



Planning & Code Enforcement

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PLANNING & CODE ENFORCEMENT

WESTBROOK PLANNING BOARD
Tuesday, April 5, 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. **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 Zone
4. **2022.10 – Amendment to an approved Subdivision – 35 Seavey Street – New Ventures, LLC:** The applicant is requesting to dissolve the 4-lot subdivision approved on May 5, 2020. Tax Map: 040 Lot: 135, 135B, 135C and 135D Zone: City Center District, Village Review Overlay Zone
5. **2022.06 – 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.
6. **2022.07 – Site Plan Amendment – Rock Row Phase 2 – Dirigo Center Developers, LLC:** The applicant is proposing an outdoor Restaurant Class 2 use on the northeasterly a portion of the existing gravel parking area. Tax Map 042B Lot 011 Zone: Contract Zone 12 – Rock Row Contract Zone Use: Restaurant Class 2

WORKSHOP

7. **2022.08 – Subdivision – Rock Row North Campus – Dirigo Center Developers, LLC:** The applicant is requesting an amendment subdivision of the Rock Row North Campus approved February 4, 2020 to create a new Lot #7. Tax Map 042B Lot 011 Zone: Contract Zone 12 – Rock Row Contract Zone
8. **2022.09 – Subdivision, Site Plan – Dirigo Center Developers, LLC:** The applicant is requesting a 7-lot subdivision of the Rock Row South Campus to include a sewer pump station located on Lot #4 and the street and utility layout within the boundaries of Lot #2. Tax Map 042B Lot 011 Zone: Contract Zone 12 – Rock Row Contract Zone

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: April 1, 2022

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

RE: April 5, 2022, Planning Board Meeting

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1. **2022.04 – Conditional Use – Enlightened Christian Gathering Church**
 2. **2022.10 – Dissolution Plat – 35 Seavey Street – New Ventures, LLC**
 3. **2022.06 – Amendment to the Zoning Map – Village Review Overlay Zone, Downtown District – New Ventures, LLC**
 4. **2022.07 – Site Plan Amendment – Rock Row Phase 2 – Dirigo Center Developers, LLC**
 5. **2022.08 – Subdivision – Rock Row North Campus – Dirigo Center Developers, LLC**
 6. **2022.09 – Subdivision, Site Plan – Rock Row South Campus - Dirigo Center Developers, LLC**

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1. **2022.04 – Conditional Use – Enlightened Christian Gathering Church**

PUBLIC HEARING

Tax Map: 032 Lot: 010
Zone: City Center District; Village Review Overlay Zone
Use: Church

Project Description:

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

Project History:

March 1, 2022 – Planning Board Workshop
April 5, 2022 – Public Hearing

Staff Comments:

1. Noticing Fees: \$222.10
2. Temporary walls may not be placed in a location that will block egress paths
3. Occupancy limited to 50 people
4. Westbrook Common Park is public open space. Any programmed/scheduled events within public open space requires an Event Permit from the City Clerk's office.
5. Trash for this use will not require any outside storage as stated by the applicant. Trash will be kept inside the suite and disposed of properly through private means.

Motion:

Motion to grant a Conditional Use Permit for Enlightened Christian Gathering Church for a church use located at 1 Westbrook Common Tax Map: 032 Lot: 010 Zone City Center District; Village Review Overlay Zone is **(approved with conditions/denied)** and the following findings of fact, conclusions and conditions as stated on pages **2 through 3** of this Staff Memo dated April 1, 2022 are adopted in support of that approval.

Conditional Use – Finding of Fact

Standard	Finding
Landscape Environment and Enhancement	The operation of the proposed use is within the limits of the existing structure on site. No additional clearing is required.
Surface Water Drainage	The operation of the proposed use is within the limits of the existing structure on the site. No changes or alterations to the grading or impervious cover are proposed.
Water, Air, Soil Pollution	The operation of the proposed use is within the limits of the existing structure on the site. No known or perceived impacts to water, air or soil pollution are anticipated.
Soil Integrity	No changes or alterations to the grading or impervious cover are proposed.
Natural Environment	Not applicable.
Nuisance Factor	None anticipated
Special Features	Not applicable
Vehicular Access	There are three public parking lots within the vicinity of the lot that are accessed via Main Street and Church Street. The Ordinance does not require off street parking be provided for a Church use in the City Center District.
Parking and Circulation	There are three public parking lots within the vicinity of the lot that are accessed via Main Street and Church Street. The Ordinance does not require off street parking be provided for a Church use in the City Center District.
Public Services	The use does not generate an unreasonable burden on available public services. Waste removal shall be privately managed by the Church use and/or property owner.

Conclusions

1. The landscape **is** preserved in its natural state as far 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 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 January 30, 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. No outdoor storage of materials or equipment is permitted as there is no privately owned land beyond the structure associated with 1 Westbrook Common.

2. 2022.10 – Dissolution Plat – 35 Seavey Street – New Ventures LLC

PUBLIC HEARING

Tax Map: 040 Lots: 135, 135B, 135C, 135D

Zone: City Center District, Village Review Overlay Zone – Downtown District

Project Description:

The applicant is requesting to dissolve the 4-lot subdivision approved on May 5, 2020, and further to show the lot merger of the railroad spur parcel previously known as Tax Map 040 Lot 208 Block 002.

Project History:

March 1, 2022 – Planning Board Workshop

April 5, 2022 – Public Hearing

Staff Comments:

1. Dissolution Plat will need to be recorded prior to posting the City Council public hearing for the Downtown District Overlay expansion related to the area where the 3 lots along Seavey Street were previously. A copy of the recorded dissolution plat needs to be provided to the Planning Office.
2. In addition to the dissolution of the Seavey Street Subdivision, the recorded plan demonstrates the acquisition of the railroad spur currently shown as Tax Map 040 Lot 208 Block 002
3. The applicant shall provide the digital data as required by §335-13.5. – verification with GIS coordinator.

Motion:

Motion to approve the dissolution of the 4-lot subdivision initially approved by the Planning Board on May 5, 2020, and to merge the following lots: Tax Map 040 Lots: 135, 135B, 135C and 135D and Tax Map: 040 Lot: 208 Block: 002

3. 2022.06 – Amendment to the Zoning Map – Village Review Overlay Zone, Downtown District – New Ventures, LLC

PUBLIC HEARING

Ordinance 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.)

Ordinance History:

March 1, 2022 – Planning Board Workshop

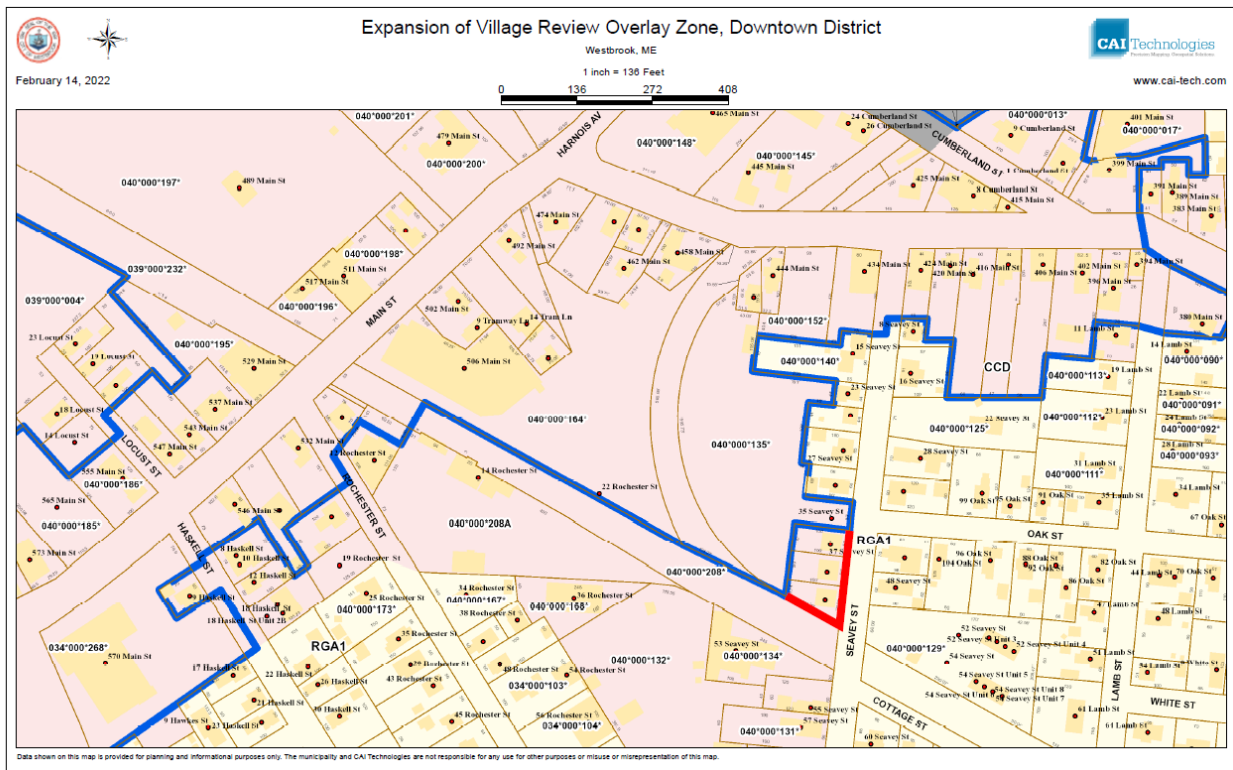
April 5, 2022 – Public Hearing

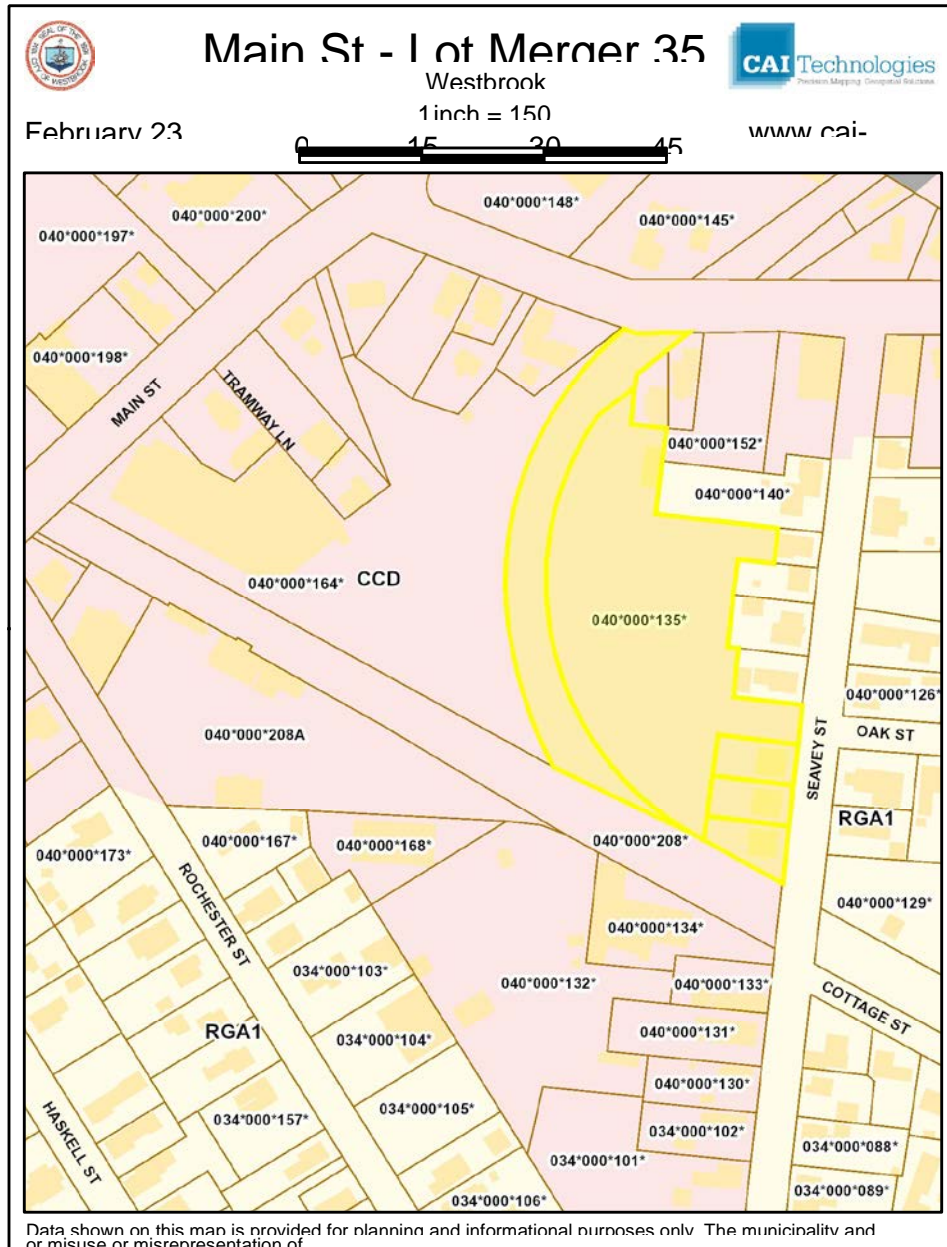
Staff Comments

On May 5, 2020, the Planning Board approved a subdivision which divided the parcel into two separate projects and during that time the downtown district lines were being amended in conjunction with that land division as the individual duplex lots did not have Main Street frontage.

With the new proposed development plan of merging the lands of the Railroad siding parcel and the three lots fronting Seavey Street (Planning Board application 2022.10 and as shown in the PDF next sheet), the recommendation would be to include 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/flexibility and allowance for density in our urban downtown area, which has been the intent of the downtown standards.

The recommendation for the expansion of the Downtown District is contingent upon the merging of the lots and therefore the recommendation from Staff is to require documentation of the recorded dissolution plan prior to final consideration by the City Council.





Motion:

Motion to recommend to City Council the Zoning Map Amendment to place the Village Review Overlay Zone/Downtown District Overlay over the parcels shown on Tax Map: 040 Lots: 135B, 135C and 135D. This recommendation is contingent on the dissolution of the previously approved subdivision to create a single lot with Main Street frontage. The item will be placed on the next available City Council agenda once a copy of the recorded dissolution plan for the Seavey Street subdivision is provided to the City of Westbrook Planning Department.

4. 2022.07 – Site Plan Amendment – Rock Row Phase 2 – Dirigo Center Developers, LLC

PUBLIC HEARING

Tax Map: 042B Lot: 011
 Zone: Contract Zone 12 – Rock Row Contract Zone
 Use: Restaurant Class 2

Project Description

The applicant is proposing an outdoor Restaurant Class 2 use along with associated site improvements on the northeasterly portion of the existing gravel parking area previously associated with the Amphitheater Use. Operation of this outdoor restaurant is proposed to be seasonal from May to beginning of October.

Project History

October 2, 2018	Workshop: Site Plan Amendment; - Amphitheater & Parking Lot
November 6, 2018	Workshop: Site Plan Amendment; - Amphitheater & Parking Lot
December 4, 2018	Public Hearing – Amphitheater & Parking Lot
April 5, 2022	Public Hearing – Restaurant Class 2 within the Parking Lot Area

Staff Comments

1. Knox box required at (3) gate locations
2. All food trucks (including ice cream truck) will require City food truck license through City Clerk’s office
3. Beer Garden occupancy capacity to be determined by bathroom fixture counts during building permit review process. Bathrooms must be ADA compliant.
4. Stage anticipated to consist of elevated platform with 10’ x 10’ pop-up tent (tent permit required). Stage may be used for performances but limited to smaller scale performance reflective of a deck/patio (i.e., will not include a commercial/warehouse P.A. system).
5. Anchor for wind load required for stage and food trailer(s)
6. Photometrics plan showing footcandles in the parking lot and seating area required for review by FD
7. Stamped electrical plan needed with electrical permit application showing panels, main disconnects, etc.
8. Cooking suppression system layout and grease/wastewater removal plan needed for review by FD for Conex box kitchens.
9. Sign permits are required for all signage associated with the restaurant use.
10. Hours of operation were stated in the application from 12 noon to 9 pm.

Motion

That the Site Plan Amendment application for Dirigo Center Developers, LLC for a Restaurant Class 2 use on the northeasterly portion of the existing gravel parking area Tax Map: 042B Lot: 011 Zone: Contract Zone 12 – Rock Row Contract Zone is **(approved with conditions/ denied)** and the following findings of fact, conclusions, and conditions as stated on pages 7 through 9 of this Staff Memo dated April 1, 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	The plan includes 4 signed & striped ADA spaces located in the existing paved parking lot with an accessible path to the outdoor beer garden.
Appearance Assessment	The site plan amendment is consistent with the overall site plan as approved by the Planning Board.
Landscape Plan	The restaurant use does not alter or impact the approved landscape plan for the site.

Odors	The restaurant use is in in line with the existing uses on the site. No adverse impact is known or anticipated
Noise	The restaurant use is in in line with the existing uses on the site. No adverse impact is known or anticipated
Technical and Financial Capacity	The City is currently holding a performance guarantee for all sitework, and offsite improvements associated with Phase 1.
Solid Waste	Solid waste will be privately managed. An enclosed dumpster is shown on the plan.
Historic, Archaeological and Botanical Resources or Unique Features	None known
Hazardous Matter	None known
Vibrations	The restaurant use is in in line with the existing uses on the site. No adverse impact is known or anticipated
Parking & Loading Design and Site Circulation	Approximately 89 parking spaces will be delineated within the existing gravel parking lot adjacent to the restaurant use. ADA and overflow parking will utilize existing paved parking lots located on the site.
Adequacy of Road System	Adequate
Vehicular Access	The plan does not alter existing site entrance locations. Primary access to the use will be via the Larrabee Road entrance to the gravel parking area.
Pedestrian and Other Modes of Transportation	Adequate pedestrian access exists on the site to accommodate the proposed use.
Utility Capacity	All utility connections are available within the site. All utilities shall be underground.
Stormwater Management, Groundwater Pollution	The site plan amendment is within the allowance of the existing SLOD permit for the site.
Erosion and sedimentation Control	Adequate erosion and sedimentation control will be provided for any necessary ground disturbance.

Conclusions

1. The proposed site plan **will not** result in undue water or air pollution.
2. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed site plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed site plan **will** provide for adequate sewage waste disposal.
7. The proposed site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed site plan **conforms** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet standards of this section.
11. The proposed site plan **is not** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.

12. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed site **is not** situated entirely or partially within a floodplain.
14. All freshwater wetlands **have** been shown on the site plan.
15. Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.
16. The proposed site plan **will** provide for adequate storm water management.
17. The proposed plan **will not** negatively impact the ability of the City to provide public safety services.

Conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated March 10, 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. **All Conditions of approval associated with Dirigo Center Developers LLC's project at 58 and 80 Main Street, Tax Map: 042B Lots: 011 & 014, that have been previously stated in Staff's Memo and Notices of Decisions of the Planning Board's decisions are included with this amendment.**
2. Prior to any site disturbance associated with the project elements:
 - a. Preconstruction meeting - A brief discussion with Codes and FD to ensure that appropriate permits are being pulled for this project and the level of inspections required for CO issuance.
 - b. Reach out to E911 coordinator to determine an address for the restaurant for purposes of emergency services.
 - c. Erosion and sediment control measures may be required depending on nature of final layout.
3. Prior to issuance of c/o for the Restaurant Class 2 use:
 - a. All outstanding Staff comments must be addressed
 - b. Signoff from FD for electrical design
 - c. Photometrics plan or equivalent provided to the Planning Department to demonstrate adequate site lighting within seating area and parking lot
 - d. Gravel parking lot delineated and all wayfinding signage installed
 - e. Knox Boxes installed at three gate locations
 - f. Bathrooms deemed functional
 - g. Occupancy loading determined either by space or bathrooms and posted on the premise.
 - h. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval (to include but not limited to lighting (installed & lit), striping, access, signage, etc.)
 - i. Additional protection measures may be deemed necessary once review of the actual site conditions are conducted to ensure life safety standards are met.
4. The applicant shall provide the digital data as required by §335-13.5. – verification with GIS coordinator
5. This approval is dependent on the availability of food vendors to customers at all times the site is open for business. If the food vendors are not open for sale of food products, the restaurant site must remain closed.
6. If the restaurant site serves alcohol without the food vendors open for business, this approval is voided.

5. 2022.08 – Amended Subdivision – Rock Row North Campus – Dirigo Center Developers, LLC

WORKSHOP

Tax Map: 042B Lot: 011
Zone: Contract Zone 12 – Rock Row Contract Zone

Project Description

The applicant is requesting an amendment to their previous subdivision of the Rock Row North Campus approved February 4, 2020 to create a new Lot #7.

Project History

April 5, 2022 – Planning Board Workshop

Staff Comments

1. Area of land within Portland mislabeled – Revise to Parcel 2 Lot 7 (labeled Lot 6)
2. Plan note 1 states the intent of the plan is to extend the RR ROW – revise to state creation of Lot 7
3. Include Zoning Standards for Rock Row Contract Zone and density calculations on plan – Provide proposed column for Final plan
4. Surveyor stamp missing on subdivision plan
5. Bearing missing at southerly side of Larrabee Road site entrance

Board Action

Provide feedback to Applicant and Staff

6. 2022.09 – Site Plan, Subdivision – Rock Row South Campus – Dirigo Center Developers, LLC

WORKSHOP

Tax Map: 042B Lot: 011

Zone: Contract Zone 12 – Rock Row Contract Zone

Project Description

The applicant is requesting a 7-lot subdivision of the Rock Row South Campus to include a sewer pump station located on Lot #4 and the street and utility layout within the boundaries of Lot #2.

Project History

April 5, 2022 – Planning Board Workshop

Staff Comments

1. Provide roadway name for access road from Larrabee Drive to Rock Row
2. Subdivision Plan – Include Zoning Standards for Rock Row Contract Zone and density calculations
3. Surveyor stamp missing on subdivision plan
4. Applicant is in process of amending the Pan Am easements to align with the proposed roadway. Amended easement location to be shown on final plan.
5. Subdivision Plan includes a call out for plan note 8 with the access easement. Plan does not have a plan note 8 – remove reference
6. All appropriate signage (stop sign, stop bars, street sign, etc.) required on final plan set

Board Action

Provide feedback to Applicant and Staff