



PLANNING & CODE ENFORCEMENT



Planning & Code Enforcement

2 York Street
Westbrook, Maine 04092
Phone: 207-854-0638
Fax: 866-559-0642

WESTBROOK PLANNING BOARD
Tuesday, January 18, 2022, 7:00 P.M.
Westbrook Middle School – Performing Arts Center
471 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**
3. **2021 Chair Report**
4. **Election of Officers**

REGULAR BUSINESS

5. **2020.41 – Site Plan, Subdivision, Conditional Use – Brooks Edge Farm Subdivision – Wormell Farm, LLC:** The applicant is proposing a land division of the previous Wormell Farm and a 118-unit subdivision comprising of 58-duplex units with access along Brook Street. Tax Map: 016 Lot: 002 and Tax Map: 019 Lots: 029 and 029B Zone: Residential Growth Area 2; Shoreland Overlay District – Resource Protection

NEW BUSINESS

6. **2021.29 – Site Plan, Subdivision – Methodist Road – Methodist Homes, LLC – Public Hearing:** The applicant is proposing 10 units on a named private driveway located on the westerly side of Methodist Road approximately 2,000’ northerly of Timberland Drive and Cobb Farm Drive. Tax Map: 014 Lot: 009 Zone: Rural District Use: Dwelling, Two-Family

WORKSHOP

7. **2022.01 – Site Plan, Subdivision – Waterhouse Farm Preserve - 547 Saco Street – Dog Days, LLC:** The applicant is proposing a 13-lot subdivision on a proposed new public street, Farmhouse Way, with a 38-unit condominium complex located on Lot 13. Tax Map: 004 Lot: 013 Zone: Residential Growth Area 2 Use: Dwelling, Two-Family
8. **2022.02 – Land Use Ordinance Amendment, Zoning Map Amendment – §335-5.7 Highway Services District – Tom Watson & Co., LLC:** The applicant is proposing an amendment to the Zoning Map to rezone the property located at 984 Spring Street, Tax Map: 003 Lot: 006 from Industrial Park District to Highway Services and an amendment to the Land Use Ordinance to allow Dwelling, Multiple Family as a permitted use within the Highway Services District.

Deliberation of agenda items, including workshops, that have not been commenced by the Planning Board as of 10:00p.m. may be rescheduled to the next regularly scheduled meeting.



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PLANNING & CODE ENFORCEMENT

DATE: January 14, 2022

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

RE: January 18, 2022, Planning Board Meeting

-
1. **2020.41 – Site Plan, Subdivision, Conditional Use – Brooks Edge Farm Subdivision – Wormell Farm, LLC**
 2. **2021.29 – Site Plan, Subdivision – Methodist Road, Methodist Homes, LLC**
 3. **2021.01 – Site Plan, Subdivision – Waterhouse Farm Preserve – 547 Saco Street – Dog Days, LLC**
 4. **2021.02 – Land Use Ordinance Amendment, Zoning Map Amendment – §335-5.7 Highway Services District – Tom Watson & Co., LLC**

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1. **2020.41 – Site Plan, Subdivision, Conditional Use – Brooks Edge Farm Subdivision – Wormell Farm, LLC**

REGULAR BUSINESS

Tax Map: 016 Lot: 002
Tax Map: 019 Lot: 029
Tax Map: 019 Lot: 029B
Zone: Residential Growth Area 2, Shoreland Overlay Zone, Resource Protection
Use: Dwelling, Two-Family

Project Description:

The applicant is proposing a 3-lot land division of the previous Wormell Farm parcel and a 118-unit subdivision comprising of 58-duplex units with access from Brook Street on Lot 2 of the land division. (The Brook Street Apartments Lot #1 had been previously divided off of this parcel but is included in this subdivision plan as it counts towards the 3 lots within a 5-year period criteria.) This proposal does not include any development of the land area off of Bridgton Road shown as Lot 3.

Project History:

November 30, 2020 – Neighborhood Meeting
December 1, 2020 – Planning Board Workshop
August 3, 2021 – Public Hearing
October 5, 2021 – Regular Meeting
January 18, 2022 – Regular Meeting – Request for final approval

Staff Comments:

1. Noticing Fees – \$242.20
2. Open Space Fees will be due prior to site disturbance/permit issuance. \$59,325.00

3. Offsite improvements
 - a. The Planning Board has recently reviewed 3 separate residential developments on Brook Street – The 18-unit subdivision (1-yr extension on approval approved September 7, 2021), 118-unit subdivision (currently under review) and a 96-unit subdivision (Cottages – Planning Board workshops held on April 6, 2021, and September 7, 2021).
 - b. With the additional proposals along Brook Street, it was determined that Brook Street, in its current built condition, does not have the capacity to accept the additional pedestrian and vehicular load generated by the three combined developments. To address this matter the City engaged in an analysis by a 3rd party consultant to determine the necessary improvements needed. It was determined that there needs to be re-paving (mill and fill) of Brook Street from the intersection of Rte. 302 through the project limits, drainage & shoulder work (inclusive of culvert crossings and widening as necessary) and a raised sidewalk from the proposed developments to connect with the existing infrastructure on Bridgton Road. The cost of these improvements was then proportioned amongst the City and the three major residential developments, with the developer’s responsibility defined as a \$5,200 fee per dwelling unit that would be paid at the time of building permit issuance.
 - i. The City is also participating in 2 other Brook St related projects that will provide upgrades to the infrastructure (outer Brook St will be repaved through a City/MDOT effort) and the intersection project of Brook/302 is in design/funding process through a City/MDOT effort as well.
4. Phasing Plan –
 - a. **Revise construction phasing to be no longer than 5 years for full buildout without having to return to the Board for an extension.**
 - b. Include project timeline on Final Subdivision and Site Plan (Sheet 5)
5. Forebay Detail – Sheet 27 review elevations
 - a. Spillway elevation (B) appears low for UDSF 1 (3”) and 2 (6”)
 - b. Base of forebay and bottom of soil filter show the same elevation – provide slight pitch to direct water from forebay into filter.
6. Grassed base filter bed – state vegetation on plan
7. Landscaping plan is missing RLA Stamp
8. Secondary sign at Brooks Edge & Laurel Way? – Error on map?
9. Maintenance of cleared vegetation along Brook Street to retain adequate site distance is required by the HOA.
10. Provide copies of color palate for Planning Board Packets
11. Show limits of flood plain on subdivision sheets 4 & 5
12. Include Driveway details to keep drainage in gutter line of internal streets
13. Conditions of approval on signature sheet.
14. Place Signature block on Cover sheet
15. Need 1 full mylar and 1 full paper set along with one additional paper of the signature sheets to the Planning by Tuesday noon 1/18/22.

To be included as Conditions of Approval:

1. Payment of all fees
2. One side of all internal streets to be signed no parking
3. Condition of approval to include all road drainage stays in gutter line and does not backfeed into unit driveways – include driveway detail with the final plan set.
4. Set CB Rims at base pavement elevation to ensure flow into CBs during construction.
5. Drainage - Provide 3rd party inspector for e/c and maintenance of ponds.
6. Railing may be required at top of retaining wall if wall height is 30” or more as measured at an offset point of 3-feet from the base of the retaining wall
7. Guardrails shall be provided along internal street system along locations where adjacent slopes are greater than 3:1 and may be required at ends of hammerheads -to be determined by on site conditions

Motion:

That the Site Plan, Subdivision and Conditional Use application for Wormell Farm, LLC for:

- a 3-Lot subdivision of the previous Wormell Farm Parcel, Tax Map: 019 Lots: 029 and 029B and Tax Map: 016 Lot: 002 Zone: Residential Growth Area 2 & SZ-RP, AND
- a 118-unit subdivision with access from Brook Street Tax Map: 019 Lot: 029 and Tax Map: 016 Lots: 002 Zone: Residential Growth Area 2 including the phased construction and completion schedule attached to the application with a maximum construction duration of 5 years.

is **(approved with conditions/ denied)**, and the following findings of fact, conclusions, and conditions as stated on pages **4 through 9** of this Staff Memo dated January 14, 2022, are adopted in support of that approval.

Site Plan – Finding of Fact

Standard	Finding
Utilization of the site	The site layout provided accounts for the natural topography of the site and is positioned to limit wetland impacts to the greatest extent practicable. The development is within the allowable density afforded by the site.
Handicap Access	The site provides detectable warning systems at all sidewalk tip downs located at the intersections of Winterberry Drive, Brooks Edge Farm Road, Calla Lily Lane, and Laurel Ridge Road in compliance with ADA standards.
Appearance Assessment	A landscape plan has been provided to enhance the landscaping along Brook Street and mimic the public street standards internal to the site. The layout of the residential complex accounts for the natural topography of the site and is positioned to limit wetland impacts to the greatest extent practicable. Lighting is provided at all intersection points and end of roadways. Signage is provided internal to the development with blue “street” signs in accordance with private street standards. Standards A – E have been met. Project is not located within the Village Review; Standard F is not applicable.
Landscape Plan	A landscape plan has been provided as part of the application demonstrating enhanced landscaping along Brook Street and “Street Trees” internal to the development to mimic public street standards.
Odors	No odors known or anticipated
Noise	Noise levels will be consistent with the residential nature of the abutting properties. No adverse impact known or anticipated.
Technical and Financial Capacity	The applicant has provided a letter from Camden National Bank dated October 5, 2021, to demonstrate financial capacity. The applicant has retained the services of Sebago Technics, which demonstrates technical capability.
Solid Waste	Trash removal will be privately managed via curbside toter pickup for each condo unit.
Historic, Archaeological and Botanical Resources or Unique Features	None known
Hazardous Matter	No adverse impact known or anticipated
Vibrations	No adverse impact known or anticipated
Parking & Loading Design and Site Circulation	The site meets for the Ordinance requirement of 2-parking spaces per unit via a driveway and/or an attached garage. Additional “on street” guest/visitor parking is available. One side of each driveway will be signed as ‘No Parking’ to ensure adequate emergency vehicle access throughout the development.

Adequacy of Road System	<p>Brook Street in its current built condition does not have the capacity to accept the additional pedestrian and vehicular load generated by the developments along Brook Street currently under review or recently approved by the Planning Board. The City engaged in an analysis by a 3rd party consultant to determine the necessary improvements and determined that there needs to be repaving (mill and fill) of Brook Street from the intersection of Rte. 302 through the project limits, drainage & shoulder work (inclusive of culvert crossings and widening as necessary) and a raised sidewalk from the proposed developments to connect with the existing infrastructure on Bridgton Road. The cost of these improvements will be proportioned amongst the City and the three major residential developments, with the developer's responsibility defined as a \$5,200 fee per dwelling unit that would be paid at the time of building permit issuance.</p> <p>With consideration of the abovementioned improvements to be made to Brook Street, Brook Street had adequate capacity to accept the traffic generated by the development.</p>
Vehicular Access	<p>Vehicular access will be provided via a curb cut on Brook Street. The location of the curb cut provides for adequate site distance on Brook Street to meet the minimum DOT standard for a 35-mph zone and has been reviewed by Public Services. Maintenance of vegetation along the property frontage is necessary to keep site distances valid.</p>
Pedestrian and Other Modes of Transportation	<p>A raised sidewalk is provided internal to the development. Applicant to provide a \$5,200 impact fee per unit to be paid at the time of building permit issuance. Fee will be utilized toward costs associated with the design and construction of Brook Street improvements to include repaving, drainage, and a raised sidewalk westerly of the project site to connect with existing infrastructure on Rte. 302.</p>
Utility Capacity	<p>Water and Electric are available within the Brook Street right-of-way. Sewer Services are available within the Bridgton Road right-of-way.</p>
Stormwater Management, Groundwater Pollution	<p>Stormwater management is provided internal to the development.</p>
Erosion and sedimentation Control	<p>Adequate erosion/control measures are provided on the plan.</p>

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	Disposal of sewage will be via the public system. Sewer connection is available from the frontage along Bridgton Road. A sewer easement over Lot 3 to benefit the residential development on Lot 2 is shown on the subdivision plan.
Sufficient Water	Water services are available within the Brook Street right of way. Ability to Serve
Municipal Water Supply	Water services are available within the Brook Street right of way. Ability to Serve
Erosion	Adequate erosion and sedimentation control measures are shown on the plan for each phase of development. On-site inspections will occur during construction to ensure compliance.
Traffic	<p>Brook Street in its current built condition does not have the capacity to accept the additional pedestrian and vehicular load generated by the developments along Brook Street currently under review or recently approved by the Planning Board. The City engaged in an analysis by a 3rd party consultant to determine the necessary improvements and determined that there needs to be re-paving (mill and fill) of Brook Street from the intersection of Rte. 302 through the project limits, drainage & shoulder work (inclusive of culvert crossings and widening as necessary) and a raised sidewalk from the proposed developments to connect with the existing infrastructure on Bridgton Road. The cost of these improvements will be proportioned amongst the City and the three major residential developments, with the developer’s responsibility defined as a \$5,200 fee per dwelling unit that would be paid at the time of building permit issuance.</p> <p>With consideration of the abovementioned improvements to be made to Brook Street, Brook Street had adequate capacity to accept the traffic generated by the development.</p>
Sewage Disposal	Disposal of sewage will be via the public system. Sewer connection is available from the frontage along Bridgton Road. A sewer easement over Lot 3 to benefit the residential development on Lot 2 is shown on the subdivision plan.

Municipal Solid Waste Disposal	Waste management will be privately managed curbside pickup for each unit.
Aesthetic, Cultural and Natural Values	None known
Conformity with City Ordinances and Plans	Proposal is in conformance with City Ordinances & the Comprehensive Plan.
Financial and Technical Capacity	The applicant has provided a letter from Camden National Bank dated October 5, 2021, to demonstrate financial capacity. The applicant has retained the services of Sebago Technics, which demonstrates technical capability.
Surface Waters; Outstanding River Segments	Not applicable
Ground Water	Groundwater will not be adversely impacted by the project
Flood Areas	Flood areas are identified within the plan set
Freshwater Wetlands	All wetlands have been identified on the plan
Farmland	No farmland has been identified on the site.
River, Stream or Brook	A portion of Minnow Brook runs through the site and is identified on the plan. All development is located outside of the stream's 75-foot setback.
Stormwater	Stormwater management is provided internal to the development.
Spaghetti Lots Prohibited	Shore frontage is not impacted by the subdivision and maintains the minimum 5:1 ration of frontage to lot dept.
Lake Phosphorus Concentration	The proposed subdivision is not located near or along a great pond
Impact on Adjoining Municipality	The proposed subdivision does not cross municipal boundaries
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.

Conditional Use – Finding of Fact

Standard	Finding
Landscape Environment and Enhancement	Existing landscaping is maintained to the greatest extent practicable. Additional landscaping is shown along the Brook Street frontage and
Surface Water Drainage	Stormwater management is provided internal to the development.
Water, Air, Soil Pollution	No adverse impact known or anticipated
Soil Integrity	Adequate soil and erosion control measures are shown on the plan
Natural Environment	Not applicable
Nuisance Factor	The residential use is in line with abutting residential uses. No unreasonable nuisances known or anticipated by the development.
Special Features	The dwelling, two family conditional use is a residential use within a residential zone. All buildings and infrastructure are located outside of stream setbacks. Impacts to wetlands are minimized through site design.
Vehicular Access	Vehicular access will be provided via a curb cut on Brook Street. The location of the curb cut provides for adequate site distance on Brook Street to meet the minimum DOT standard for a 35-mph zone and has been reviewed by Public Services. Maintenance of vegetation by the HOA along the property frontage is necessary to keep site distances valid.
Parking and Circulation	The site meets for the Ordinance requirement of 2-parking spaces per unit via a driveway and/or an attached garage. Additional “on street” guest/visitor parking is available. One side of each driveway will be signed as ‘No Parking’ to ensure adequate emergency vehicle access throughout the development.
Public Services	The development does not cause an unreasonable burden on public or utility 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 July 8, 2021 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 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.
 - d. Review of building elevations to be consistent with submitted documentation or testimony.
 - e. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
 - f. An inspection fee shall be made payable to the City of Westbrook for inspection of site improvements made by the Code Enforcement Officer and/or other appropriate City staff. Inspection fee shall be 2% of the total amount of performance guarantee. **\$119,174.00**
 - 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. **\$5,958,700.00** Format of Performance guarantee to be approved by the City.
 - h. Coordinate with the E911 Coordinator on addressing of the building/units.
 - i. Best management practices shall be adhered to during all ground disturbance operations. All Street Catch basins in the vicinity of earthwork operations shall have silt sacks installed & maintained for the duration of the work.
 - j. Open Space fee paid - **\$59,325.00**
4. **Prior to each building permit issuance,** the applicant shall pay the City of Westbrook a \$5,200 per unit fee (\$10,400 per duplex) to be utilized by the City toward project costs associated with the design and construction of Brook Street improvements.
5. **Prior to 1st building permit being issued for each phase:**
 - a. Road system must be constructed to a vehicular passable standard for Codes, and Public Safety access. (Base gravel)
6. **Prior to any combustible products being brought on-site,** the Fire Hydrant must be charged and tested.
 - a. Required flow rate: 1,000 gal/minute
 - b. Documentation provided to City's satisfaction. (Coordinate with Fire Department – Mike Corey)

7. **Prior to commencing any work in the City Right-of-Way**, the applicant must obtain a road-opening permit from the Public Works Department.
8. **Prior to the first Occupancy Permit issuance for each phase:**
 - a. Verify payment of all fees related to project.
 - b. 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 sidewalks, lighting (installed & lit), striping, signage (one side of streets no parking, etc.), off-site improvements etc.)
 - c. Road system must be base paved for entire phase.
 - d. All signage including Stop Signs, Driveway Names and No Parking along one side of driveway installed.
 - e. All water and sewer lines fully tested and approved.
 - f. All other site improvements must be installed unless a performance guarantee amount is held for the full amount of any remaining improvements.
 - g. Provide copy to Planning Office of recorded Homeowners association by laws & Declaration of Covenants and Restrictions unless sale of first unit has not occurred.
 - i. Provisions in HOA that HOA is responsible for Maintenance of vegetation along the property frontage to keep site distances valid for driveway onto Brook St.
 - h. Documentation (executed contracts) provided to the Planning Department of private curbside pickup for trash management services.
 - i. Documentation (executed contracts) provided to the Planning Department of private snow plowing/removal services.
 - j. Documentation of maintenance contractor for Stormwater Best Management Practices with the Homeowners Association.
 - k. Verify final USPS locations for mailbox
9. **Immediately following the First Unit Created or Sold:**
 - a. **Provide copy to Planning Office of recorded Homeowners association by laws & Declaration of Covenants and Restrictions**
 - i. Provisions in HOA that HOA is responsible for Maintenance of vegetation along the property frontage to keep site distances valid for driveway onto Brook St.
10. **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 plan 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.
11. Catch Basins shall be set at base pavement during construction and brought up to final grade following final pavement.
12. Guardrails required at all points adjacent to 3:1 slopes. Guardrail may be required at end of hammerhead as determined by on-site conditions post construction. Determination of the need for additional guardrail are at the sole discretion of City Staff.
13. All road drainage shall stay in gutter line and may not backfeed into unit driveways.
14. Railing may be required at top of retaining wall if wall height is 30” or more as measured at an offset point of 3-feet from the base of the retaining wall
15. Provide 3rd party inspection consultant for erosion & sediment control and maintenance of ponds.
16. 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.
17. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
18. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance. A copy of the maintenance log for the previous year for the stormwater treatment features associated with this project needs to be provided to the Planning Office in accordance with Chapter 37 requirements.
19. Any requirements of the Portland Water District or the Westbrook Sewer Department in their ability to serve letters are conditions of this approval.

2. 2021.29 – Site Plan, Subdivision – Methodist Road, Methodist Homes, LLC

PUBLIC HEARING

Tax Map: 014 Lot: 009
Zone: Rural District
Use: Dwelling, Two Family

Project Description:

The applicant is proposing 10 units (5-duplex structures) on a named private driveway located on the westerly side of Methodist Road approximately 2,000' northerly of Timberland Drive and Cobb Farm Drive.

Due to the nature of comments provided by Staff as well as the pending DEP permits, the applicant is not requesting approval from the Planning Board at this meeting. The applicant is requesting to provide the Planning Board with an update and is seeking comments to incorporate into a final application package.

Project History:

October 21, 2021 – Neighborhood Meeting
November 2, 2021 – Planning Board Workshop
January 18, 2022 – Public Hearing

Staff Comments:

1. Noticing Fees: \$202.00
2. Open Space – 3,000sf or fee in lieu of \$5,028.00
3. Current assessing documentation shows lot in an open space tax status. If accurate, lot will need to be removed from this tax status as open space prior to issuance of first building permit and will be subject to tax penalty (applicant to work directly with Assessing Dept for more detail).
4. MDEP review and approval needed.
5. HOA documents under review.
6. Mail delivery – location subject to USPS approval. Typically, cluster boxes are required for all new subdivisions. Show location for cluster mailbox and a pull off area for a parked car on final plan.
7. Final Plans need to be stamped by a PE
8. How will you stabilize the rock faces? The ledge in this area is not solid rock.
9. Subdivision Plan
 - a. needs to be stamped by a licensed Surveyor.
 - b. Need Net Density Calculations on the plan sheet to show max number of lots permitted.
 - c. State notes on plan. Contract documents will be required prior to any CO to demonstrate the following.
 - i. Trash Collection to be coordinated with Ledgewood HOA and will be private curbside pickup for the units shown.
 - ii. Driveway Plowing and Maintenance to be conducted privately through the Ledgewood HOA.
10. Road Names do not work – Ledgeview drive is already in existence so sound alike will not work. Please provide 2 more names
11. Set rims of CBs at Base pavement level– include silt sacks in E/S design.
12. Concern raised on length of hammerhead & nuisance issues that could arise by Police Dept
13. Need ability to serve from PWD & CMP
14. Sidewalk needed along one side of driveway and through complex
15. Performance Guarantee
 - a. Lighting numbers do not match up – increase to 7 lights
 - b. As-built cost needs to be included \$3,500
 - c. Review cost items as they are too low (Manholes, Mains, Water Mains, Storm drainage, Pavement, gravels, riprap) most items are ½ of current rates)

16. Retaining wall in ROW will not be permitted
 - a. Road cross Culvert is the problem
 - i. May need to look at regrading – culvert extension
17. Grading is severe –steep slopes
 - a. Drainage seems redundant to have both internal and external drainage.
 - i. Why are you collecting the upper watershed that to direct into the stormwater feature?
 - ii. Extent of grading seems extreme – is the extent of grading necessary to achieve project?
Can alternative ground treatments be looked at or change in the project FFE?
 - b. Plantings will be difficult to install.
 - c. At intersection with Methodist, there is a grade transition at intersection & lack of crown in the road past last CBs – need to determine how to get water from driveway into ditch without going into road. Need to slope the entrance back into the site drive.
 - i. Grading along Methodist Rd needs to be improved in this stretch along the parcel to better ditch the road to provide relief and storage.
 - ii. Need inlet protection at existing 12” driveway culvert
18. Gravel wetland – no plantings included
19. Stormdrain 8% grade – then severe transition to 1%+/- - backups, or surcharge the structure, the outgoing pipe cannot handle the flow of the incoming.
 - a. Run pipes at a lesser slope and make major elevation changes in the structures.
 - b. Run Stormwater analysis at 100 yr. event – ditch line capacity and culverts down slope
20. Methodist is under moratorium 2019 - 2024 – Water main might be in shoulder to access.
21. FD is reviewing lighting
22. Septic – concern on distance to the leach bed for maintenance in the future.
23. Retaining wall designs for internal to the site not provided.
 - a. Railing along wall may be required
24. Sheet 3
 - a. Provide “actuals” for district standards in addition to the district standard
 - b. State # of units to be approved on plan
25. Sheet 4 – state which building designs go with each building.
26. Sheet 5 – Street Signs on top of all stop signs
27. Sheet 8
 - a. Concrete forebay required for stormwater design
 - b. Clean outs need to be shown on plan view
28. Sheet 9
 - a. Curbing in the complex needs to be provided
 - b. Grading at end of road – create swale to collect upper watershed at end and sheet to drainage way.
 - c. Grading around Eastern most unit – can this area be better graded to be a more level surface for outdoor activity vs a large swale area?
29. Sheet 13
 - a. There is no AF in the legend
 - b. Street grading along Methodist Rd creates a berm of landscaping that may not work in post condition.

Motion:

Motion that the Planning Board continue the application for Methodist Homes, LLC to finalize site design and obtain all required State permits

3. 2022.01 – Site Plan, Subdivision – Waterhouse Farm Preserve – 547 Saco Street – Dog Days, LLC

WORKSHOP

Tax Map: 004 Lot: 006
Zone: Residential Growth Area 2
Use: Dwelling, Two-Family

Project Description:

The applicant is proposing a 13-lot subdivision on a proposed new public street, Farmhouse Way, with a 38-unit condominium complex located on the proposed Lot 13.

Project History

January 18, 2022 – Planning Board Workshop

Staff Comments

1. Noticing Fees: \$99.40
2. Condo project will need to comply with site plan standards for next review steps.
 - a. Building Architecturals, colors, structure layout, landscaping, etc.
3. Project to provide a location and pull out/temporary parking for cluster mailbox
4. Fire Truck Turning Template/verify hammerheads deep enough.
5. Hydrants needed every 800' & 800' from existing – show existing on plan.
6. Naming of all roads/driveways from intersection points. (Will need one public street name and 4 private driveway names.
7. Net Density calcs need to be corrected to net for each lot. Each lot must meet density standards independent of the other, not as a collective lot. State net acreage on each lot.
8. One side no parking on public & driveways
9. Street lighting and intersection and points of curvature
10. Sewer details have been provided. Concern on running the force main in your driveway for purposes of future maintenance.
11. Lot 1 cannot have access off of Saco St – need to tie into the new street.
12. Public Street Hammerhead on wrong side – lot 7 will be buried in snow piles, continue the road past end of Lot 7 and place Hammerhead on Northern side of public street.
13. Ability to Serve from Sewer & water needed
14. Private drive hammerheads/ends of road
 - a. Issues with snow plowing capability
 - i. Units C1/C2 – to narrow an area for driveway off of the turnaround – extend driveway further past units and provide a proper access way to units.
 - ii. Unit C18/19 – Snow will be plowed into these units. These units may not be feasible.
15. Sidewalks needed on public road and driveways.
16. Offsite Pedestrian connection
 - a. Add sidewalk on Saco St to across from Spiller Dr.
 - b. Create a Ped crossing across Saco St to Spiller – with adequate safety measures (RRFBs?)
 - i. Investigate crossing of 45 mph road.
 - ii. Alternative approach, connect the sidewalk system to Elmaple Dr.
 - c. Have a traffic engineer review the impact of this project on the Saco/Eisenhower intersection and potential contribution to intersection upgrade project.
17. Provide Trash Collection – Single Family & Condos
 - a. No Trash will be accepted into the public collection system until street accepted by the City.

Board Action

1. Provide feedback on building elevations and site layout

4. 2022.02 – Land Use Ordinance Amendment, Zoning Map Amendment - §335-5.7 Highway Services District – Tom Watson & Co., LLC

WORKSHOP

Tax Map: 003 Lot: 005
Zone: Industrial Park District

Ordinance Description

The applicant is proposing an amendment to the Zoning Map to rezone the property located at 984 Spring Street from Industrial Park District to Highway Services and to amend the Highway Services District to allow for Multi-family dwellings in sewerred areas of the Highway Services District.

Ordinance History

January 18, 2022 – Planning Board Workshop

Staff Comments

1. Noticing Fees Due: \$32.20

City Staff was approached by the applicant with a request to:

1. Amend the Zoning Map to change the zoning of 984 Spring Street from Industrial Park District to Highway Services and
2. Amend the Land Use Ordinance to allow Multifamily Dwellings in the Highway Services, thereby allowing a multi-family residential development on the subject parcel.

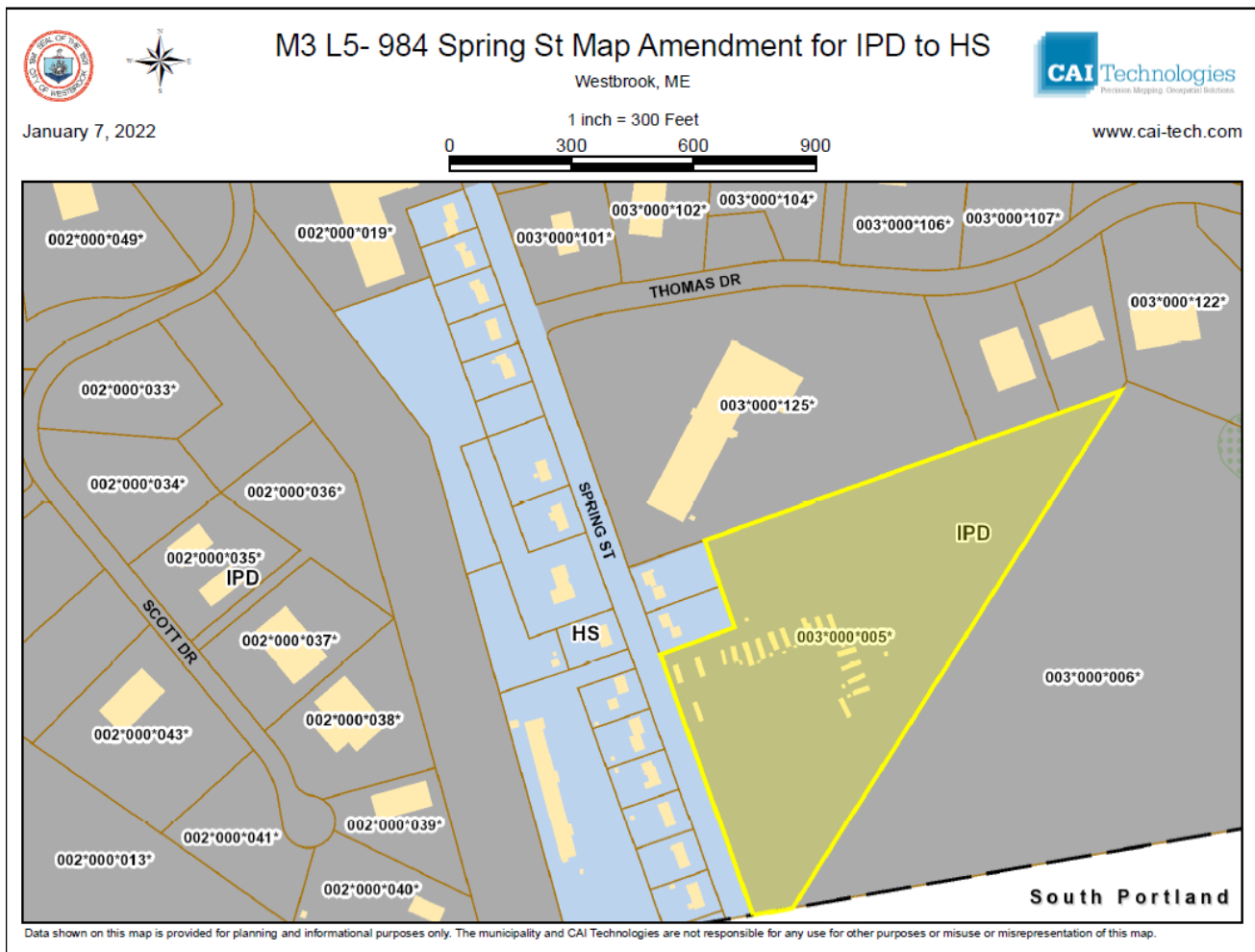
In looking at the application, Staff took the two requests under separate consideration.

Amendment to the Zoning Map:

The Comprehensive Plan identifies the intent of the Industrial Districts (Industrial Park and Manufacturing Districts) is to support the development of industrial, manufacturing, and other larger scale commercial uses. These areas were intended to consist of the existing Industrial Parks within the City, areas that were almost completely built out.

Previous development attempts on the 984 Spring Street parcel have not been successful due to the presence of difficult soils conditions on site that would be a challenge for the larger industrial and high intensity uses that are encouraged in the Industrial Park District. Due to this, a lower intensity use is and will continue to be the type of development this parcel can support. Highway Services District, while similar in the commercial uses of the Industrial Park District, provides greater variety of uses requiring a smaller building footprint, thus more compatible for the subject site.

Further, the Highway Services District is intended to provide a gateway commercial corridor. Currently, Highway Services includes only the parcels on the Westerly side of Spring Street. Staff finds the rezoning of the 984 Spring Street parcel to HS achieves the balance along Spring St and could provide the Gateway feel that the Highway Services District was intended to create. (See below Map for location)



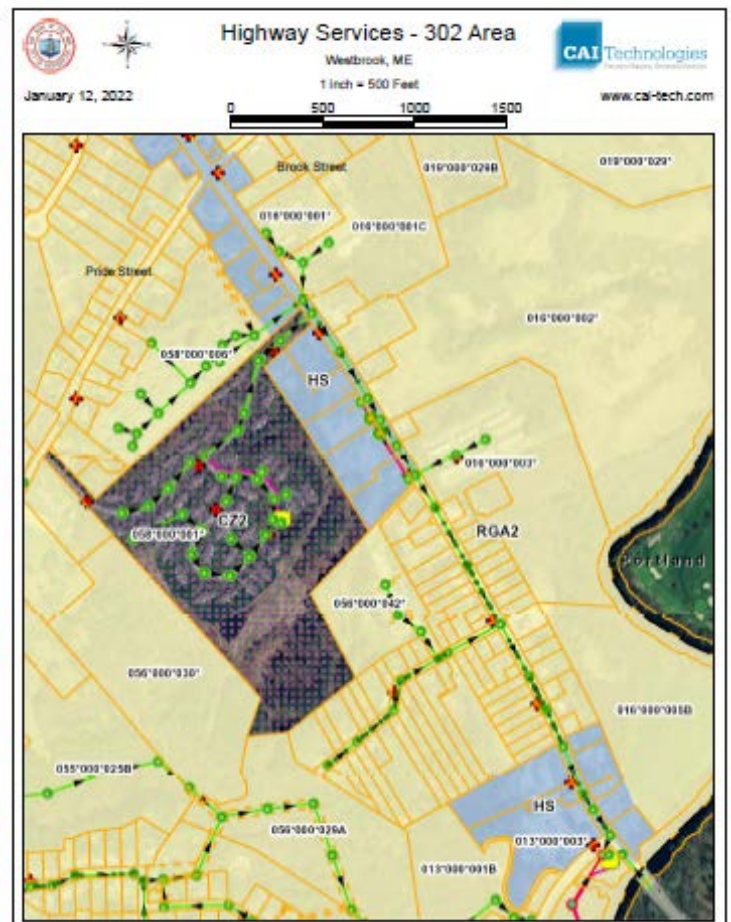
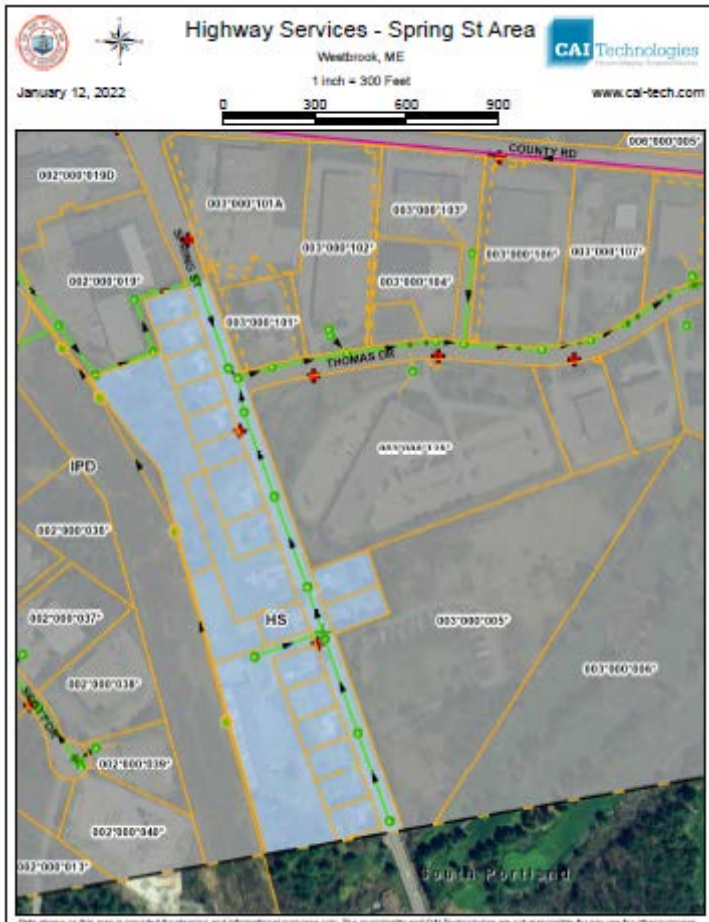
Amendment to the Highway Services District:

The Highway Services District was intended to “improve appearance and reduce sprawl in important mixed-use gateway centers”. Yet the current Highway Services District does not permit residential use of any kind, which, by definition, does not create a true mixed-use district. Staff is supportive of the application to allow the Dwelling, Multi-Family use as a Conditional Use as it achieves the mixed-use design of the district while maintaining the commercial character of the District.

An amendment to the Highway Services District would impact the 4 areas throughout the City where this district resides:

- a. Spring Street at the South Portland Municipal Line
- b. Stroudwater Street at the Portland Municipal Line
- c. Route 302 – Pride’s Corner and southerly toward Portland
- d. Route 302 – Northerly (Duck Pond/Hard Rd Intersection)

In looking at the Zoning Map, it is not the intention or goal of the Comprehensive Plan to encourage large-scale commercial residential growth in areas of the City that are not serviced by City Services. Therefore, Staff is recommending a provision where Multi-family Dwellings are permitted within the Highway Services district only on parcels that are or will be served by public water and sewer. Those areas are currently identified as Spring Street at the South Portland Municipal Line and Route 302 - Approximately 650’ southerly of Pride/Brook St intersection and toward Portland Municipal Line. (See below maps for reference of areas.)



The Ordinance amendment needs to include a density factor with the proposal of residential use; therefore, Staff is recommending a residential density of 1 unit/2,500 square feet, which is consistent with the Residential Density Factor of the Gateway Commercial District.

Additionally, Staff is recommending additional language on architecture to provide the board with the ability to factor in ways to enhance projects which is consistent with our approach in other districts.

Board Action

1. Provide feedback to the applicant and Staff