



Planning & Code Enforcement

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

PLANNING & CODE ENFORCEMENT

WESTBROOK PLANNING BOARD
Tuesday, March 1, 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**

NEW BUSINESS

3. **2021.31 – Site Plan, Subdivision – Stroudwater Apartments - Westbrook Development Corporation – Stroudwater Apartments LP:** The applicant is proposing a 55-unit, affordable senior housing development located on a portion of the City-owned parcel easterly of the National Guard property on Stroudwater Street. Tax Map: 034 Lot: 221 Use: Dwelling, Multiple-Family
4. **2022.02 – Zoning Map Amendment – 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.
5. **2022.03 – Land Use Ordinance Amendment - §335-5.7 Highway Services District – Tom Watson & Co., LLC:** The applicant is proposing an amendment to the Land Use Ordinance to allow Dwelling, Multiple Family as a permitted use within the Highway Services District.
6. **2021.25 – Site Plan – Rock Row – Dirigo Center Developers, LLC –** The applicant is proposing a Medical Office Building, parking garage and retail building located on the South Campus of the Rock Row development. Tax Map: 042B Lot: 014 Zone: Contract Zone 12 – Rock Row Contract Zone Use: Medical/Diagnostic Center, Retail Class 1, Restaurant Class 2

WORKSHOP

7. **2022.04 – Conditional Use – Enlightened Christian Gathering Church:** The applicant is proposing a Church Use located at 1 Westbrook Common. Tax Map: 032 Lot: 010 Zone City Center District, Village Review Overlay 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.

8. **2022.05 – Site Plan – 84 Warren Avenue, Unit J – Dog Days, LLC:** The applicant is requesting a 6,200 commercial building and associated parking located on Unit J of the approved Fairlane 500 Industrial Drive Commercial Condominium, Tax Map: 047 Lot: 005 Unit: J Zone: Gateway Commercial, Industrial Park District Use: Retail Class 3

9. **2022.02 – Amendment to the Zoning Map – Village Review Overlay Zone, Downtown District – New Ventures, LLC:** The applicant is proposing an expansion of the Village Review Overlay Zone, Downtown District to include the following: Map: 040 Lots: 135B, 135C and 135D.



Planning & Code Enforcement

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

PLANNING & CODE ENFORCEMENT

DATE: February 25, 2022

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

RE: March 1, 2022, Planning Board Meeting

-
1. **2021.31 – Site Plan, Subdivision – Stroudwater Apartments – Westbrook Development Corporation; Stroudwater Apartments LP**
 2. **2022.02 – Zoning Map Amendment – Tom Watson & Co., LLC – IPD to HS**
 3. **2022.02 – Land Use Ordinance Amendment - §335-5.7 Highway Services District – Tom Watson & Co., LLC – Add Dwelling Unit – Multifamily to HS District**
 4. **2021.25 – Site Plan – Rock Row Medical Office Building – Dirigo Center Developers, LLC**
 5. **2022.04 – Conditional Use – Enlightened Christian Gathering Church – 1 Westbrook Common**
 6. ~~**2022.05 – Site Plan – 84 Warren Avenue, Unit J – Dog Days, LLC –**~~ **WITHDRAWN BY APPLICANT**
 7. **2022.02 – Amendment to the Zoning Map – Village Review Overlay Zone, Downtown District – New Ventures, LLC**

-
1. **2020.31 – Site Plan, Subdivision – Stroudwater Apartments – Westbrook Development Corporation; Stroudwater Apartments, LP**

PUBLIC HEARING

Tax Map: 034 Lot: 221
Zone: City Center District
Use: Dwelling, Multiple-Family

Project Description:

The applicant is proposing a 55-unit, affordable senior housing development located on a portion of the City-owned parcel easterly of the National Guard property on Stroudwater Street.

Project History:

November 29, 2021 – Neighborhood Meeting
December 7, 2021 – Planning Board Workshop
January 20, 2022 – Recreation and Conservation Commission
March 1, 2022 – Public Hearing

Recreation and Conservation Commission

The Recreation and Conservation Commission has provided a positive recommendation for the applicant's open space plan to include a landscaped seating area to the rear of the building, a groomed walking path with park benches and a trail system with a public easement to Portland Trails to provide a connection from Stroudwater Street to Bicentennial Park. In addition, the applicant has committed to a financial contribution to the City for the purpose of relocating the Stroudwater Street ice rink.

Staff Comments:

1. Open Space Amenities
 - a. Portland Trails trail detail (width, material, location, etc.) to be determined in field. Any trail construction that negatively impacts the function of the wetland or any trail that is beyond native soils will require an amendment to the Conservation Easement.
 - b. Installation of all Open Space amenities required prior to the release of the Performance Guarantee
2. Sheet C-3.0 – needs to be titled Subdivision/Site Plan and needs to be recorded.
3. State on Survey plan for division of lot – Lot 1 and Lot 2 or Lot A and Lot B
4. Electrical
 - a. Will light for allowed public parking on Armory land be removed along with pole as service is going to be cut?
 - b. Is new Guy pole needed in the post conditions as it appears that is a light for the old rink and is only anchored to ensure light pole is braced not the opposite side of street?
5. Stormwater
 - a. In report – page 5 – statement in 1st paragraph seems to confusing. Shouldn't the pond hold the 25-year storm? Is the last sentence in the paragraph meaning to say that the spillway has the capacity to pass the 25-year storm without overtopping “the berm”? This would be concerning for larger events.
 - b. “Drainage out of pond – provide means of conveyance under walking path to avoid path being washed out by stormwater. 4 locations
 - c. Drainage easement needed over parcel for street stormwater to cross into conveyance system.
6. The proposed offsite improvement plan will create multiple points of connection for future WHA residents to the neighborhood, both with the connection to the existing Hannaford Trail and a new crosswalk located in front of the development to access the High School parcel. Further, the offsite improvement plan improves existing conditions through the removal of two crosswalks in front of the Armory which creates an approximate 600' separation between crosswalks and the installation of RRFBs at Hannaford Crossing which is a heavily utilized crossing. A second set of RRFBs to be installed at WHA crossing is pending CDBG funding.
7. Offsite improvement plan
 - a. Grading for drainage along side of road is missing and small riprap strips do not seem sufficient to address stormwater erosion.
8. Stroudwater Moratorium Paving is shown on Sheet 3.1 and is recommended to be included as a condition of approval.
9. Utilities:
 - a. Access and maintenance easement required for sewer main. Easement to be accepted/recorded prior to building permit issuance
 - b. Updated Ability to serve for Sewer – Condition of approval on impact to system post construction
 - i. As of the time of this approval, no rag interference exists in the Stroudwater Street Sanitary Sewer Main.
10. Fire Department Conditions
 - a. Building requires BDA testing
 - b. Access Rd must be maintained during winter months
 - c. Size elevator appropriately to accommodate a stretcher
 - d. Final knox box location to be approved by Fire Department

Motions:

To Grant the waiver of the parking requirement Section 335-13.6.B(1) - Off Street Parking: Parking Spaces provided at less than 1.5 spaces per unit but not less than 1 space per unit, in alternative future ADA Parking Layout.

That the Site Plan, Subdivision application for Westbrook Development Corporation; Stroudwater Apartments, LP for a 55-unit affordable housing development located along Stroudwater Street Tax Map: 034 Lot: 221 Zone: City Center District is **(approved with conditions/ denied)** and the following findings of fact, conclusions, and conditions as stated on pages 3 **through 8** of this Staff Memo dated February 25, 2022 are adopted in support of that approval.

Site Plan – Finding of Fact

Standard	Finding
Utilization of the site	Meets the intent of the Ordinance
Handicap Access	ADA parking is shown on the site plan at locations that provide a direct, accessible path to the building. Site is compliant with ADA standards.
Appearance Assessment	Site access on Stroudwater Street is at a location reviewed and approved by the City Engineer. Project has coordinated site layout with abutting properties to ensure all safety measures are maintained. Enhanced landscaping is provided along Stroudwater Street and along the walking trails. Adequate lighting and signage are provided to meet safety standards. Criteria “a – e” have been met. Criteria f does not apply as the site is not located within the Village Review Overlay District.
Landscape Plan	Enhanced landscaping is provided along Stroudwater Street as well as to compliment the walking path on the westerly side of the property. Per National Guard Standards, no landscaping is provided within 10 feet of the westerly property line.
Odors	The proposed residential use does not anticipate any noxious odors. Trash collection is provided via a trash room internal to the structure. No adverse impact known or anticipated.
Noise	The property is proposed for residential use and is abutting residential, municipal, and State government uses. No adverse impact known or anticipated.
Technical and Financial Capacity	The applicant has provided a letter from Gorham Savings Bank dated December 7, 2021 to demonstrate financial capacity. The applicant has rendered the services of Gorrill Palmer to show technical ability.
Solid Waste	Waste management will be privately hauled. A trash room internal to the structure is provided.
Historic, Archaeological and Botanical Resources or Unique Features	None known
Hazardous Matter	Not applicable
Vibrations	The proposed residential use should not create any vibration issues.
Parking & Loading Design and Site Circulation	A waiver of the parking standard is required to reduce offsite parking from the Ordinance standard of 2 spaces per unit to less than 1.5 spaces per unit but not less than 1 space per unit. The applicant has provided documentation from similar projects to demonstrate an actual projected parking need of 1 space per unit. The range of parking allows the project flexibility on parking

	design regarding the number of ADA spaces provided, depending on the resident need. The alternative parking layout does not alter or increase the footprint of the parking area.
Adequacy of Road System	Stroudwater Street has adequate capacity to accept the traffic generated by this project.
Vehicular Access	Access to the site is provided via Stroudwater Street at a location that was approved by the City Engineer. Adequate site distance is provided on Stroudwater Street.
Pedestrian and Other Modes of Transportation	The proposed offsite improvement plan will create multiple points of connection for future WHA residents to the neighborhood, both with the connection to the existing Hannaford Trail and a new crosswalk located in front of the development to access the High School parcel. Further, the offsite improvement plan improves existing conditions through the removal of two crosswalks in front of the Armory which creates an approximate 600' separation between crosswalks and the installation of RRFBs at Hannaford Crossing which is a heavily utilized crossing. A second set of RRFBs to be installed at WHA crossing pending CDBG funding.
Utility Capacity	Gas water and sewer services area available within the Stroudwater Street right of way. Ability to serve letters for sewer and water have been provided as part of the application.
Stormwater Management, Groundwater Pollution	The project provides for stormwater quality and quantity management on site.
Erosion and sedimentation Control	Adequate erosion/sedimentation control measures area provided on the plan.

Conclusions

1. The proposed site plan **will not** result in undue water or air pollution.
2. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed site plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed site plan **will** provide for adequate sewage waste disposal.
7. The proposed site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed site plan **conforms** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet standards of this section.
11. The proposed site plan **is 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 within the Stroudwater Street right of way. Project is responsible for the installation and maintenance of a grinder pump within private infrastructure prior to sewage entering the public system.
Sufficient Water	Water services are available within the Stroudwater Street right of way.
Municipal Water Supply	Water services are available within the Stroudwater Street right of way.
Erosion	Adequate erosion control measures are shown on the plan.
Traffic	Stroudwater Street has adequate capacity to accept the traffic generated by this project.
Sewage Disposal	Disposal of sewage will be via the public system. Sewer connection is available within the Stroudwater Street right of way. Project is responsible for the installation and maintenance of a grinder pump within private infrastructure prior to sewage entering the public system.
Municipal Solid Waste Disposal	Waste management will be privately hauled. A trash room internal to the structure is provided.
Aesthetic, Cultural and Natural Values	None known.
Conformity with City Ordinances and Plans	Proposal is in conformance with the City Ordinance & the Comprehensive Plan.
Financial and Technical Capacity	The applicant has provided a letter from Gorham Savings Bank dated December 7, 2021, to demonstrate financial capacity. The applicant has rendered the services of Gorrill Palmer to show technical ability.
Surface Waters; Outstanding River Segments	Not applicable
Ground Water	Ground water will not be adversely impacted by the project.
Flood Areas	Not applicable
Freshwater Wetlands	All wetlands have been identified on the plan.
Farmland	No farmlands have been identified on the site.
River, Stream or Brook	A drainage ditch leading to Haskell Pond is identified along the northeasterly property line. The plan shows a 75-foot stream setback from the waterway.
Stormwater	The project provides for stormwater quality and quantity management on 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 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.

Conditions :

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated January 6, 2022 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. Copy of the recorded Lot division survey by Titcomb
 - d. Copy of recorded deed language including sewer access and maintenance easement and stormwater street drainage easement.
 - e. 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.

- f. Review of building elevations to be consistent with submitted documentation or testimony.
 - g. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
 - h. 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. **\$12,640.17**
 - i. 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. **\$632,008.41**
 - j. Coordinate with the E911 Coordinator on addressing of the building/units.
 - k. 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.
4. **Prior to commencing any work in the City Right-of-Way**, the applicant must obtain a road-opening permit from the Public Works Department.
 5. **Prior to the issuance of an 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), paving, striping, access, signage, etc.)
 - b. Crosswalk layouts and elements and access to crosswalks completed in accordance with the approved offsite improvement plan. RRFBs installed at the westerly most “Hannaford” crossing and tip downs installed at both crosswalk locations as shown on the offsite plans.
 - c. All offsite sidewalks as shown on the offsite improvement plans must be installed
 - i. If agreements with private property owners to fully construct the offsite sidewalk system has not been achieved, in lieu of completion of the offsite sidewalk prior to the issuance of an Occupancy Permit, a performance guarantee amount can be held for the full cost of such sidewalk installation inclusive of the required moratorium paving, with the sidewalk to be constructed when such agreements with private property owners have been secured to enable the construction of the offsite sidewalk.
 - d. All water and sewer lines fully tested and approved.
 - e. All other site improvements 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.
 - f. Documentation of maintenance contractor for Stormwater Best Management Practices
 - g. Verify final USPS locations for mailbox
 6. **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, 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. Installation of all Open Space amenities (trails, benches patios, etc.) required by the Planning Board for the Project.
 - c. Copy of recorded easement to Portland Trails for public access trail across property in general conformance with the approved plans.
 - d. Documentation of maintenance contractor for Stormwater Best Management Practices.
 7. Hours of work impacting Stroudwater Street limited to 8a – 3:30p.
 8. Stroudwater Street Moratorium Paving. Any work impacting Stroudwater Street pavement occurring during the Stroudwater Street City moratorium will require a 1.5” mill and fill to centerline and 25’ beyond the limit of pavement disturbance.
 9. Any conditions of the Portland Water District and City Sewer ability to serve letters are also conditions of this approval. Sewer capacity is contingent upon the materials provided to the Sewer Department as part of this application, including projected sewer flows.

- a. If interference is caused in the Stroudwater Sewer Main System by rags, post occupancy of this project, the Project will be required to install a pretreatment system within 90 days of being notified of said problem.
10. Any trail construction that materially negatively impacts the function of the wetland or any trail that is beyond native soils will require an amendment to the Conservation Easement.
11. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
12. 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.

2. 2022.02 - Zoning Map Amendment – Tom Watson & Co., LLC

PUBLIC HEARING

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

Project 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

Project History:

January 18, 2022 – Planning Board Workshop
March 1, 2022 – Public Hearing

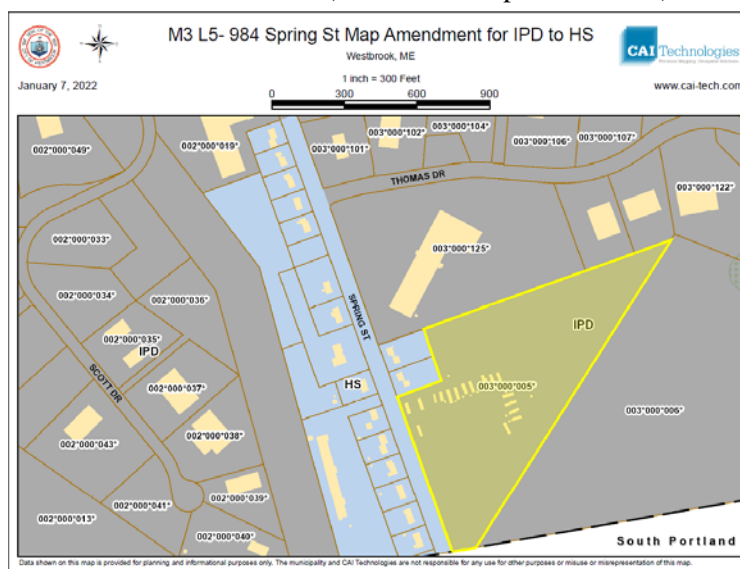
Staff Comments:

1. Noticing Fees: \$192.20

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)



Motion:

Motion to recommend an amendment to the City of Westbrook Zoning Map to rezone the parcel located at 984 Spring Street, Tax Map 003 Lot 005, from Industrial Park District to Highway Services.

3. 2022.03 – Land Use Ordinance Amendment – §335-5.7 Highway Services District - Tom Watson & Co., LLC

PUBLIC HEARING

Ordinance Description:

The applicant is proposing an amendment to the Highway Services District to allow for Dwelling, Multi-Family use as a permitted use with performance standards as stated in the attached document.

Project History:

January 18, 2022 – Planning Board Workshop

March 1, 2022 – Public Hearing

Staff Comments

1. Noticing Fees: \$160.00

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 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:

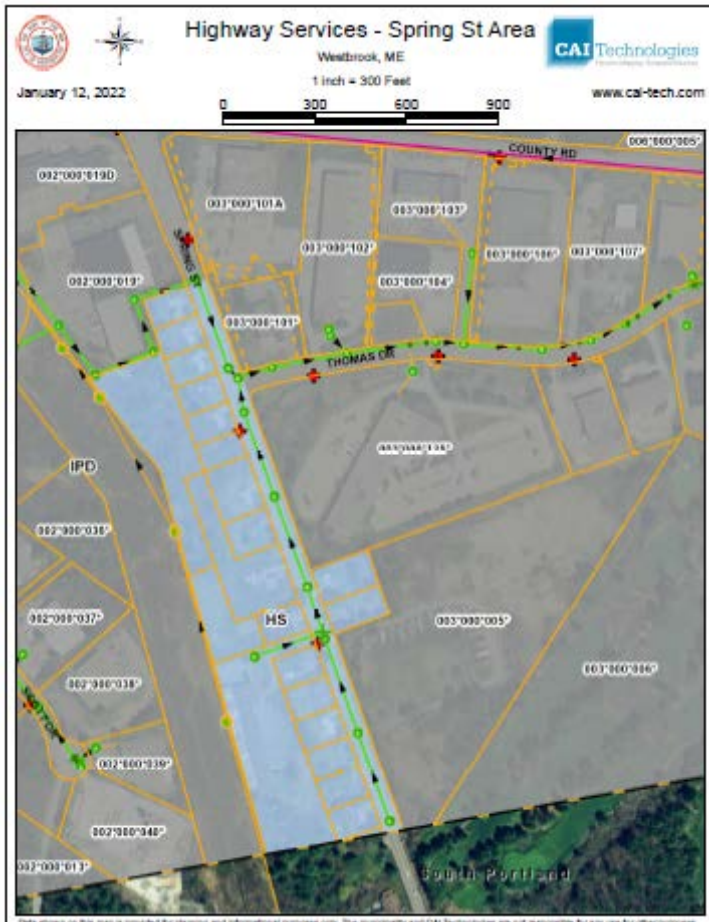
- a. Spring Street at the South Portland Municipal Line
- b. Stroudwater Street at the Portland Municipal Line
- c. Route 302 – Pride’s Corner and southerly toward Portland
- d. Route 302 – Northerly (Duck Pond/Hard Rd Intersection)

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 maps on the following page 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.



Motion:

Motion to recommend an amendment to the City of Westbrook Land Use Ordinance §335-5.7 Highway Services District as per the attached document title “335-5.7 Highway Services District – Planning Board Public Hearing 3/1/22”, and as amended by the Board.

4. 2021.25 – Site Plan – Rock Row – Dirigo Center Developers, LLC – Medical Office Building

PUBLIC HEARING

Tax Map: 042B Lot: 014

Zone: Contract Zone 12 – Rock Row Contract Zone

Use: Medical/Diagnostic Center, Retail Class 1, Restaurant Class 2

Project Description

The applicant is proposing a Medical Office Building, parking garage and retail building located on the South Campus of the Rock Row development.

The applicant is requesting to provide the Planning Board with an update on the application as the overflow parking layout has been revised since the July workshop. At this time there are outstanding comments pertaining to utility design (provided below) as well as the project is under review for an amendment to a Traffic Movement and DEP permit applications.

Project History

July 15, 2021 – Recreation and Conservation Commission

July 20, 2021 – Planning Board Workshop

March 1, 2022 – Public Hearing

Staff Comments

1. Noticing Fees: \$183.80
2. Provide update on status of MDOT TMP Amendment. Application will need a minimum of initial DOT feedback on overall plan/design prior to approval from Planning Board
3. Signage shown on building elevations does not comply with Contract Zone Standards (1 square foot of building mounted signage per linear foot of tenant frontage)
4. Addressing of units
 - a. Coordinate with Linda Gain on addressing – may recommend a named driveway off Rock Row for addressing of garage, MOB and Retail
5. Crosswalk needed at intersection of “VIP” parking pod to access sidewalk on easterly side of Rock Row
6. Provide barrier to prevent vehicles from utilizing the Larrabee Road connection. Barrier needs to allow access for emergency vehicles.
7. Collapsible bollards at intersection of Larrabee and Larrabee access drive
8. Project pending DEP approval
9. Guardrail is required at all locations where side slopes are greater than 3:1,

Sewer

1. Sheet C4-2
 - a. SMH-A has a large drop in channel from 62 to 56 – usually there is only a tenth of a drop. Consider an internal drop.
 - b. SMH-B has no rim elevation listed.
 - c. Usually recommend at least 0.0046 for minimum slope of a 10” gravity line
2. Sheet C4-3
 - a. Would recommend at least 8” line with so many laterals coming into this line – might also enable you to make manholes a little deeper.
 - b. Why is there an 8”x6”x8” tee at top right of plan with two four-inch laterals going into a 6”?
 - c. Would recommend insulating any manholes less than 5 ft deep (freezing issues)
 - d. SMH 300 is uncomfortably shallow – not sure they can manufacture them that shallow. Will freeze unless insulated (channel and above MH).
 - e. Try to eliminate SMH 301? Awful lot of structures in one small area.
 - f. Missing profile on portions of gravity sewer (i.e., SMH 308 and laterals).
3. Sheet PP1

- a. Missing info for SMH-308
- b. Shows two P-405.
4. Sheet PP2
 - a. P-407 should be at least 0.6% -- could have solid issues less than that.
 - b. SMH 307 – recommend bigger SMH (>4 ft diameter) with two inside drops.
 - c. SMH 306 is missing invert information.
5. Sheet PP3
 - a. Would recommend air release MH at high point in force main.
6. Sheet D5
 - a. Shows 3” force main directly into manhole, but plan sheet shows force main going into a gravity line first.
 - b. No inside drop detail.
7. Sheet D8
 - a. SMH detail doesn’t show channel at bottom.
8. Forest Street
 - a. one channel needs to be fixed near the RR tracks – too low, causing sag
 - b. Connection where new pipe into existing is infiltration. Recommend seal it or liner prior to approving
9. Should have Wright-Pierce review completed by end of the week.

FD Comments:

1. Parking garage stand pipe location to be verified by FD
2. Addressing will need to be clearly displayed on building for emergency access
3. BDA testing required for each building within Phase 4

Verify the following: Per the Contract Zone Annual requirements:

1. A representative of Waterstone has contacted the public safety department and talk to Capt. Steve Goldberg about volume of calls for service
2. Provide any testing on the water quality of the quarry lake

Board Action

Motion that the Planning Board continue the application for Dirigo Center Developers, LLC to finalize design and obtain feedback from State permits applications.

5. 2022.04 – Conditional Use – Enlightened Christian Gathering Church

WORKSHOP

Tax Map: 032 Lot: 010

Zone: City Center District, Village Review Overlay Zone

Project Description

The applicant is proposing a Church Use located at 1 Westbrook Common.

Project History

March 1, 2022 – Planning Board Workshop

Staff Comments

1. More detail needed on sewer connection in Main Street.
2. Internal floor plan showing all partitions and egress paths needed. Include all partitions, stages, seating type/location, etc. The sketch previously provided to the fire inspector via email was not sufficient as it was not to scale and was not descriptive enough to accurately reflect the internal layout. Please provide a scaled drawing that shows all elements within the space to better define egress. Rolling walls are not permitted.
3. Temporary walls may not be placed in a location that will block egress paths
4. Occupancy limited to 50 people

Board Action

Provide feedback to Applicant and Staff

5. 2022.05 – Site Plan – 84 Warren Avenue, Unit J – Dog Days LLC

WORKSHOP

Tax Map: 047 Lot: 005 Unit: J
Zone: Gateway Commercial District; Industrial Park District
Use: Retail Class 3

ITEM WITHDRAWN BY APPLICANT

6. 2022.02 – Amendment to the Zoning Map – Village Review Overlay Zone, Downtown District – New Ventures, LLC

WORKSHOP

Tax Map: 040 Lots: 135B, 135C, 135D
Zone: City Center District

Project Description

The applicant is proposing an expansion of the Village Review Overlay Zone, Downtown District to include the following: Map: 040 Lots: 135B, 135C and 135D. (Area with red outline shown on plan below is the area to add into Downtown District. Blue line is current district line.)

Project History

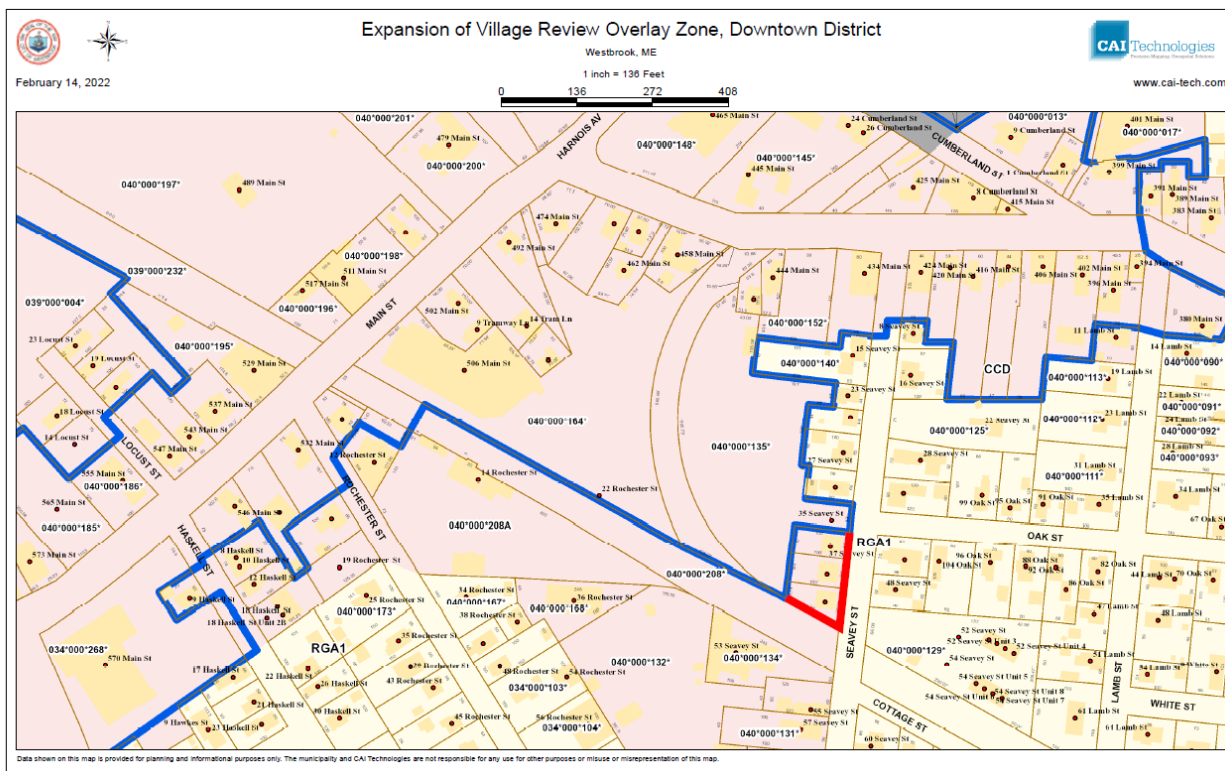
March 1, 2022 – Planning Board Workshop

Staff Comments

1. Noticing Fees: \$127.40
2. Will need to absolve the subdivision and record plan prior to submitting a site plan/subdivision application (Submit with next application)

The original project on this parcel had proposed to divide the parcel into essentially two separate projects and during that time the downtown district lines were being amended in conjunction with that land division as the individual lots did not have Main Street frontage.

With the new proposal of merging all the lands of the previous lot along with the Railroad siding parcel (see PDF next sheet), the recommendation would be to surround the entire parcel in the Downtown District as the parcel is a Main Street Parcel in totality. This amendment creates a clean lot to design the upcoming project by, with no split district issues based on the current map. Additionally, this affords better site layout and allowance for density in our urban downtown area which has been the intent of the downtown standards.



Board Action

Provide feedback to Applicant and Staff



Main St - Lot Merger 35 Seavey

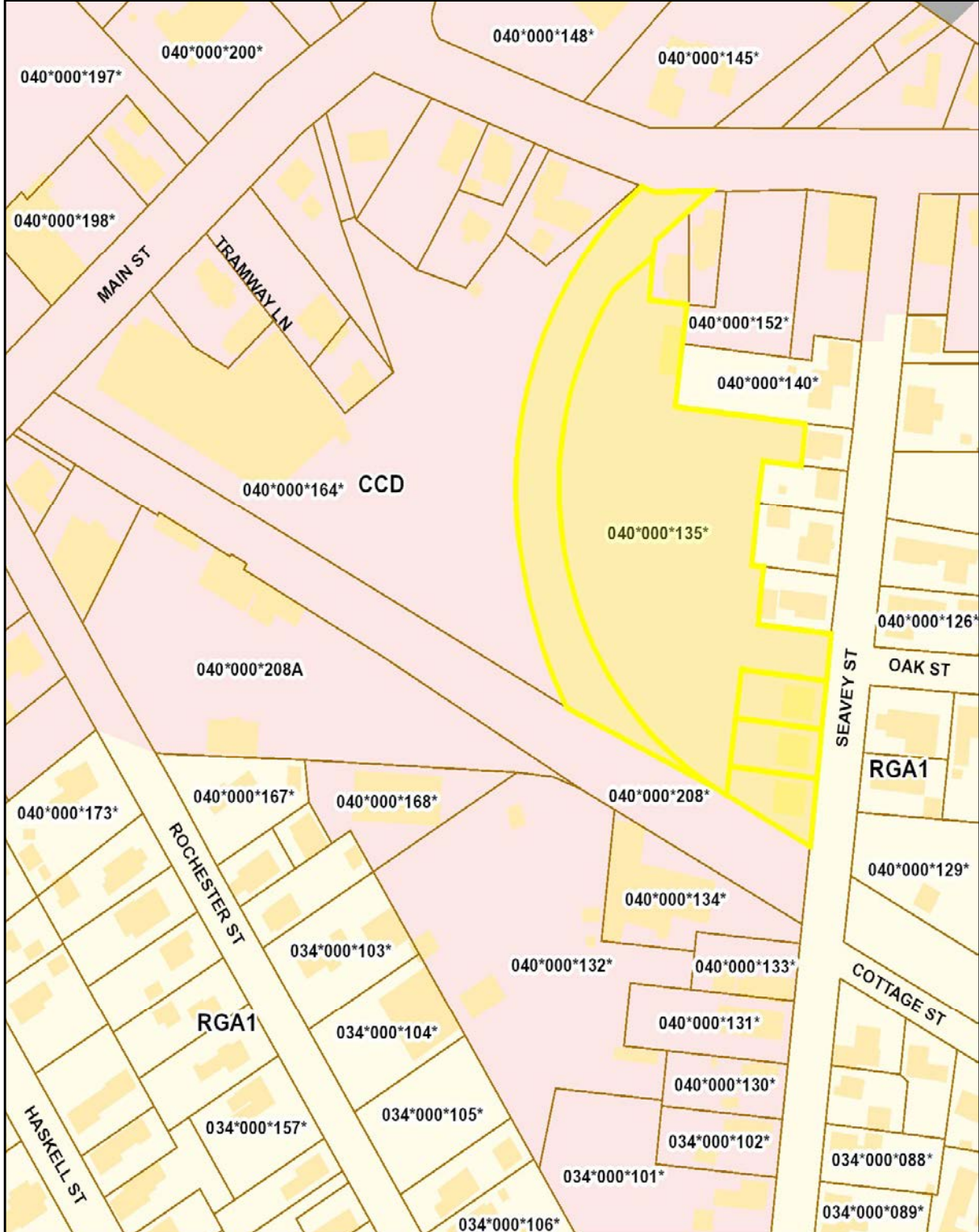


Westbrook, ME

1 inch = 150 Feet

February 23, 2022

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use, misuse or misrepresentation of this map.