



## Planning & Code Enforcement

2 York Street  
Westbrook, Maine 04092  
Phone: 207-854-0638  
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### PLANNING & CODE ENFORCEMENT

*Meeting Cancelled Due to Inclement Weather  
All agenda items will be placed on the February 6, 2024 Agenda*

#### WESTBROOK PLANNING BOARD

**Tuesday, January 16, 2024, 7:00 P.M.**  
**Westbrook High School – Room 114**  
**125 Stroudwater Street**

**This meeting will be offered as a hybrid meeting, accommodating both in-person and remote participation.**

Where public comment is permitted, members of the public attending remotely will have the opportunity to provide remote oral 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.

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

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

**Webinar ID:** 817 0074 1385

#### AGENDA

1. Call to Order
2. Approval of Minutes

#### WORKSHOP

3. **2024.01 – Private Way; Site Plan – 740 County Road – CM-Wallace, LLC:** The applicant is requesting a private way, Larson Drive, to provide frontage to two lots with a new 8,000 sf business office/warehouse and associated material storage and parking located on proposed lot 1. Tax Map: 001 Lot: 006 Zone: Industrial Park District Use: Business Office; Warehousing
4. **2023.27 – Amendment to the Land Use Ordinance – Emergency Shelters –** Discussion on Family Emergency Shelters, Accessory Emergency Shelters and Transitional Housing Facilities within the City of Westbrook.



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### PLANNING & CODE ENFORCEMENT

DATE: January 11, 2023

TO: Planning Board

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

Cc: Plan Review Team

RE: January 16, 2023, Planning Board Meeting

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1. **2024.01 - Private Way; Site Plan – 740 County Road – CM-Wallace, LLC (Map 1 Lot 6)**
  2. **2023.27 – Amendment to the Land Use Ordinance – Emergency Shelters**
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1. **2024.01 – Private Way; Site Plan – 740 County Road – CM Wallace, LLC - (Map 1 Lot 6)**

### **WORKSHOP**

#### **Project Description**

The applicant is requesting a private way, Larson Drive, to provide frontage to two new lots and a site plan review for a new 8,000 sf business office/warehouse and associated material storage and parking located on the proposed lot 1.

#### **Project History**

January 16, 2024 - Workshop

#### **Staff Comments**

1. Noticing Fees: \$12.80
2. Application Fees
  - a. Lot 1 Site Plan (due at final application submission): \$1,550.00
  - b. Private Way: \$500.00
3. Provide cost estimate for each application – One for Private Way and one for Site Plan. Approvals and development shall be managed as two independent projects with each providing a performance guarantee for their respective site work.
4. MDEP Stormwater Permit is in the review process.

#### *Private Way*

1. The plan does not provide for adequate frontage for Lot 2
  - a. Frontage cannot include hammerhead. ROW will need to be extended so that 200' is provided before the start of hammerhead.
  - b. Driveway access needs to be feasible off the Larson Way frontage (may require further extension of private way into the site)
2. Access to 748 County Road via Larson Way required to be removed as part of the application (748 County to have one point of access off of County Road). Area to be revegetated with loam and seed.

3. Provide appropriate access easements for Lots 1 & 2 over Larson Way (driveway)
4. Larson Way/County Road intersection needs to demonstrate compliance with MDOT entrance standards. Project may be responsible for additional access management measures for abutting parcels.
5. Lighting
  - a. If no light at intersection of Larson Dr & County Road - project will be responsible for installation
  - b. Provide lighting along Larson Dr for site safety/security.
6. Provide draft road association docs to include the rights/responsibilities of the Larson Way driveway beyond the limits of the right of way.

*Lot 1 Site Plan*

1. Site Plan needed for Lot 1 showing district dimensional standards following lot split
2. No turnaround provided for emergency vehicles - Hammerhead (or alternative turnaround) needed past warehouse structure.
3. Provide turning template for 53' truck to demonstrate site access is feasible from both directions on County Road.
4. Show site distance for County Road on plan
5. Parking
  - a. Parking to be determined based on total employee count at largest shift. If waiver is necessary waiver should be noted on plan
6. Building required to be sprinkled
7. Knox box location to be approved by FD
8. Hydrant required internal to the site within 800' of the building. Hydrant maintenance/responsibility to be shared between two lots (include with road association docs).
9. Provide a winter maintenance plan to address salt intrusion into wetland
10. Show dumpster on final plan with appropriate base and enclosure
11. HHE-200 needed with final application
12. Provide building elevations with final application
13. Site Detail A (C-5.0): Show section widths with detail.
  - a. A total of 3" pavement required (1 ¾" / 1 ¼" sections)
  - b. 3" gravel pavement section
14. Site Detail B (C-5.0) 18" subbase gravel required (plan shows 12")

## 2. 2023.27 – Amendment to the Land Use Ordinance – Emergency Shelters

### **WORKSHOP**

#### **Amendment Description**

Discussion on family emergency shelters, accessory overnight shelters and transitional housing as permitted uses within the City of Westbrook.

#### **Amendment History**

November 14, 2023 – Planning Board Workshop  
January 16, 2024 – Planning Board Workshop

#### **Staff Comments**

The City Council has provided a referral to the Planning Board on the topic of small-scale emergency shelters and accessory shelters. The Planning Board held a workshop on this item at their November 14, 2023 meeting. Staff memos for previous Planning Board meetings as well as all meeting materials are available on the City of Westbrook website. Following the 11/14/2023 discussion, Staff has further defined the uses of Emergency Shelter, Accessory Emergency Shelter, Transitional Housing Facility and Family Emergency Shelter.

#### **Emergency Shelter**

With the proposed definitions, an Emergency Shelter is a facility that provides overnight housing to adult individuals where that facility is the principal use of the structure or property. The proposed amendment defines this use but does not propose any locations within the City to permit this at this time nor does it include licensing requirements or a comprehensive list of performance standards that would be required for a larger scale, permanent emergency shelter. Should a developer/development come forward in the future, zoning and performance standards could be written and adopted at that time where we would have more information on the size and potential location of a proposed shelter.

#### **Accessory Emergency Shelter – Transitional Housing Facility**

During the November discussion, we were looking to permit an Accessory Emergency Shelter in a public or civic space within an existing structure/use as well as amending the definition of ‘Church’ to specify that an Accessory Emergency Shelter could be an Accessory Use to a Church. Staff found this to be cumbersome to define and became concerned with the idea of permitting an Accessory Emergency Shelter as an Accessory Use to one use (Church) where it would not be permitted as an Accessory Use to other uses.

In discussing Churches, Staff began to differentiate the religious use of the building with the community events that are often held (Food Panty, Kid’s/Parent’s night out, Bingo nights, etc.). To write a clearer Ordinance, Staff is recommending the separation of these two uses to be defined as “Place of Worship” (revised from Church) and Community Center, with the understanding that one structure, facility or operation can hold multiple uses. The Place of Worship is specific to the religious use of the building (services, worship, or religious education) while the community events that do not include a religious element would fall under the Community Center umbrella. A religious institute that holds both services and community events by land use would then be classified as both a Place of Worship and a Community Center.

To achieve this, Staff is proposing revised definitions for both “Place of Worship” and “Community Center”. The previous Church use is proposed to be revised to “Place of Worship” to be more inclusive of the many cultures and religions that exist within the community and the definition specifies this as a “place, structure or portion thereof” to support the notion of a dual land use for a single structure or organization.

Community Center is currently defined in the Ordinance although it does not appear to be utilized or necessary. It appears this definition was initially intended to be utilized by municipal recreational fields, however all publicly owned or managed facilities now fall under the use of “Municipal Facility”, which is permitted in all districts.

Therefore, Staff is recommending a revised use of this term for community space that is meant to serve a public good or need as opposed to a for profit recreational facility or event venue, which would still be classified under the appropriate land use designation (e.g. Private Indoor/Outdoor Recreation Facility, Service Business, Etc.). Under this definition, a Community Center must be affiliated with another use (Place of Worship, Legion, Service Business, etc.) and cannot be a standalone use.

With this, rather than defining as a specific or independent Land Use, Staff is proposing that Accessory Emergency Shelters and Transitional Housing Facilities be permitted activities within an approved Community Center so long as the Shelter/Facility is not the primary use of the structure in which it is located within. The intent of this is to achieve the goal of allowing existing organizations, whether religious or otherwise, to utilize civic or communal space as an overnight shelter that is accessory to their primary use.

Example Scenarios (assuming all life safety requirements and performance standards have been met):

*In all of these scenarios, occupancy loading of the space as an Accessory Emergency Shelter would need to be determined based on life safety requirements and plumbing code, which will be a lesser amount allowed than when the space is used for routine civic events, such as a community dinner.*

1. A Church (Place of Worship), that holds regular services, has an extra room/space within the existing structure where they would like to provide an Accessory Emergency Shelter. This Church may or may not currently hold any community events in the proposed space.
  - a. **Permitted.** This scenario would be considered a dual use Place of Worship/Community Center. The Place of Worship would be the primary use of the structure and the Accessory Emergency Shelter would be allowed, even if it is the primary use of the “Community Center” space.
2. A residential facility that has a large communal space not specifically part of the residential use/unit(s).
  - a. **Permitted.** This is considered a dual use Residential/Community Center. In this scenario, the Residential Use (Multifamily structure set up) would be the primary use of the structure and the Accessory Emergency Shelter would be allowed, even if it is the primary use of the “Community Center” space.
3. A Church that holds regular services has an accessory detached structure that they would like to utilize as an Accessory Emergency Shelter.
  - a. **Not Permitted.** In this scenario the Accessory Emergency Shelter would be the primary use of both the structure and the “Community Center” space and would therefore not be permitted.

Staff is recommending the same location requirements for Transitional Housing Facility (where individual(s) may reside for up to one year, exempt from density requirements) with slightly varied performance standard requirements from an Accessory Emergency Shelter.

### **Family Emergency Shelter**

The other task referred to the Planning Board was to address the needs of homeless families and youth in our community. Initial discussions during the November workshop included defining “small” and “large” scale shelters in determining what would be appropriate to permit within the residential neighborhoods. In reviewing feedback received during the workshop, Staff is refining this to instead focus the use on the target populations highlighted by the City Council to be served and is recommending incorporating the use of a “Family Emergency Shelter” for children or families with children. As these are recommended to be permitted within the residential districts, Staff is recommending these shelters be permitted in single-family or two-family structures only, which would be in line with the “small scale” shelter that was previously workshopped. An Emergency Family Shelter could provide overnight shelter for up to 6 minors or two-family units per dwelling unit (so a duplex could provide overnight shelter for up to 4-family units, two families/dwelling unit), provided that the combination of families does not result in more than 6 children/dwelling unit at any given time.

***In Closing:***

We expect the following question to be asked throughout this review process:

What happens if an organization requested to operate an overnight shelter serving more children/families than described in this definition, or if an organization requested to operate an overnight shelter serving individuals that did not fall under the parameters defined in Accessory Emergency Shelter?

The answer is: This use would be considered an “Emergency Shelter” and would require additional Ordinance work in determining the appropriate location, performance standards and licensing requirements.

**Board Action**

Provide feedback to Staff on direction and recommend additional performance standards.