



## Planning & Code Enforcement

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

### PLANNING & CODE ENFORCEMENT

#### WESTBROOK PLANNING BOARD TUESDAY, MAY 4, 2021, 7:00 P.M.

**Performing Arts Center  
Westbrook Middle School  
471 Stroudwater Street, Westbrook**

**Enter Building from Street side (Performing Art Center Entrance)  
Masks are required to enter building and must remain on, as well as proper physical distancing.**

#### AGENDA

1. **Call to Order**

2. **Approval of Minutes**

#### REGULAR BUSINESS

3. **2020.37 – Site Plan, Subdivision, Conditional Use – 364 Spring Street – Flagship Spring Street, LLC:**  
The applicant is proposing a 22-unit subdivision, associated parking and site improvements. Tax Map: 008  
Lot: 008 Zone: Residential Growth Area 1 Use: Dwelling, Two-Family, Dwelling, Multiple Family

#### NEW BUSINESS

4. **2021.05 – Site Plan - 2 Chabot Street – Camp Commercial Real Estate, LLC – Public Hearing:** The applicant is proposing a new +/-17,800 commercial truck service facility affiliated with the existing automobile dealership, Rowe Ford, located at the intersection of Larrabee Road and Main Street. Tax Map 047 Lot: 201 Zone: Gateway Commercial District Use: Automobile Repair Service
5. **2020.20 – Site Plan Amendment, Shoreland Overlay Zone – 5 Bradley Dr – Abbott Diagnostics – Public Hearing:** The applicant is proposing an amendment to their 8/4/2020 approved site plan to modify the northerly site entrance and construct a +/- 150 space parking lot within the footprint of the previously approved building expansion. Tax Map 005B Lot 034 Zone: Manufacturing District, Shoreland Overlay Zone – General Development; Resource Protection. Use: Light Manufacturing
6. **2021.13 – Site Plan – 39 Warren Ave – Warren Mechanical – Public Hearing:** The applicant is proposing a new +/- 8,600 sf office and warehouse building with associated parking and site improvements. Tax Map: 046 Lots: 009, 010 & 010A Zone: Industrial Park District Use: Warehousing, Business Office

#### WORKSHOP

7. **2021.14 – Subdivision – 820 Main Street - 820 Main LLC:** The applicant is proposing a 6-unit subdivision within the 2<sup>nd</sup> and 3<sup>rd</sup> stories of an existing building that is currently occupied by business

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.

offices. Tax Map: 033 Lot: 124 Zone: City Center District, Village Review Overlay Zone Use: Dwelling, Multiple-Family; Existing: Service Business & Restaurant Class 1.

8. **2021.15 – Paper Street Development – Deer Hill Circle – JW Group, LLC:** The applicant is proposing to construct the remainder of the approved 1959 Deer Hill Circle Subdivision to include the connection of public streets Deer Hill Circle and Chickadee Lane. The constructed paper street is proposed to provide frontage for the remaining 16 single-family house lots in the Deer Hill Circle subdivision. Tax Map: 041 Lot: 084 Zone Residential Growth Area 1
  
9. **2021.16 – Referral from City Council – Amendment to the Land Use Ordinance - §335-1.8 Definitions; New Section §335-2.29.1 – Solar Energy System; Article V – Zoning Districts; §335 Attachment 1, Table 1 Land Use Table:** The proposed amendment establishes a Solar Energy System Ordinance. The intent of the Ordinance is to define Residential, Commercial and Accessory Solar Energy System Uses, establish performance standards and determine appropriate districts for each use throughout the community.



## Planning & Code Enforcement

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### PLANNING & CODE ENFORCEMENT

DATE: April 30, 2021

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

RE: May 4, 2021 Planning Board Meeting

- 
1. **2020.37 – Site Plan, Subdivision, Conditional Use – 364 Spring Street – Flagship Spring Street, LLC**
  2. **2021.05 – Site Plan – 2 Chabot Street – Camp Commercial Real Estate, LLC**
  3. **2020.20 – Site Plan Amendment, Shoreland Overlay Zone – 5 Bradley Dr – Abbott Diagnostics**
  4. **2021.13 – Site Plan – 39 Warren Ave – Warren Mechanical**
  5. **2021.14 – Subdivision – 820 Main Street – 820 Main LLC**
  6. **2021.15 – Paper Street Development – Deer Hill Circle – JW Group, LLC**
  7. **2021.16 – Referral From City Council – Amendment to the Land Use Ordinance - §335-1.8 Definitions; New Section §335-2.29.1 – Solar Energy System; Article V – Zoning Districts; §335 Attachment 1, Table 1 Land Use Table**

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1. **2020.37 – Site Plan, Subdivision, Conditional Use – 364 Spring Street - Flagship Spring Street, LLC**

#### **REGULAR BUSINESS**

Tax Map: 008 Lot: 008

Zone: Residential Growth Area 1

Use: Dwelling, Two-Family, Dwelling, Multiple Family

#### **Project Description:**

The applicant is proposing a 22-unit subdivision, utilizing the two existing structures and adding duplex style units along with associated parking and site improvements.

#### **Project History:**

November 3, 2020 – Planning Board Workshop

November 7, 2020 – Neighborhood Meeting

March 16, 2021 – Public Hearing

May 4, 2021 – Regular Meeting

#### **Staff Comments:**

1. Open Space Fees: \$11,060 – due prior to site disturbance

2. Knox box, fire alarm and sprinkler system required for 4-unit structure, Knox box location subject to approval by FD.
3. Place guard rail at parking pod turnaround.
4. State the variation of colors on a plan – can be on the Landscape or grading plan to avoid a recorded plan if a future variation in the colors was necessary.
5. Please provide note on elevation views detailing the exterior materials of the structures.
6. Pedestrian Improvements
  - a. Sidewalk needs to maintain a 5-foot width with a minimum of 37 feet, curb to curb, for Spring Street to allow for three 11-foot travel lanes with (2) 2-foot shoulders. Please verify there is enough space within the Spring Street ROW to achieve this. If not, an easement on the abutting parcel may be necessary or the sidewalk will need to head north towards Landing Rd to connect with the closest Bus Stop.
7. Sewer:
  - a. Edit MH detail – leader pointing to cover states Catch Basin grate – should state MH cover.
  - b. Wet well detail - use a core and boot as opposed to mortar and parging.
  - c. Per review of the Sewer Dept, SMH-4 needs to be relocated so it is not on City property. Place on project land with longer pipe connection to wet well.
8. Copy of contract for waste management provided prior to first c/o to include trash services for existing units.
  - a. Upon issuance of first c/o, the existing residential units will no longer be eligible for public trash pickup and will need to be included with the development’s private hauling agreement.
9. Extend UD-1 with underdrain trench across the width of parcel to catch front yard drainage into the system.
10. Provide Signage designating the parking spot next to the mailbox as ‘For mail drop off/pick up only’ intended for use by residents (not the USPS) to prevent residents from blocking driveway access.
11. Any construction within the Spring St ROW limited to hours of 9a – 3p and requires police presence. Any work requiring shut down of road required to be nighttime construction. - COA
12. Provide metes and bounds for sewer easement lines on subdivision plan.
13. Provide one ADA parking space at location accessible to the office use and sidewalk tip downs.
14. Provide Ability to serve letter from PWD.

**Motion**

That the Site Plan, Subdivision and Conditional Use application for Flagship Spring Street, LLC for a +/- 22-unit subdivision located at 364 Spring Street Tax Map: 008 Lot: 008 Zone: Residential Growth Area 1, is **(approved with conditions/ denied)** and the following findings of fact, conclusions, and conditions as stated on pages 2 through 8 of this Staff Memo dated April 30, 2021 are adopted in support of that approval.

**Site Plan – Finding of Fact**

<b>Standard</b>	<b>Finding</b>
Utilization of the site	Meets the intent of the Ordinance
Handicap Access	Site provides one ADA parking space to accommodate the business office use. ADA tip downs and detectable warning systems are included at all appropriate locations. Site is compliant with ADA standards.
Appearance Assessment	The development extends off an existing driveway and incorporates the site’s existing structures and layout into the design. The residential use is compatible with the abutting residential uses. A landscaping plan demonstrates variety of species throughout the development and along the northerly property line to serve as a buffer between the new and an existing subdivision. Site lighting is consistent with a residential design

	with two pole lights located adjacent to the mailbox and at the entrance to the rear parking pod. The project provides a street and stop sign at the site entrance for E-911 identification. Criteria 1-5 have been met. Criteria 6 is not applicable.
Landscape Plan	A landscape plan has been provided demonstrating landscaping throughout the project and in front of each unit. Additional landscaping has been provided on the northerly property line as a buffer between the development and the Miles Lane subdivision.
Odors	The residential use is in line with all abutting properties. No adverse impact is known or anticipated.
Noise	The residential use is in line with all abutting properties. No adverse impact is known or anticipated.
Technical and Financial Capacity	The applicant has provided a letter from Partners Bank dated February 2, 2021 to demonstrate financial capacity. The applicant has rendered the services of DM Roma to show technical ability.
Solid Waste	Waste management will be privately managed utilizing private toter collection. Private trash removal will include the management of waste from the existing duplex.
Historic, Archaeological and Botanical Resources or Unique Features	None known
Hazardous Matter	Not applicable
Vibrations	The proposed residential development should not create any vibration
Parking & Loading Design and Site Circulation	Parking is provided throughout the site to serve each unit.
Adequacy of Road System	Spring Street has adequate capacity to accept the traffic generated by this project.
Vehicular Access	Site ingress/egress is via an existing curb cut and driveway location. The project has demonstrated adequate site distances on Spring Street to support the development. Site access has been reviewed and is supported by the City Engineer.
Pedestrian and Other Modes of Transportation	A public sidewalk system is provided along the easterly side of Spring Street to connect from Miles Lane to a new crossing at Jaqueline Way, including crosswalks and RRFBs
Utility Capacity	Public water and electricity are accessible within the Spring Street right-of-way. A sewer connection is provided via a public wet well northerly of the site on Miles Lane.
Stormwater Management, Groundwater Pollution	<p>Stormwater management is provided via an underdrain soil filter located at the rear of the site and a detention pond adjacent to the site's Spring Street frontage. The site currently experiences significant runoff which causes flooding and degradation of the Spring Street pavement. Stormwater management of this project will help to alleviate this issue and direct the water southerly.</p> <p>A stormwater permit-by-rule was submitted on March 17, 2021. The applicant did not receive a response within the 14-day processing time and therefore the permit is approved.</p>
Erosion and sedimentation Control	Adequate erosion control measures are shown on the plan.

## Conclusions

1. The proposed site plan **will not** result in undue water or air pollution.
2. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.

3. The proposed site plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed site plan **will** provide for adequate sewage waste disposal.
7. The proposed site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed site plan **conforms** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet standards of this section.
11. The proposed site plan **is not** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed site **is not** situated entirely or partially within a floodplain.
14. All freshwater wetlands **have** been shown on the site plan.
15. Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.
16. The proposed site plan **will** provide for adequate storm water management.
17. The proposed plan **will not** negatively impact the ability of the City to provide public safety services.

**Subdivision – Finding of Fact**

<b>Standard</b>	<b>Finding</b>
Pollution	Disposal of sewage will be via the public system. Sewer connection is available in the vicinity of the development.
Sufficient Water	Water services are available within the Spring Street ROW. An ability to serve letter will be provided upon receipt, prior to site disturbance.
Municipal Water Supply	Water services are available within the Spring Street ROW. An ability to serve letter will be provided upon receipt, prior to site disturbance.
Erosion	Adequate erosion and sedimentation control measures are shown on the plan. On-site inspections will occur during construction to ensure compliance.
Traffic	Spring Street has adequate capacity to accept the traffic generated by this project.
Sewage Disposal	Disposal of sewage will be via the public system. A sewer connection is available via a public wet well northerly of the site on Miles Lane.
Municipal Solid Waste Disposal	Waste management will be privately managed utilizing private toter collection. Private trash removal will include the management of waste from the existing duplex.
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 Partners Bank dated February 2, 2021 to demonstrate financial capacity. The applicant has rendered the services of DM Roma 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	No wetlands have been identified on the site.
Farmland	No farmlands have been identified on the site.
River, Stream or Brook	No river, streams or brooks are present or have been identified on the site.
Stormwater	<p>Stormwater management is provided via an underdrain soil filter located at the rear of the site and a detention pond adjacent to the site's Spring Street frontage. The site currently experiences significant runoff which causes flooding and degradation of the Spring Street pavement. Stormwater management of this project will help to alleviate this issue and direct the water southerly away from the roadway.</p> <p>A stormwater permit-by-rule was submitted on March 17, 2021. The applicant did not receive a response within the 14-day processing time and therefore the permit is approved.</p>
Spaghetti Lots Prohibited	No lots within the proposed subdivision have shore frontage. N/A
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/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	To the extent practicable, existing landscaping around the perimeter of the site is maintained. Supplemental landscaping is shown along the northerly property line to further buffer the development from the Miles Lane subdivision.
Surface Water Drainage	Stormwater management is provided via an underdrain soil filter located at the rear of the site and a detention pond adjacent to the site's Spring Street frontage. The site currently experiences significant runoff which causes flooding and degradation of the Spring Street pavement. Stormwater management of this project will help to alleviate this issue and direct the water southerly
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, multiple-family conditional use is a residential use and located to the front of the site. Additional landscaping has been provided to buffer the development from the Miles Lane neighborhood.
Vehicular Access	Site ingress/egress is via an existing curb cut and driveway location. The project has demonstrated adequate site distances on Spring Street to support the development. Site access has been reviewed and is supported by the City Engineer.
Parking and Circulation	Parking is provided throughout the site to serve each unit.
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 February 3, 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 Section 504.3, 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.
  - d. Review of building elevations and colors to be consistent with submitted documentation or testimony.
  - e. Finalized sidewalk design provided to City Staff and approved by City in accordance with Staff comments to demonstrate a connection to existing City infrastructure.
  - f. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
  - g. 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. **\$10,287.30**
  - h. 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. **\$514,365.00**
  - i. Payment of Open Space Fee - **\$11,060.00**
  - j. Ability to serve letter from PWD.
  - k. Coordinate with the E911 Coordinator on addressing of the building/units.
4. Prior to issuance of any permits for the new duplex structures, the access driveway must be installed to base gravel (deemed passable by Codes/Fire).
5. Prior to commencing any work in the City Right-of-Way, the applicant must obtain a road-opening permit from the Public Works Department.
6. Prior to the first Occupancy Permit issuance:
  - a. Verify final USPS locations for mailbox.
  - b. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval. (This includes all paving, lighting, striping, sidewalks, utilities, & off-site improvements etc.)
  - c. All water and sewer lines fully tested and approved by the Engineering/Sewer Dept.
  - d. All other site improvements must be installed unless a performance guarantee amount is held for the full amount of any remaining improvements.

- e. Documentation of private trash management agreement, including the return of City Property for trash removal for the existing duplex.
- 7. Prior to release of the performance guarantee:
  - a. The site will be in compliance with the approved plan and as-built plan provided in City approved format for the GIS system, as well as all other conditions being addressed.
  - b. Documentation of maintenance contractor for Stormwater Best Management Practices.
- 8. Hydrant needs to be installed, operational and tested (required flow rate: 1,000 gallon/min) prior to the issuance of a c/o for any new duplex structure.
- 9. 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.
- 10. Any construction within the Spring St ROW limited to hours of 9a – 3p and requires police presence. Any work requiring shut down of road required to be nighttime construction.
- 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. 2021.05 – Site Plan – 2 Chabot Street – Camp Commercial Real Estate, LLC – 17,800 sf facility

**PUBLIC HEARING**

Tax Map: 047 Lot: 201  
Zone: Gateway Commercial District  
Use: Automobile Repair Service

**Project Description:**

The applicant is proposing a new +/-17,800 commercial truck service facility affiliated with the existing automobile dealership, Rowe Ford, located at the intersection of Larrabee Road and Main Street.

**Project History**

March 16, 2021 – Planning Board Workshop  
May 4, 2021 – Public Hearing

**Staff Comments:**

1. Applicant in process of DEP review – All permits required prior to site disturbance (Condition of Approval)
2. For Landscaping at Main/Larrabee – the proposed limits of mulch – where grass growth in this area is difficult to maintain, suggest island be mulched up to sidewalk.
3. Ordinance requirement for parking for automobile sale/service is 1.5 spaces/100 sf, which would require 267 spaces on site. This standard is based on total square footage of the building as well as a need for space to hold car sale inventory. As auto sales are not proposed at this location, and over 50% of the building footprint is dedicated to repair bays, the Ordinance requirement of 267 spaces is excessive and unnecessary. The applicant is requesting a reduction of this waiver to 103 parking spaces. Staff is in support of this waiver.
4. If reusing existing sewer connection - Televiser sewer to demonstrate adequate condition for reuse, subject to approval by Wastewater Department. If existing sewer is not in adequate, project will need to connect to sewer main in Chabot Street and will require street opening and excavator permits from Public Services Dept.
5. The project provides an overall decrease in impervious cover, as compared with existing conditions. However, the project does not meet the minimum requirement of the Gateway Commercial District. The Gateway Commercial District allows for the Planning Board to approve a fee in lieu when an application is not able to meet the minimum 25% landscaping requirement. Instead of this fee, the applicant has agreed to implement and maintain in perpetuity the landscaping at the corner of Larrabee Road and Main Street, as shown on sheet L-2 in the plan set to demonstrate compliance with the Landscape Factor Standard and to implement the intent of the Gateway Commercial District Corridor Landscaping.

**Motion:**

That the Site Plan application for Camp Commercial Real Estate, LLC for a +/- 17,800 sf commercial truck service facility located at 2 Chabot Street Tax Map: 047 Lot: 201 Zone: Gateway Commercial District, including a waiver of §335-13.6.B(1) to reduce onsite parking to 103 parking spaces and acceptance of the landscape plan shown on sheet L-2 to meet the landscape requirement of the Gateway Commercial District, is **(approved with conditions/ denied)** and the following findings of fact, conclusions and conditions as stated on pages 9 through 12 of this Staff Memo dated April 30, 2021 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 two ADA van accessible parking spaces located to the front of the site with access to the customer area. Plan is in compliance with ADA standards.
Appearance Assessment	The project is providing for site ingress/egress at two locations to facilitate a smooth and defined transition to/from Chabot Street. No access is provided between abutting properties. Site landscaping is provided along the Chabot Street frontage. The project creates and overall decrease of impervious area and additional stormwater treatment as compared with existing conditions. Site lighting is provided around the building and throughout the parking lot. All site lighting is down casting to minimize spillover. The building elevations and consistent with the commercial district the site is located within. Wayfinding signage is shown on the plan to direct vehicular circulation. Criteria 1-5 have been met. Criteria 6 is not applicable.
Landscape Plan	A landscape plan has been provided. Although the plan provides an overall decrease in impervious cover, as compared with existing conditions, the project does not meet the minimum landscape requirement of the Gateway Commercial District. The Gateway Commercial District allows for the Planning Board to approve a fee in lieu when an application is not able to meet the minimum 25% landscaping requirement. In lieu of this fee, the applicant has agreed to implement and maintain landscaping at the corner of Larrabee Road and Main Street, as shown on sheet L-2 in the plan set to demonstrate compliance with the Landscape Factor Standard.
Odors	An enclosed dumpster is located to the rear of the site to minimize visual and odor impact. No adverse impact is known or anticipated.
Noise	The commercial use of the property is in line with the abutting property uses and the underlying zoning district. No adverse impact is known or anticipated.
Technical and Financial Capacity	The applicant has provided a letter from USBank dated March 15, 2021 to demonstrate financial capacity. The applicant has rendered the services of Altus Engineering, Inc to show technical ability.
Solid Waste	All waste will be privately managed. An enclosed dumpster is located to the rear of the site to minimize visual impact.
Historic, Archaeological and Botanical Resources or Unique Features	None known.
Hazardous Matter	None known.
Vibrations	The commercial use of the property is in line with the abutting property uses and the underlying zoning district. No adverse impact is known or anticipated.
Parking & Loading Design and Site Circulation	The application includes a waiver of standard §335-13.6.B(1) to reduce onsite parking to 103 parking spaces. Parking layout complies with Ordinance standard and provides for adequate emergency access and truck maneuverability.
Adequacy of Road System	Chabot Street and Larrabee Road have adequate capacity to accept the traffic generated by this project.
Vehicular Access	The plan provides two site ingress/egress locations to Chabot Street at the northerly and southerly points of the parcel frontage.

	All access points have been reviewed and approved by the City Engineer.
Pedestrian and Other Modes of Transportation	A loading zone has been provided at the front of the site for customer pick up/drop off of vehicles to provide separation from vehicle storage and the rear parking lot.
Utility Capacity	Utilities are available within the Chabot Street right of way.
Stormwater Management, Groundwater Pollution	The site is located in the Capisic Brook watershed. Stormwater management is provided via underdrained soil filters at the northerly and at the southerly corners of the site. The project increases water treatment on the site to >95%. A copy of the projects DEP permit will be provided to the Planning Department upon receipt.
Erosion and sedimentation Control	Appropriate erosion control measures are shown on the plan.

### Conclusions

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

### Conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated April 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 Section 504.3, 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.
3. Prior to any site disturbance or building permits being issued for the project:
  - a. All Staff comments must be addressed.
  - b. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
  - c. Review of building elevations to be consistent with submitted documentation or testimony.
  - d. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
  - e. 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. **\$11,738.20**
  - f. 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. – **\$586,910.00**
  - g. Copy of approved Maine DEP permit provided to the Planning Office.
  - h. Sewer lateral televised and reuse of lateral approved by Public Services.
4. Prior to Occupancy Permit issuance:
  - a. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval. (This includes all paving, striping, sidewalks, directional signage, offsite improvements, etc.)
  - b. All site improvements must be installed unless a performance guarantee amount is held for the full amount of any remaining improvements.
5. Prior to release of the performance guarantee:
  - a. The site will be in compliance with the approved plan and as-built plan provided in City approved format for the GIS system, as well as all other conditions being addressed.
6. As part of this Planning Board Approval, installation, and perpetual maintenance of the Corridor landscaping at the corner of Larrabee and Main Street shall be conducted by the applicant.
7. Best management practices shall be adhered to during all ground disturbance operations.
8. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
9. 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.

### 3. 2020.20 – Site Plan Amendment, Shoreland Overlay Zone – 5 Bradley Dr – Abbott Diagnostics

#### **PUBLIC HEARING**

Tax Map: 005B Lot: 034

Zone: Manufacturing District, Shoreland Overlay Zone – General Development, Resource Protection

Use: Light Manufacturing

#### **Project Description:**

The applicant is proposing an amendment to their 8/4/2020 approved site plan to modify the northerly site entrance and construct a +/- 150 space parking lot within the footprint of the previously approved building expansion.

#### **Project History**

June 16, 2020 – Public Hearing

August 4, 2020 – 2<sup>nd</sup> Public Hearing

May 4, 2021 – Site Plan Amendment, Public Hearing

#### **Staff Comments**

1. To facilitate the new orientation of the driveways to 5 Bradley and 58 Pershing Way, Pershing Way will need to be upgraded from its current terminus to the new terminus located past the driveway to 58 Pershing Way. The Existing gate and streetlight will be relocated to the new end of Pershing. Please design driveway entrance width to allow for trucks with trailers.
  - a. State on plan stabilization treatment of removed driveway to 58 Pershing.
2. Drainage:
  - a. Review and address drainage from 1<sup>st</sup> access drive towards Pershing to capture site water sheeting off new parking lot to avoid draining into Pershing.
  - b. CBs in parking lot – review locations and numbers.
  - c. Silt sacks required in all CBs down slope from the active work.
3. Site will be open from Pershing to Bradley. **COA**
4. Per the applicant, the site will conduct a monitoring study to determine if the site needs to implement additional measures due to the impact of the traffic generation.
  - a. Concern on the addition of traffic leaving the site could exacerbate the existing problems, particular concern noted for the left turn from Eisenhower onto Pershing. More information needed on this item.
  - b. Concern Back up on Pershing Way are substantive understanding there are other businesses impacted by this traffic.
    - i. May need to look at improvements to Pershing Way to create Right & Left turning lanes.
  - c. Concerned Analysis does not appear to be taking into consideration the left turns into Pershing from Eisenhower and how that is impacted during peak hours.
  - d. Document the difference in your report from the previous MDOT permits.
    - i. AM Peak 155 to 175 (20 trip differential)
    - ii. PM Peak 125 to 200 (75 trip differential)
  - e. Please have Tom Errico review Pershing for a Warrant analysis.
5. Clarity needed on off-site parking lease - Will need to provide updated lease prior to start of construction.
  - a. A **condition of approval** will be that no parking will be permitted on Bradley or Pershing for employees or contractors associated with 5 Bradley Dr.
6. MDEP permit required prior to start of construction.
7. ADA tip downs at ends of sidewalk and transition in parking lot
8. Provide final Plan set in mylar and paper format 24x36, with conditions of approval on signature sheet by Noon Tuesday May 4<sup>th</sup>.



**Board Action:**

Motion that the Planning Board approve Abbott Diagnostic’s application for Site Plan Amendment and Shoreland Overlay Zone to modify the northerly site entrance and construct a +/- 150 space parking lot within the footprint of the previously approved building expansion located at 5 Bradley Drive, Tax Map: 005B Lot: 034 Zone: Manufacturing District, Shoreland Overlay Zone, is **(approved with conditions/ denied)** and the following findings of fact, conclusions and conditions as stated on pages **14 through 17** of this Staff Memo dated April 30, 2021 are adopted in support of that approval.

**Site Plan – Finding of Fact**

<b>Standard</b>	<b>Finding</b>
Utilization of the site	Plan meets the intent of the Ordinance.
Handicap Access	Site is ADA compliant with accessible entrances, accessways and nine ADA parking spaces located in all parking pods
Appearance Assessment	The proposed amendment improves the transition from Pershing Way to the project site as well as the abutting site through the extension of Pershing way which allows for driveway separation between the parcels. A landscape plan demonstrating enhanced landscaping within the front parking pod along Bradley Drive was approved with the initial site plan approval. Adequate lighting throughout independent parking pods is provided. Wayfinding signage is shown on the plan. Any additional signage shall comply with the sign standards of the Manufacturing District. Criteria 1-5 have been met. Criteria 6 is not applicable.
Landscape Plan	The previously approved landscape plan remains applicable.
Odors	The manufacturing use is consistent with the underlying zoning district. No adverse impact is known or anticipated.
Noise	The manufacturing use is consistent with the zone. A noise study was completed by ACENTECH (Report dated 7/21/2020) as part of the applicant’s DEP SLOD permit as part of the August 2020 Site Plan approval. The generators are enclosed in a sound insulating fencing system. Based upon the information provided the mitigation appears to meet the standard of the Ordinance.
Technical and Financial Capacity	Financial capacity has been demonstrated via Form 10-k for FY2019 provided to City Staff. The applicant has retained the services of SMRT which demonstrates technical capacity.
Solid Waste	Waste removal is currently privately managed. Existing trash compactors are located on the southerly side of the existing building and have the capacity to manage the building expansion.
Historic, Archaeological and Botanical Resources or Unique Features	None known.
Hazardous Matter	Hazardous waste removal will be managed privately. Only domestic flow is proposed to the City system.
Vibrations	Not applicable.
Parking & Loading Design and Site Circulation	Applicant has provided a design to address circulation patterns for vehicles, trucks, and pedestrians.
Adequacy of Road System	Adequate. The project includes the extension of Pershing Way to allow for a separated entrance with the abutting property owner and maintaining a 24’ paved width. As part of the August 2020 Site Plan Approval a signal is required at the intersection of Saco St and Eisenhower. Further monitoring of the Pershing Way and Bradley



	Drive intersections will be held to determine if mitigations measures are appropriate.
Vehicular Access	Applicant has adequate site access from Pershing Way and Bradley Drive.
Pedestrian and Other Modes of Transportation	Pedestrian walkways are provided around the perimeter of the building to connect with the expanded parking area.
Utility Capacity	No changes to the existing water, sewer or gas connection to the site are proposed. Underground electric is proposed in accordance with the Ordinance. Coordination with CMP will occur regarding external labeling/disconnect of electrical utilities. Ability to serve letters will be provided to the City upon receipt.
Stormwater Management, Groundwater Pollution	The applicant submitted an amendment to the site's SLODA permit L-19591-26-D-N to address stormwater runoff resulting from the development's change in impervious cover.
Erosion and sedimentation Control	Adequate measures are provided on the plan.

### Conclusions

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

### Shoreland Protection Zone - Finding of Fact

Standard	Finding
Will maintain safe and healthful conditions	Applicant's design achieves this standard.
Will not result in water pollution, erosion, or sedimentation to surface waters	Applicant's design achieves this standard.

Will adequately provide for the disposal of all wastewater	Applicant's design achieves this standard.
Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat	Applicant's design achieves this standard.
Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters	Applicant's design achieves this standard.
Will protect archaeological and historic resources as designated in the comprehensive plan	Applicant's design achieves this standard.
Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district	Applicant's design achieves this standard.
Will avoid problems associated with floodplain development and use	Applicant's design achieves this standard.
Is in conformance with the provisions of Section 15, Land Use Standards.	Lot size not being altered in this approval.

### Conclusions

1. The proposed development **does** maintain safe and healthful conditions.
2. The proposed development **does not** result in water pollution, erosion, or sedimentation to surface waters.
3. The proposed development **does** adequately provide for the disposal of all wastewater.
4. The proposed development **does not** have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat.
5. The proposed development **does** conserve shore cover and visual, as well as actual, points of access to inland and coastal waters.
6. The proposed development **does** protect archaeological and historic resources as designated in the comprehensive plan.
7. The proposed development **does not** adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district
8. The proposed development **does** avoid problems associated with floodplain development and use.
9. The proposed development **is** in conformance with the provisions of Section 15, Land Use Standards.

### Conditions (From 8/4 Approval and amended):

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated May 22, 2020 and all supporting/subsequent submission documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.
2. Prior to any permit issuance or ground disturbance/site work related to the expansion:
  - a. All staff comments are addressed.
  - b. A copy of the approved MDEP SLOD permit, including ownership transfer, and MDOT Traffic Movement Permit must be provided to the City.
  - c. Review and approval by City Staff of the drainage/grading adjustments/alterations needed at the 1<sup>st</sup> driveway onto Pershing Way to address site drainage from draining into Pershing Way.
  - d. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
  - e. Applicant to provide to City updated off-site parking lease agreement for duration of parking lot construction.
  - f. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.

- g. 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. 2% Inspection fee.(\$5,341.17)
- h. The applicant shall file an updated 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-site and off-site improvements necessary to support the proposed project. Cost estimate to be provided to the Planning Office.
  - i. Intersection improvement costs associated with the Traffic Movement Permit are to be an included item of the overall performance guarantee. In no case will the performance guarantee be reduced to an amount lower than the costs associated with the off-site improvements if they have not already been addressed at that time.
  - ii. Additionally, performance guarantee will not be reduced until the monitoring study on all traffic related issues raised by City Staff in this process is conducted and results accepted by the City, (& MDOT, as necessary).
- 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. List of Construction Emergency Contacts needs to be provided to the Planning Dept for Dispatch.
- 3. Coordination needed between Fire Department and CMP regarding electrical connection and associated requirements (labeling, disconnect location, etc.). **Letter dated 6-5-2020 from Michael Corey CFI-1 Fire Inspector.**
- 4. No parking will be permitted on Bradley Drive or Pershing Way for employees or contractors associated with the 5 Bradley Dr property (Tax Map: 005B Lot: 034).
- 5. Prior to commencing any work in the City Right-of-Way, the applicant must obtain a road-opening permit from the Public Services Department.
- 6. MDOT traffic movement permit conditions:
  - a. The entrances shall provide overhead illumination, if not existing, to illuminate the intersections per MaineDOT standards at a minimum. Overhead lighting shall have an average of 0.6 to 1.0 foot candles, with the maximum to minimum lighting ratio of not more than 10:1 and an average to minimum light level of not more than 4:1.
  - b. All other conditions of the MDOT traffic movement permit regarding construction of off-site improvements or payments towards the construction efforts of the intersections of Eisenhower/Spring St and Eisenhower/Saco St.
  - c. Construction of Eisenhower/Saco St Intersection to be completed by Summer 2022.
- 7. Prior to release of the performance guarantee:
  - a. The site will be in compliance with the approved plans, and as-built plan will be provided in City approved format for the GIS system.
  - b. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
  - c. All Off-site improvements must be completed, including Monitoring Studies stated in Staff Comments and Tom Errico's letter of April 23, 2021 and any required improvement as a result of those monitoring studies, which may involve traffic counts to document traffic trips.
- 8. Parcel Tax Map: 005B Lot: 034 will afford access from Pershing Way to Bradley Drive, and vice versa to allow for diffusion of traffic.
- 9. Noise threshold addressed based on the information provided. If post-construction conditions should vary from study, additional mitigation measures may be required by the City and/or DEP.
- 10. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance. On January 15th every year, 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.

**4. 2021.13 - Site Plan – 39 Warren Ave – Warren Mechanical**

**PUBLIC HEARING**

Tax Map: 046 Lot: 009, 010 & 010A  
 Zone: Industrial Park District  
 Use: Warehousing, Business Office

**Project Description:**

The applicant is proposing a new +/- 8,600 sf office and warehouse building with associated parking and site improvements.

**Project History**

April 1, 2021 – Neighborhood Meeting  
 May 4, 2021 – Public Hearing

**Staff Comments**

1. Confirmatory deed verifying merging of map 46 lots 9, 10 & 10A (uniform ownership but shown as separate lots)
2. C101 – Title ‘Site Plan; Grading and Drainage Plan’
3. Show snow storage area on plan.
4. Flip ADA symbol on plan
5. Grading of back of site to be reviewed in the field prior to final sign off to ensure stable slope. COA
6. Base of forebay to be concrete for ease of maintenance.
7. Any additional dumpsters required to manage waste removal shall be fully enclosed.
8. Curb stops on parking adjacent to walking path.
9. Concern of conflict with two corner parking spaces located adjacent to the snow storage. Recommend shifting the parking spaces to allow for spacing and slight radius (radius may overlapping)

**Motion:**

That the Site Plan application for Warren Mechanical for a +/- 8,600 sf office and warehouse located at 39 Warren Ave Tax Map: 046 Lot: 009, 010 & 010A Zone: Industrial Park District is **(approved with conditions/ denied)** and the following findings of fact, conclusions, and conditions as stated on pages **18 through 21** of this Staff Memo dated April 30, 2021 are adopted in support of that approval.

**Site Plan – Finding of Fact**

Standard	Finding
Utilization of the site	The proposed use and layout of the site is appropriate for the parcel and does not present any known issues regarding environmentally sensitive or natural drainage areas. Area of disturbance is limited to proposed construction. Plan meets the intent of the Ordinance.
Handicap Access	The plan provides for two ADA van accessible parking spaces located adjacent to a 6’ wide pathway to access to building. Site is compliant with ADA standards.
Appearance Assessment	The site is accessed via an existing curb cut on Warren Ave that is shared with another commercial use on the same property. The building elevations demonstrate an attractive commercial operation in congruence with the abutting properties and underlying zoning district. Additional landscaping measures are provided along the Warren Avenue right of way. Site lighting

	provided by wall packs on the new structure that will provide ample lighting for the associated parking. Signage required to be in compliance with the Industrial Park District sign standards. Criteria 1-5 are met. Criteria 6 is not applicable.
Landscape Plan	Additional landscaping has been provided along the Warren Avenue frontage.
Odors	None known or anticipated.
Noise	Proposed use is in line with the abutting uses and underlying zoning districts. No adverse impact known or anticipated.
Technical and Financial Capacity	The applicant has provided a letter from Gorham Savings Bank dated April 2, 2021 to demonstrate financial capacity. The applicant has retained the services of Casco Bay Engineering which demonstrates technical capacity.
Solid Waste	Waste will be privately managed. The project will utilize an existing enclosed dumpster located at the northerly corner of the site.
Historic, Archaeological and Botanical Resources or Unique Features	None known
Hazardous Matter	None known
Vibrations	Proposed use of office and warehouse space is not anticipated to present an adverse impact in relation to vibrations.
Parking & Loading Design and Site Circulation	Adequate parking and
Adequacy of Road System	Warren Avenue has adequate capacity to accept the traffic generated by this project.
Vehicular Access	Site ingress/egress is via an existing curb cut that is shared with another commercial use on the same property.
Pedestrian and Other Modes of Transportation	A 6- wide pathway is provided in front of the building for access to the office use.
Utility Capacity	Utilities are available within the Warren Ave right of way
Stormwater Management, Groundwater Pollution	Stormwater treatment measures are located northerly of the proposed development and are sufficient to address runoff created by the project.
Erosion and sedimentation Control	Adequate erosion control measures are shown on the plan

## Conclusions

1. The proposed site plan **will not** result in undue water or air pollution.
2. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed site plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed site plan **will** provide for adequate sewage waste disposal.
7. The proposed site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed site plan **conforms** with a duly adopted site plan regulation or ordinance, comprehensive

- plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet standards of this section.
  11. The proposed site plan **is not** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
  12. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
  13. The proposed site **is not** situated entirely or partially within a floodplain.
  14. All freshwater wetlands **have** been shown on the site plan.
  15. Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.
  16. The proposed site plan **will** provide for adequate storm water management.
  17. The proposed plan **will not** negatively impact the ability of the City to provide public safety services.

**Conditions :**

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated April 7, 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 Section 504.3, 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.
3. Prior to any site disturbance or building permits being issued for the project:
  - a. All Staff comments must be addressed.
  - b. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
  - c. Review of building elevations to be consistent with submitted documentation or testimony.
  - d. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
  - e. 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. \$4,001.12
  - f. 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. – \$200,056.25
  - g. Copy of recorded confirmatory deed demonstrating merging of Map 046 Lots 009, 010 & 010A provided to the Planning Office.
4. Prior to Occupancy Permit issuance:
  - a. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval. (This includes all paving, striping, sidewalks, directional signage etc.)
  - b. Site inspection to include review of back grading area to ensure stability of slope and verify if additional work is necessary. City Staff to review and concur with as-constructed conditions or additional stabilization treatments may be required.
  - c. All site improvements must be installed unless a performance guarantee amount is held for the full amount of any remaining improvements.
5. Prior to release of the performance guarantee:
  - a. The site will be in compliance with the approved plan and as-built plan provided in City approved format for the GIS system, as well as all other conditions being addressed.
6. Best management practices shall be adhered to during all ground disturbance operations.

7. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
8. 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.

## 5. 2021.14 – Subdivision – 820 Main Street – 820 Main, LLC

### **WORKSHOP**

Tax Map: 033 Lot: 124  
Zone: City Center District, Village Review Overlay Zone  
Use: Dwelling, Multiple-Family  
Existing Uses: Service Business & Restaurant Class 1

#### **Project Description:**

The applicant is proposing a 6-unit subdivision within the 2<sup>nd</sup> and 3<sup>rd</sup> stories of an existing building that is currently occupied by business offices.

#### **Project History**

April 23, 2021 – Neighborhood Meeting  
May 4, 2021 – Planning Board Workshop

#### **Staff Comments**

1. Open Space Fee in lieu (will be due prior to issuance of any permits): \$3,017
2. The application has not addressed the parking requirement of 1 off-site space per residential unit. The existing site does have very limited parking, none of which can be dedicated toward residential use. The applicant will need to arrange a private shared parking agreement within a reasonable walking radius from the building prior to submitting for final review.
3. Any external changes proposed for the structure? i.e., external heat units, window replacements, etc.
4. Clarity needed on access to residential units. Does this project include the removal of the elevator internal to the structure? Will the residential access be shared with commercial access on first floor?
5. Construction within the Main Street right of way is limited to 9a – 3p. Any land closures of Main Street will need to be night work.
6. Include cost estimate for all site related work and letter of financial capacity with final application submission.
7. Building required to be fully sprinkled.
8. Waste removal – to be privately managed. Will the project share the existing dumpster on site? Any need for additional dumpsters? Please provide waste management plan.
9. Sewer – more information needed on condition of main and lateral. Prior to the issuance of a sewer abs letter, applicant will need to televise both the main in Main St and the lateral to demonstrate adequate condition.
10. Will review sidewalk condition in vicinity to determine with utility work if additional sidewalk work should be incorporated with project.

#### **Board Action**

1. Provide feedback to applicant.
2. Staff can provide virtual site walk during meeting, if desired.



## 6. 2021.15 – Paper Street Development – Deer Hill Circle – JW Group, LLC

### WORKSHOP

Tax Map: 041 Lot: 084  
Zone: Residential Growth Area 1

#### Project Description:

The applicant is proposing to construct the remainder of the approved 1959 Deer Hill Circle Subdivision to include the connection of public streets Deer Hill Circle and Chickadee Lane. The constructed paper street is proposed to provide frontage for the remaining 16 single-family house lots in the Deer Hill Circle subdivision.

#### Project History

April 27, 2021 – Neighborhood Meeting  
May 4, 2021 – Planning Board Workshop

#### Staff Comments

1. Application fee: TBD
2. Hydrants required every 800 feet and require 8” water line to serve.
3. Provide turning template for cul-de-sac.
4. Underground power to subdivision required – show on final utility plan.
5. Staff will send over standards for infrastructure in public right of way.
6. Sewer proposed to be gravity for all but the four units at the terminus of the cul-de-sac. Units 8 – 11 require private pump and separated force mains to connect with public system. Private force mains should be located outside of ROW to greatest extent feasible.
7. Maximum of four connections to public manhole
8. Revise plan to maintain existing limits of right-of-way. Any removal of land from lots require agreement from every unit with interest in the paper street.
9. Per City Standard, provide sidewalk; no esplanade (maintenance issue) & granite curbing.
10. Streetlights required at minimum at every intersection point and at terminus of cul-de-sac. City will provide specs for standard streetlight.
11. Street trees - 2 per lot required located within the right-of-way; provide Deep Root-Root Barrier system on the street side for protection of public street/infrastructure.
12. Verify with USPS on mail deliver re: cluster box vs individual service. If cluster box is required, provide a location with a safe pull off for mail drop off/collection.
13. Lots are eligible for public trash collection once the street is accepted. Private waste and snow removal required prior to street acceptance.
  - a. Will need to create an HOA for maintenance of the road and the trash disposal until accept by the City.
14. Open space – per ordinance requirements for fee in lieu of.
15. Per Paper street ordinance:
  - a. Provide Letter from IF&W regarding any known significant wildlife habitat on the parcel.
  - b. Provide letter from Maine Dept of Conservation on any rare or significant botanical species on the parcel.
16. Ability to serve from Portland Water District for water service.
17. Ability to serve from Westbrook Sewer Dept.
18. Provide a performance guarantee estimate with final submission for all site improvements.

#### Board Action

1. Provide feedback to applicant on the plans.

7. **2021.16 – Referral from City Council – Amendment to the Land Use Ordinance - §335-1.8 Definitions; New Section §335-2.29.1 – Solar Energy System; Article V – Zoning Districts; §335 Attachment 1, Table 1 Land Use Table**

**WORKSHOP**

**Ordinance Description:**

**A referral from the City Council through the Administration:** The proposed amendment establishes a Solar Energy System Ordinance. The intent of the Ordinance is to define Residential, Commercial and Accessory Solar Energy System Uses, establish performance standards, and determine appropriate districts for each use throughout the community.

**Ordinance History**

May 4, 2021 – Planning Board Workshop

**Staff Comments**

The City has wanted to look at modern uses that need to evolve with the times to include in our zoning land use tables. Recent advances in Solar Energy have pushed staff to look at how to afford this use to our citizens, with performance standards. Currently, we can only place Solar Arrays in the Manufacturing District as without a specific definition, we have had to define Solar Arrays, from a land use perspective, as “light manufacturing”. This has been extremely limiting is not reflective of good planning practices regarding land value and the most appropriate locations to place commercial solar arrays.

After receiving several requests from landowners inquiring about solar arrays on their properties, the Administration tasked Staff with drafting a Solar Ordinance. As is typical when developing new Ordinances, Staff first reviewed the region to research how other municipalities regulate solar energy systems as well as several model ordinances to determine a regulatory structure that is appropriate to this community. Many communities regulate solar energy systems by size; however, Staff found this methodology difficult to translate between communities (for example, a “small” solar array would look very different in a community with a 1 – 2-acre minimum lot size vs a more urban setting) and this did not seem to accomplish the local need of allowing solar harvesting in areas where commercial development is not appropriate (residential nature of the zone, lack of utility infrastructure, etc.) while preserving the commercial districts for growth that will support industry, taxation and employment. Staff is recommending that, rather than regulating by size or production, the City adopt an Ordinance that regulates by use category.

The goal of this Ordinance is to 1.) Define and establish standards for commercial solar arrays, where the array may be the primary use on the site and the energy produced may be sold back to the grid; 2.) Permitting commercial arrays at locations that does not utilize the high value lands that could otherwise be used for commercial operations that build a greater tax base, while also not prohibiting a principal commercial use from having a smaller array to offset on site energy production; and 3.) Defining such commercial use(s) in a manner that does not unintentionally prohibit or create an overburdensome process for residents to install solar panels on their homes/properties.

To achieve this, the proposed Ordinance before the Board defines a Solar Energy System and creates three uses to be incorporated into the land use table:

- Solar Energy System, Commercial (CSES)
  - Used to harvest solar energy beyond the needs of any other uses located on the parcel (if any) and for the purpose of selling back to the grid.
  - May be the principal use on a property.
  - Permitted in the RGA1, RGA2, RGA3 and Rural Districts only
  - Subject to setbacks from major corridors to limit visual impact.

- Solar Energy System, Accessory Commercial (ACSES)
  - Used to harvest solar energy to offset the energy consumption of a commercial use on the same property.
  - Permitted in all districts.
  - Must be located behind principal structure to limit visual impact.
  
- Solar Energy System, Residential (RSES)
  - Used to harvest solar energy to offset the energy consumption of a residential use on the same property.
  - Permitted in all districts.

As proposed in the draft Ordinance, all Solar Energy Systems would be subject to the provisions and standards of Site Plan review and would therefore require Planning Board review if the disturbance is greater than 3,000 sf or will be reviewed by the Code Enforcement Officer if less than 3,000 sf. The intent of these provisions is to ensure the larger arrays, which will likely comprise of most “CSES” operations, receive a comprehensive review to ensure all land use standards and life safety measures are met and the operation does not create issues for abutting properties with respect to erosion, drainage etc. Solar Arrays that are smaller in scale and therefore less likely to create an impact on surrounding properties, such as a “ACSES” or “RSES”, can be processed through the Code Enforcement Office which allows for a more expeditious review process while still requiring surface drainage is addressed through the building permit process. It is still the intent that if an “ACSES” or “RSES” creates a disturbance greater than 3,000 sf, it is subject to the standards of Site Plan review.

The draft language does not conflict with State law and has been reviewed by the City solicitor.

**Board Action**

1. Review the proposed standards and permitted districts and provide feedback to Staff.