have shown us. Yes. That is really nice to hear. So, kind of sad to see the platform go away, but I kind of like this plan a little nicer.

**Jason Frazier** I mean, it is just it is you have added a lot of a lot of nice touches that will going to blend together nicely and make a very fun time for anybody goes there and just to verify it's still going to be family and dog friendly.

**Lynda Adams** It will be family friendly. We probably will not be dog friendly only because we have found that at some of the events that we have held people have brought dogs and there have been people at the events that did not like dogs. So, we wanted to kind of keep it if it is a service dog. Absolutely, but we plan on instead having a specific event where all dogs are welcome.

**Jason Frazier** sewer and water on site so for the restrooms and the restaurant or the beer garden?

**Lynda Adams** yes, we are connecting to city sewer and water.

**Jason Frazier** nice looks forward to seeing it great important to go there. Looking forward to seeing the Beer Garden.

**Larry McWilliams** So the restrooms are going to have public water. They are not going to be just Port-a-potties.

**Lynda Adams** Yes, we have ordered custom units and they will all be delivered at the beginning of June, and they will be piped into the city sewer and water.

**Larry** other than other than that, I think I am okay with looking to see what comes about on this. I mean I missed looking over the Quarry as well. But I think it is going to be more ADA accessible without the stairs getting up and down as far as the ramp goes or how people get upstairs with an elevator or so forth, but looking forward to seeing what comes up next about it. So, thanks.

**Karen Axelsen** You mentioned food trucks. Are you able to bring in food from any of the other establishments inside Rock Row?

**Lynda Adams** so Lone Pine themselves are actually going to be serving pizza and salads and then we are working or going to collaborate with our tenants. We have a meeting coming up in a couple of weeks to talk about how we can encourage the people at the Beer Garden to order from them. So, we're going to come up with some sort of a system where they could like scanner QR code in order from one of the restaurants on site and have it delivered or they pick it up because Cow Bell's in the process of they want to have an outdoor area as well across from where they're located. So, they are doing kind of a similar thing where people within that that beer garden will scan the QR code order their food and then go pick it up from Cow Bell. So, we are going to do something similar. The food trucks are mainly going to be for like more like event kind of things where there is more people. They are instead of a regular ongoing basis.

**Karen Axelsen** and the other question I had; I know they talked about maybe doing private events.

**Lynda Adams** Is it Waterstone properties that?

Would manage that or so this is going to be kind of a twofold, so we are going to have some of

our own events that we put on like we've done in the past like the truck or treat or barbecue event Lone Pine has some of their own events that they want to put on like a special release of one of their beers coming out they'll do something around that and then they're going to be the ones actually operating the Beer Garden on a dark daily basis and they'll be bringing in their own kind of entertainment like the acoustic acts type of things during the week. And then we have actually been asked by a couple of organizations beyond Rock Row whether they could hold their event there and so we are looking at possibly doing that with a few different organizations in accommodating them and we would manage that with them.

Thank you.

**Larry McWilliams** one more quick question because you mentioned it a couple times now with the acoustic bands, is it going to be mostly acoustical is going to be a PA system?

**Lynda Adams** is going to be something that a traditional band five-piece six -piece whatever can come in and have a somewhat of their PA so the stage we are looking at building. It could hold a decent-sized band, five- or six-piece band. We have had that size band on site before for our events and we have never had a noise issue because it is not a massive PA system. So, it would be contained within that site. We do not expect any noise to travel off-site, and Lone Pine is mainly going to be handling those types of bands and then when we have our own events, we'll bring in our own entertainment for those types of things. We have talked about potentially having a larger concert with up to maybe 1500 people there, but that is nothing set in stone. We have not done that and that is why we have flex space, and we would bring in a company to actually manage that with a stage and their own system.

**Larry McWilliams** But if they did that it would be to the left side of your screen and facing toward Water Street or the arterial and they still have to get a permit for that for we have to go to mass.

**Lynda Adams** Bring permit process with the city to get approval. Yes.

**Nancy Litrocapes** I like it. I really look forward to having this in the community. I think it would be great to have fire pits. I do not know if that is anything that has been discussed or if that has already been ruled out. But since it is going to be a year around environment, it seems like that would be a nice addition.

**Lynda Adams** Yes, and that we are going to plan to do that. We will work in the Fire Department to see what is allowed there. But we would like to do that as well.

g. Board Member Zoom Participation  
**Applicant/Staff response to Board Comment**

**Rebecca Dillon** anyone else?

**No comments**

**Rebecca Dillon** we have a motion on page 20 of the staff memo.



**Nancy Litrocapes moved** That the Planning Board approves the Site Plan-Conditional Use application for Dirigo Center Developers, LLC for a Restaurant Class 3 use located within the gravel parking area of the Rock Row North Campus. Tax Map: 042B Lot: 011 Zone: Contract Zone 12 – Rock Row Contract Zone. Approval includes the following findings of fact, conclusions, and conditions as stated on pages **21 through 24** of this Staff Memo dated April 28, 2023, which are adopted in support of this approval.

**Site Plan – Finding of Fact**

<b>Standard</b>	<b>Finding</b>
Utilization of the site	The proposed use does not overburden the site and is within the district standards permitted in the Contract Zone 12 – Rock Row Contract Zone zoning district.
Handicap Access	Accessible parking is provided within the existing paved parking lot adjacent to the use. A stabilized path provides access from the parking lot to the Restaurant Class 3 use. Site is compliant with ADA standards.
Appearance Assessment	Proposed use is compatible with the Rock Row commercial complex and does not block or impede pedestrian or vehicular access to the other businesses within the North Campus. Potted landscaping will be utilized while the proposed use is active and will be removed during inactive parts of the year. No permanent landscaping is proposed as the final layout of the Rock Row private way has not been determined or constructed. Lighting will be provided in the parking area and within the Restaurant Class 3 use for safety.
Landscape Plan	Potted landscaping will be utilized while the proposed use is active and will be removed when not in use. No permanent landscaping is proposed as the final layout of the Rock Row private way has not been determined or constructed. The proposed use does not alter or impact the approved landscape plan for the site.
Odors	The commercial/restaurant use is compatible with surrounding uses and the underlying zoning district. A dumpster is provided for waste management. All waste will be privately managed. No adverse impact is known or anticipated.
Noise	The commercial/restaurant use is compatible with surrounding uses and the underlying zoning district. No adverse impact is known or anticipated.
Technical and Financial Capacity	The City of Westbrook has a performance guarantee from the applicant in an amount that is sufficient to cover the project as proposed. The applicant has retained the services of Jones and Beach Engineers which demonstrates technical capacity.
Solid Waste	A dumpster is provided for waste management. All waste will be privately managed. No adverse impact is known or anticipated.
Historic, Archaeological and Botanical Resources or Unique Features	No historic, archaeological/botanical resources have been identified on the site.

Hazardous Matter	Project does not propose the handling, storage, or use of hazardous materials. No adverse impact known or anticipated.
Vibrations	The commercial/restaurant use is compatible with surrounding uses and the underlying zoning district. No adverse impact is known or anticipated.
Parking & Loading Design and Site Circulation	Approximately 125 parking spaces will be delineated within the existing gravel parking lot adjacent to the restaurant class 3 use. ADA and overflow parking will utilize existing paved parking lots located on the site. A barrier is provided at the restaurant end of the parking lot for public safety measures.
Adequacy of Road System	Larrabee Road and Main Street have adequate capacity to support the additional traffic generated by the development.
Vehicular Access	Vehicular access will primarily be via the existing Larrabee Road entrance to the Rock Row site.
Pedestrian and Other Modes of Transportation	Proposed use is compatible with the Rock Row commercial complex and does not block or impede with pedestrian or vehicular access to the other businesses within the North Campus.
Utility Capacity	Utility access if available within the site. No impacts to a public right of way are anticipated with the development.
Stormwater Management, Groundwater Pollution	The site plan amendment is within the allowance of the existing SLOD permit for the site.
Erosion and sedimentation Control	Adequate erosion and sedimentation control will be provided for any necessary ground disturbance.

## 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.

### Conditional Use – Finding of Fact

Standard	Finding
Landscape Environment and Enhancement	Potted landscaping will be utilized while the proposed use is active and will be removed when not in use. No permanent landscaping is proposed as the final layout of the Rock Row private way has not been determined or constructed. The proposed use does not alter or impact the approved landscape plan for the site.
Surface Water Drainage	No adverse impact known or anticipated.
Water, Air, Soil Pollution	The proposed use does not cause unreasonable water, air or soil pollution.
Soil Integrity	Adequate erosion and sedimentation control will be provided for any necessary ground disturbance.
Natural Environment	No historic or irreplaceable natural areas are identified on the plan.
Nuisance Factor	The commercial/restaurant use is compatible with surrounding uses and the underlying zoning district. No adverse impact is known or anticipated.
Special Features	The use does not include exposed storage areas, machinery installation or loading areas. Not applicable.
Vehicular Access	Vehicular access will primarily be via the existing Larrabee Road entrance to the Rock Row site.
Parking and Circulation	Approximately 125 parking spaces will be delineated within the existing gravel parking lot adjacent to the restaurant class 3 use. ADA and overflow parking will utilize existing paved parking lots located on the site. A barrier is provided at the restaurant end of the parking lot for public safety measures.
Public Services	The use is located within the existing Rock Row commercial complex. All waste, snow removal and property maintenance will be privately managed. Ability to serve letters have been provided for appropriate utility services. The use does not cause an unreasonable burden on public services.

### Conclusions

1. The landscape **is** preserved in its natural state insofar as practicable and **is** designed so as to stabilize the slopes and buffer the site, where necessary.
2. Surface water drainage **does not** have an adverse effect on surrounding properties, downstream water quality, soil stability or the storm drainage system.
3. The development **will not** cause unreasonable water, air or soil pollution.
4. The development **will not** cause unreasonable soil erosion or reduction in the capacity of the soil to hold water.

5. The development **does not** have an unreasonably adverse effect on a historic site or irreplaceable natural areas.
6. The development **does not** cause unreasonable noise, odors, dust, gas, fumes, smoke, light, or other annoying or dangerous emissions.
7. Exposed storage areas, machinery installation, service and loading areas and similar facilities **are** set back, screened, or buffered so as to minimize any possible adverse effect on the surrounding uses.
8. The site layout **does** provide for safe vehicular access and egress, including that for emergency vehicles.
9. The layout of vehicular and pedestrian traffic patterns **does** provide for safe interior circulation, separation of pedestrian and vehicular traffic and storage of plowed snow. Parking **does** comply with the parking requirements set forth in the Ordinance.
10. The development **does 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.

### **Conditions:**

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated February 25, 2023, 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. Prior to any site disturbance associated with the project elements or permits issued related to the Restaurant Class 3 use:
  - a. Preconstruction meeting - A brief discussion with Codes and FD to ensure that appropriate permits are being pulled for this project and the level of inspections required for CO issuance.
  - b. Reach out to E911 coordinator to determine an address for the restaurant for purposes of emergency services.
3. Stamped electrical drawings required for electrical permit.
4. Prior to issuance of c/o for the Restaurant Class 2 use:
  - a. All outstanding Staff comments must be addressed.
  - b. Life safety plan and Fire Marshall approval for assembly use.
  - c. Provide an emergency action plan subject to Planning & FD review.
  - d. Signage shall be wayfinding in nature and cannot serve for the purpose of advertising/freestanding sign along Larrabee.
  - e. Verification of two remote means of egress being provided.
  - a. Lighting plan provided to Planning Office for review and all site lighting installed in compliance with agreed upon plan to ensure adequate lighting for egress.
  - b. Gravel parking lot delineated and all wayfinding signage installed.
  - c. Knox Boxes installed at all gate locations.
  - d. Bathrooms deemed functional.
  - e. Occupancy loading determined and posted on site.
  - f. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval (to include but not limited to lighting (installed & lit), striping, access, signage, etc.)
    - i. Additional protection measures may be deemed necessary once review of the actual site conditions is conducted to ensure life safety standards are met.
    - ii. ADA accessible path placement to access beer garden entrance from parking and bathroom area was reviewed & approved by Staff, then installed as agreed to.

5. Use of outdoor/patio heating lamps, or similar devices, are prohibited unless an plan demonstrating safe site layout and connection is provided to the satisfaction of Code Enforcement and FD
6. All food trucks are required to be licensed by the City.
7. Additional Erosion and sediment control measures may be required depending on nature of final layout at the discretion of the Engineering Dept.

**2<sup>nd</sup> by Larry McWilliams**

**Roll Call Vote**

<b>Karen Axelsen</b>	<b>Yes</b>
<b>Robin Tannenbaum</b>	<b>Absent</b>
<b>Nancy Litrocapes</b>	<b>Yes</b>
<b>John Turcotte</b>	<b>Yes</b>
<b>Jason Frazier</b>	<b>Yes</b>
<b>Kevin Price</b>	<b>Yes</b>
<b>Susan Roma</b>	<b>Yes</b>
<b>Chair - Rebecca Dillon</b>	<b>Yes</b>

**The vote is unanimous in favor 7-0**

**Rebecca Dillon** let the record shows unanimous in favor.

And it looks like we have one more item which is trying to schedule the training Planning Board training session.

**Rebecca Spitella** Yes so due to there is a little bit of time between the previous discussion on some dates and scheduling the city solicitor her schedule changed and was no longer available on the dates that we had discussed with this Board. So, we are looking now at two possible dates and wanted to put it out to see everyone's availability.

One is July 18th, which is actually our regularly our regular schedule July meeting the first Tuesday of the month falls on the fourth. So, we are holding our meeting on the third dependent on what comes in for that agenda, but the thought is if the agenda is not too heavy that we could potentially marry this with a regular meeting and if July 18th does not work for either this board or the solicitor a follow-up date of September 19th. So, how do those two dates look for everyone?

**\*\* Editor's Note** Board Members discussed availability.

**Rebecca Spitella** Thank you.

The July one again is all dependent on how many applications come in anyway, so we will have to wait until the beginning of June to see.

**Rebecca Dillon** Did I hear you say that there might be a meeting on July 3rd or not?

**Rebecca Spitella** We will not be holding our July meeting on okay fourth. So, the July meeting will be on July 18th.

**Rebecca Dillon** may I have a motion to adjourn?

**Jason Frazier** Move to adjourn.

**2<sup>nd</sup> by Nancy Litrocapes**

**Roll Call Vote**

<b>Karen Axelsen</b>	<b>Yes</b>
<b>Robin Tannenbaum</b>	<b>Absent</b>
<b>Nancy Litrocapes</b>	<b>Yes</b>
<b>John Turcotte</b>	<b>Yes</b>
<b>Jason Frazier</b>	<b>Yes</b>
<b>Kevin Price</b>	<b>Yes</b>
<b>Susan Roma</b>	<b>Yes</b>
<b>Chair - Rebecca Dillon</b>	<b>Yes</b>

**The vote is unanimous in favor 7-0**

## **8. ADJOURN**

*MINUTES MAY NOT BE TRANSCRIBED VERBATIM. SECTIONS MAY BE PARAPHRASED FOR CLARITY.*

*A COMPLETE RECORDING MAY BE OBTAINED BY CONTACTING PLANNING AND CODE ENFORCEMENT at 207-854-0638 and [lgain@westbrook.me.us](mailto:lgain@westbrook.me.us)*