



Planning & Code Enforcement

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

PLANNING & CODE ENFORCEMENT

WESTBROOK PLANNING BOARD TUESDAY, JUNE 1, 2021, 7:00 P.M.

**Performing Arts Center
Westbrook Middle School
471 Stroudwater Street, Westbrook
Enter Building from Street side (Performing Art Center Entrance)**

AGENDA

1. **Call to Order**
2. **Approval of Minutes**

NEW BUSINESS

3. **2020.02 – Extension Request - Site Plan, Subdivision, Village Review – 630 Main Street – Ryan Le – Public Hearing:** The applicant is requesting a one-year extension on the May 19, 2020 approval for the demolition of an existing 2-unit residential structure and development of a 4-story mixed use building with 3-commercial units on the first floor and 12-residential units on the upper floors. Tax Map: 033 Lot: 015 Zone: City Center District, Village Review Overlay Zone. Use: Business Office, Dwelling, Multiple-Family
4. **2021.14 – Subdivision – 820 Main Street - 820 Main LLC – Public Hearing:** The applicant is proposing a 6-unit subdivision within the 2nd and 3rd stories of an existing building that is currently occupied by business offices. Tax Map: 033 Lot: 124 Zone: City Center District, Village Review Overlay Zone Use: Dwelling, Multiple-Family; Existing: Service Business & Restaurant Class 1.
5. **2021.07 – Site Plan – Rocky Hill Solar Project – C2 Energy Capital – Public Hearing:** The applicant is proposing a ground mounted solar array to offset costs associated with municipal power use. Tax Map: 020 Lot: 014 Zone: Rural District Use: Municipal Facility
6. **2021.08 - Site Plan – Sandy Hill Solar Project – C2 Energy Capital – Public Hearing:** The applicant is proposing a ground mounted solar array to offset costs associated with municipal power use. Tax Map: 001 Lot: 003B Zone: Industrial Park District Use: Municipal Facility
7. **2021.06 – Site Plan, Conditional Use - 90 Riverside Street – Atlantic Regional Federal Credit Union – Public Hearing:** The applicant is proposing a new 3,000 square foot commercial structure with associated parking and drive-thru teller lanes on an existing vacant site. Tax Map 042A Lot: 010B Use: Bank Class 1
8. **2018.60 – Phase I Site Plan Amendment Building 1-H– Rock Row – Dirigo Center Developers, LLC – Public Hearing:** The applicant is requesting an amendment to remove Building 1-H from the plan and

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.

instead install a pedestrian pathway and patio in that location. Tax Map: 042B Lot: 011 Zone: Contract Zone 12 – Rock Row Contract Zone

WORKSHOP

- 9. 2021.19 – Site Plan – 737 Spring Street – Bluerock Industries, LLC:** The applicant is requesting a 20,000sf expansion to the existing building located at 737 Spring Street. Tax Map: 005 Lot: 010 Zone: Manufacturing District Use: Manufacturing



Planning & Code Enforcement

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

PLANNING & CODE ENFORCEMENT

DATE: May 28, 2021

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

RE: June 1, 2021 Planning Board Meeting

-
1. **2020.02 – Extension Request - Site Plan, Subdivision, Village Review – 630 Main Street – Ryan Le**
 2. **2021.14 – Subdivision – 820 Main Street - 820 Main LLC**
 3. **2021.07 – Site Plan – Rocky Hill Solar Project – C2 Energy Capital**
 4. **2021.08 – Site Plan – Sandy Hill Solar Project – C2 Energy Capital**
 5. **2021.06 – Site Plan, Conditional Use - 90 Riverside Street – Atlantic Regional Federal Credit Union**
 6. **2018.60 – Phase I Site Plan Amendment Building 1-H– Rock Row – Dirigo Center Developers, LLC**
 7. **2021.19 – Site Plan – 737 Spring Street – Bluerock Industries, LLC – 20,000 sf new building**

-
1. **2020.37 – Extension Request – Site Plan, Subdivision, Village Review – 630 Main Street – Ryan Le**

PUBLIC HEARING

Tax Map: 033 Lot: 015
Zone: City Center District, Village Review Overlay Zone
Use: Business Office, Dwelling, Multiple-Family

Project Description:

The applicant is requesting a one-year extension on the May 19, 2020 approval for the demolition of an existing 2-unit residential structure and development of a 4-story mixed use building with 3-commercial units on the first floor and 12-residential units on the upper floors.

Project History:

January 21, 2020 – Village Review Overlay Committee
January 24, 2020 – Neighborhood Meeting
February 4, 2020 – Planning Board Workshop
May 19, 2020 – Public Hearing
June 1, 2021 – Extension Request

Staff Comments:

1. Noticing Fees: \$153.44

Staff takes no issues with this request. The extension does not alter or change any of the previously approved conditions of approval, nor have any Ordinance changes occurred which would have altered this approval.

Motion

Motion to grant a 1-year extension to the May 19, 2020 approval for Ryan Le for a 4-story mixed use building with 3-commercial units on the first floor and 12-residential units on the upper floors located at 630 Main Street Tax Map: 033 Lot: 015 Zone: City Center District, Village Review Overlay Zone, is **(approved with conditions/ denied)**. All previously approved findings of fact, conclusions and conditions of approval are still applicable.

2. 2021.14 – Subdivision – 820 Main Street – 820 Main LLC – 6 additional residential units

PUBLIC HEARING

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

Project Description:

The applicant is proposing a 6-unit subdivision within the 2nd and 3rd 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
June 1, 2021 – Public Hearing

Staff Comments:

1. Open Space Fees (\$3,017) due prior to issuance of building permit
2. ATS contingent on sewer video for both sewer main in Main St and the lateral servicing the building (COA – required prior to (building/street opening) permits)
3. Copy of signed offsite parking agreement to Planning Department prior to issuance of first residential c/o
4. Cluster boxes to be located internal to the structure in the first-floor common hallway. Mail delivery to be approved by USPS.
5. Due to the existing conditions and nature of this development, no additional landscaping is proposed nor feasible.
6. Property is located within Village Review Overlay Zone, however as no changes to the exterior façade are proposed, review by the Village Review Overlay Committee is not required.
7. Commercial & residential waste removal to utilize existing dumpster located to the rear of the property.
8. Residential unit addressing to be coordinated with Linda Gain.
9. Work within the Main Street ROW to be coordinated with Public Safety and limited to 9a – 3p. Any work requiring lane closure may require nightwork.

Motion:

That the subdivision application for 820 Main , LLC for the creation of 6-residential units within the 2nd and 3rd stories of the existing building located at 820 Main Street Tax Map: 033 Lot: 124 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 **3 through 6** of this Staff Memo dated May 28, 2021 are adopted in support of that approval.

Subdivision – Finding of Fact

Standard	Finding
Pollution	Disposal of sewage will be via the public system. Sewer connection is available in the vicinity of the development. As part of this project the applicant will televise both the lateral and main in Main Street to ensure adequate condition prior to connection.
Sufficient Water	Water Services are available within the Main Street right-of-way
Municipal Water Supply	Water Services are available within the Main Street right-of-way
Erosion	The proposed development is a reuse of an existing structure and therefore minimal site disturbance is necessary for development. Work

	within the right-of-way will be contained to minimize impact and limited in duration.
Traffic	Main Street has adequate capacity to accept the traffic generated by this project.
Sewage Disposal	Disposal of sewage will be via the public system. Sewer connection is available in the vicinity of the development. As part of this project the applicant will televise both the lateral and main in Main Street to ensure adequate condition prior to connection.
Municipal Solid Waste Disposal	Waste management will be privately managed utilizing the existing dumpster on the site.
Aesthetic, Cultural and Natural Values	None known
Conformity with City Ordinances and Plans	Proposal is in conformance with the City Ordinance & the Comprehensive Plan.
Financial and Technical Capacity	The applicant has provided a letter from Gorham Savings Bank dated March 24, 2021 to demonstrate financial capacity. The applicant has rendered the services of Bild Architecture 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	The proposed development is a reuse of an existing structure. No issues with existing surface drainage have been identified throughout the review process. Existing conditions will be maintained post construction.
Spaghetti Lots Prohibited	The lot does not have shore frontage.
Lake Phosphorus Concentration	The subdivision is not located near or along a great pond.
Impact on Adjoining Municipality	The subdivision does not cross municipal boundaries.
Lands subject to Liquidation Harvesting	Not applicable.

Conclusions:

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

9. The proposed subdivision **conforms** with a duly adopted subdivision regulation or Ordinance, comprehensive plan, development plan or land use plan.
10. The subdivider **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed subdivision **will not** adversely affect the quality of any pond, lake, wetland, great pond, or river, or unreasonably affect the shoreline of that body of water.
12. The proposed subdivision **will not**, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The subdivision **is not** located in a flood-prone area, as determined by the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps.
14. All freshwater wetlands within the proposed subdivision **have** been identified.
15. All farmland within the proposed subdivision **has not** been identified. – Not applicable
16. Any river, stream, or brook within or abutting the proposed subdivision **has** been identified.
17. The proposed subdivision **will** provide for adequate stormwater management.
18. Lots in the proposed subdivision **do not have** shore frontage on a river, stream, brook, great pond, or coastal wetland as defined in 38 M.R.S.A. Section 480-B.
19. The long-term cumulative effects of the proposed subdivision **will not** unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
20. The proposed subdivision **will not** cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
21. Timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to 12 M.R.S.A. Section 8869, subsection 14.

Conditions :

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated May 5, 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 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. Applicant shall televise the sewer main in the vicinity of the project site and the lateral to 820 Main.
 - 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. **\$282.00**
 - 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. **\$14,100.00**
 - g. Payment of Open Space Fee - **\$3,017.00**
 - h. Coordinate with the E911 Coordinator on addressing of the building/units.
4. Prior to commencing any work in the City Right-of-Way, the applicant must obtain a road-opening permit from the Public Works Department.
5. Prior to the first Occupancy Permit issuance:
 - a. Verify final USPS locations for mailbox.
 - b. Copy of signed parking agreement for a minimum of 6-parking spaces provided to Planning Department.
 - c. Sewer connection to be reviewed & approved of by the City's Wastewater Department.

- d. All other site improvements must be installed unless a performance guarantee amount is held for the full amount of any remaining improvements.
6. 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, as well as all other conditions being addressed.
7. 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.
8. Any construction within the Main St ROW limited to hours of 9a – 3p and requires police presence. Any work requiring shut down of road may be required to be nighttime construction.
9. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

3. 2021.07 – Site Plan – Rocky Hill Solar Project – C2 Energy Capital

PUBLIC HEARING

Tax Map: 020 Lot: 014
Zone: Rural District
Use: Municipal Facility

Project Description:

The applicant is proposing a ground mounted solar array an existing landfill to offset costs associated with municipal power use.

Project History

February 25, 2021 – Neighborhood Meeting
April 6, 2021 – Planning Board Workshop
June 1, 2021 – Public Hearing

Staff Comments

1. Stamped boundary survey needed with final plan set
2. Pave 20-foot apron off Methodist – Gravel access road following paved apron
3. Minimum 18-foot access road required (detail shows 16-foot width)
4. Interconnection letter from CMP required prior to site disturbance
5. Underground utility connection required from edge of right of way to equipment pad
6. Security signage required with address and contact information on/around gated access or fence. Show signage on plan
7. Coordinate with Linda Gain on site addressing

Motion:

Motion that the C2 Energy Capital’s site plan application for a municipal solar array located at the previous Rocky Hill landfill, Tax Map: 020 Lot: 014 Zone: Rural District 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 May 28, 2021 are adopted in support of that approval.

Site Plan – Finding of Fact

Standard	Finding
Utilization of the site	Plan meets the intent of the Ordinance.
Handicap Access	The proposed use is not intended for public access and secured by access gate and 7’ fence. N/A
Appearance Assessment	Project will upgrade the existing access to the site via the curb cut on Methodist Road to provide a paved apron. The solar array is located on the cap of the previous landfill use. Limited clearing is required, and project maintains a vegetative buffer between all abutting properties. Due to the nature of the proposed use, no additional landscaping or lighting is proposed. Security signage will be installed at the access gate to provide contact information for emergency use. Criteria 6 is not applicable.
Landscape Plan	The project utilizes the existing forested buffer and cleared area to limit clearing to the greatest extent possible.
Odors	No adverse impact is known or anticipated.
Noise	No adverse impact known or anticipated.

Technical and Financial Capacity	The proposed development is a municipal project. The City has entered an agreement with C2 Energy, which demonstrates technical capacity.
Solid Waste	Any waste generated by the construction or maintenance of the development will be carried away.
Historic, Archaeological and Botanical Resources or Unique Features	None known
Hazardous Matter	None known.
Vibrations	No adverse impact known or anticipated.
Parking & Loading Design and Site Circulation	Limited vehicle traffic is anticipated with the use. There is adequate space along the gravel access road for parking of maintenance vehicles and equipment.
Adequacy of Road System	Negligible traffic is anticipated to be generated by the development. Methodist Road had adequate capacity to accept the development.
Vehicular Access	A paved apron is provided to allow access from the public right-of-way.
Pedestrian and Other Modes of Transportation	Not applicable in this application.
Utility Capacity	Documentation of interconnection agreement by CMP required prior to site disturbance or building permit issuance. Water and sewer connection are not required.
Stormwater Management, Groundwater Pollution	A stormwater management report dated May 2021 from BH2M has been provided to demonstrate compliance with the Ordinance.
Erosion and sedimentation Control	Adequate erosion and sedimentation control measures are shown in the application.

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 May 6, 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 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. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
 - d. 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.
 - e. 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.
 - f. Interconnection agreement from CMP provided to Planning Dept.
 - g. Coordinate with the E911 Coordinator on addressing.
4. Prior to the final inspection:
 - a. Security signage with emergency contact information installed.
 - b. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval.
 - c. 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.
5. 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.
6. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

4. 2021.08 – Sandy Hill Solar Project – C2 Energy Capital

PUBLIC HEARING

Tax Map: 001 Lot: 003B
Zone: Industrial Park District
Use: Municipal Facility

Project Description:

The applicant is proposing a ground mounted solar array on an existing landfill to offset costs associated with municipal power use.

Project History

February 25, 2021 – Neighborhood Meeting
April 6, 2021 – Planning Board Workshop
June 1, 2021 – Public Hearing

Staff Comments

1. Stamped boundary survey needed with final plan set
2. Access road minimum width should be 18 feet (16 feet shown on plan).
3. Signage required with address and contact information on/around gated access or fence. Show signage on plan
4. Provide detail on Utility connection between solar panels and equipment pad
5. Underground utility connection required form edge of right of way to equipment pad
6. Interconnection letter from CMP required prior to site disturbance
7. Coordinate with Linda Gain on site addressing

Motion:

Motion that the C2 Energy Capital’s site plan application for a municipal solar array located at the previous Sandy Hill landfill, Tax Map: 001 Lot: 003B Zone: Industrial Park District is **(approved with conditions/denied)** and the following findings of fact, conclusions, and conditions as stated on pages **10 through 12** of this Staff Memo dated May 28, 2021 are adopted in support of that approval.

Site Plan – Finding of Fact

Standard	Finding
Utilization of the site	Plan meets the intent of the Ordinance.
Handicap Access	The proposed use is not intended for public access and secured by access gate and 7’ fence. N/A
Appearance Assessment	Project will upgrade the existing access to the site via the widening and partial paving of the driveway off Eleanor Avenue. The solar array is located on the cap of the previous landfill use. Limited clearing is required, and project maintains a vegetative buffer between all abutting properties. Due to the nature of the proposed use, no additional landscaping or lighting is proposed. Security signage will be installed at the access gate to provide contact information for emergency use. Criteria 6 is not applicable.
Landscape Plan	The project utilizes the existing forested buffer and cleared area to limit clearing to the greatest extent possible.
Odors	No adverse impact is known or anticipated.
Noise	No adverse impact known or anticipated.

Technical and Financial Capacity	The proposed development is a municipal project. The City has entered an agreement with C2 Energy, which demonstrates technical capacity.
Solid Waste	Any waste generated by the construction or maintenance of the development will be carried away.
Historic, Archaeological and Botanical Resources or Unique Features	None known
Hazardous Matter	None known.
Vibrations	No adverse impact known or anticipated.
Parking & Loading Design and Site Circulation	Limited vehicle traffic is anticipated with the use. There is adequate space along the gravel access road for parking of maintenance vehicles and equipment.
Adequacy of Road System	Negligible traffic is anticipated to be generated by the development. Eleanor Avenue had adequate capacity to accept the development.
Vehicular Access	Access to the site is via the existing driveway off Eleanor Avenue. As part of the project, access will be improved through the widening and partial paving of the driveway.
Pedestrian and Other Modes of Transportation	Not applicable in this application.
Utility Capacity	Documentation of interconnection agreement by CMP required prior to site disturbance or building permit issuance. Water and sewer connection are not required.
Stormwater Management, Groundwater Pollution	A stormwater management report dated May 2021 from BH2M has been provided to demonstrate compliance with the Ordinance.
Erosion and sedimentation Control	Adequate erosion and sedimentation control measures are shown in the application.

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 May 6, 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 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. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
 - d. 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.
 - e. 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.
 - f. Interconnection agreement from CMP provided to Planning Dept.
 - g. Coordinate with the E911 Coordinator on addressing.
4. Prior to the final inspection:
 - a. Security signage with emergency contact information installed.
 - b. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval.
 - c. 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.
5. 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.
6. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

5. 2021.06 – Site Plan, Conditional Use – 90 Riverside Street – Atlantic Regional Federal Credit Union

PUBLIC HEARING

Tax Map: 042A Lot: 010B
Zone: Gateway Commercial
Use: Bank Class 1

Project Description:

The applicant is proposing a new 3,000 square foot commercial structure with associated parking and drive-thru teller lanes on an existing vacant site.

Project History

- March 2021 – Neighborhood Meeting
- March 16, 2021 – Planning Board Workshop
- June 1, 2021 – Public Hearing

Staff Comments

1. Color Elevations of structure and signage required with final submission.
2. As the building and parking is entirely within the boundary of Westbrook, Planning Board review by Portland is not required. However, as access to the site via Riverside Street is within Portland, site ingress/egress was reviewed by Portland Staff and the following comments provided:
 - a. Traffic control device needed at the intersection of Riverside to designate right-in/right-out maneuver.
 - b. A sidewalk waiver from Portland is needed since the project is not providing a sidewalk along the entirety of the 90 Riverside frontage.
3. Continue sidewalk system through the islands into the plaza.
4. One more light needs to be installed along the driveway into the site at the boundary line with Portland to provide lighting in the vicinity of the entrance.
5. Drainage: Provide a forebay before the filter bed to avoid siltation of the bed and place a concrete base in the filter bed for maintenance.
 - a. Edit grading and landscaping plans accordingly based on forebay.
 - b. Riprap outlet of 30” pipe.
6. Landscaping – Irrigation measures are provided to ensure viability of plantings.
7. Comments included in the email from Rebecca Spitella dated 5-27-21 (Add Stop bar & relocate Stop sign exiting into Kohl’s plaza, Provide Gross Density Factor on plan)
8. As this project is a financial institution, the performance guarantee methods can only be cash, insurance bond or a letter of credit from ANOTHER financial institution. The ARFCU cannot provide a LOC for its own project.

Motion

Motion that the Atlantic Regional Federal Credit Union’s site plan and conditional Use application for a 3,000-sf commercial structure located at 90 Riverside Drive, Tax Map: 042A Lot: 101B Zone: Gateway Commercial District is **(approved with conditions/ denied)** and the following findings of fact, conclusions, and conditions as stated on pages 13 through 17 of this Staff Memo dated May 28, 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	ADA access is provided via an accessible parking space and sidewalk tipdowns. Site is compliant with ADA standards.
Appearance Assessment	Access to the site is provided via a right-in/right-out maneuver from Riverside Street (Portland) as well as from the abutting shopping plaza. Enhanced landscaping is provided throughout the site with an irrigation system to ensure viability. Landscaping is shown on a stamped landscaping plan in the plan documents. Directional and safety signage is shown on the site plan. Any additional commercial signage, including the building mounted signage on the building elevations, must comply with the standards of the Gateway Commercial District and obtain a separate sign permit from the Code Enforcement Office. Criteria 1-5 have been met. Criteria 6 is not applicable.
Landscape Plan	Enhanced landscaping is provided throughout the site to demonstrate a variety of species. The site is located within a commercial district with all abutting properties as a commercial use – a buffer is not necessary or appropriate. The plan includes an irrigation system to ensure viability of plantings.
Odors	The proposed use of Bank Class 1 does not anticipate any noxious odors. No adverse impact known or anticipated.
Noise	The commercial use is in line with the abutting commercial uses and the underlying zoning district. Hours of operation for internal banking will be in line with typical banking hours. No adverse impact is known or anticipated.
Technical and Financial Capacity	A letter of financial capacity is included with the application submission. The applicant has retained the services of Sebago Technics which demonstrates technical capacity.
Solid Waste	Waste removal will be privately managed.
Historic, Archaeological and Botanical Resources or Unique Features	None known.
Hazardous Matter	Not applicable
Vibrations	The proposed residential development should not create any vibration issues
Parking & Loading Design and Site Circulation	16-parking spaces, including 1-ADA parking space, are provided on site which is in excess of the Ordinance minimum. Parking is distributed on the easterly and southerly side of the building. A pedestrian path is located along all parking spaces for safe access to the building.
Adequacy of Road System	The applicant has provided a letter from the City of Portland approving access by Riverside Street.
Vehicular Access	Access to the site is via a right-in/right-out on Riverside Street. Traffic control measures are included at this intersection to facilitate this maneuver. Additional in/egress is provided via an access easement through the abutting shopping plaza to connect with Riverside Street and Main Street.
Pedestrian and Other Modes of Transportation	The project provides a sidewalk connection from existing infrastructure on Larrabee Road to Riverside Street and internal to the site. Crosswalks are provided at two locations to facilitate pedestrian movement.
Utility Capacity	Water and Gas services are available within the Riverside Street right-of-way. Prior to connection a street opening permit from the City of Portland is required. Underground electric is provided via

	an existing pole on site. An HHE-200 is included with the final submission package.
Stormwater Management, Groundwater Pollution	Stormwater management is provided via a filter bed adjacent to the driveway from Riverside Street. A stormwater permit is required for this project and a copy will be provided to the Planning Department upon issuance.
Erosion and sedimentation Control	Adequate erosion and sedimentation control measures are shown on the grading 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.

Conditional Use – Finding of Fact

Standard	Finding
Landscape Environment and Enhancement	Enhanced landscaping is provided throughout the site to demonstrate a variety of species. The plan includes an irrigation system to ensure viability of plantings.
Surface Water Drainage	Stormwater management is provided via a filter bed adjacent to the driveway from Riverside Street. A stormwater permit is required for this project and a copy will be provided to the Planning Department upon issuance.
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 proposed use of Bank Class 1 does not anticipate any nuisance issues. No adverse impact known or anticipated.
Special Features	The site is located within a commercial district with all abutting properties as a commercial use – a buffer is not necessary or appropriate
Vehicular Access	Access to the site is via a right-in/right-out on Riverside Street. Traffic control measures are included at this intersection to facilitate this maneuver. Additional in/egress is provided via an access easement through the abutting shopping plaza to connect with Riverside Street and Main Street.
Parking and Circulation	16-parking spaces, including 1-ADA parking space, are provided on site which is in excess of the Ordinance minimum. Parking is distributed on the easterly and southerly side of the building. A pedestrian path is located along all parking spaces for safe access to the building.
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 April 26, 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 and colors to be consistent with submitted documentation or testimony.
 - d. Copy of DEP Stormwater Permit provided to Planning Dept.
 - e. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
 - f. An inspection fee shall be made payable to the City of Westbrook for inspection of site improvements made by the Code Enforcement Officer and/or other appropriate City staff. Inspection fee shall be 2% of the total amount of performance guarantee. **\$9,400.36**
 - g. The applicant shall file a performance guarantee with the City of Westbrook. The amount of the guarantee shall be agreed upon in advance with the City of Westbrook and shall be of an amount to ensure completion of all on- and off-site improvements necessary to support the proposed project. **\$470,018.00**
 - h. Coordinate with the E911 Coordinator on addressing of the building/units.
4. Prior to the first 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, lighting, striping, sidewalks, utilities, & off-site improvements etc.)
 - b. All other 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.
 - b. Documentation of maintenance contractor for Stormwater Best Management Practices.
 6. Site work shall comply with the Dewatering Plan by St. Germain dated April 21, 2021 and the Soil Management Plan Revision 1 by St. Germain (Previously St. Germain-Collins) dated August 2, 2013.
 7. Infield inspection may require the installation of guardrails in areas where slope is in excess of 3:1. Such determination shall be made by City Planner or Code Enforcement Officer.
 8. Best management practices shall be adhered to during all ground disturbance operations. All catch basins in the vicinity of earthwork operations shall have silt sacks installed & maintained for the duration of the work.
 9. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
 10. 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.

6. 2018.60 – Phase I Site Plan Amendment Building 1-H – Rock Row – Dirigo Center Developers, LLC

PUBLIC HEARING

Tax Map: 042B Lots: 011 & 14 (Previously lots 09, 10, 11 & 14)
 Zone: Contract Zone 12 – Rock Row Contract Zone
 Address: 90 Rock Row (Previously 58 & 80 Main St)

Project Description:

The applicant is requesting an amendment to their previously approved plan to remove Building 1-H from the plan and instead install a pedestrian landscaped pathway and patio in that location.

Project History

- September 18, 2018 – Phase 1 Site Plan Approval
- November 7, 2019 – Minor Amendment to revise lighting plan, update building elevations and allow an outdoor sales area associated with Market Basket
- February 14, 2020 – Minor Amendment to update building elevations
- March 17, 2021 – Minor Amendment to site layout and elevations of Building 1-C, Chase Bank
- June 2, 2020 – Site Plan Amendment – Restaurant Pad
- June 1, 2021 – Site Plan Amendment to remove Building 1-H and expand pedestrian walkway/seating area

Staff Comments

1. Fence around quarry/lake to remain
2. Phase one work outstanding items – update to be provided during 6/1 Planning Board meeting.
3. Ensure all utility connections are made for future use of site and show any/all utility stubs on plan (if applicable)
4. As site is activated, the need for a waste management plan may be necessary depending on use.

Motion:

Motion that the Planning Board approve Dirigo Center Developers LLC’s application for an amendment to the Site Plan approvals granted by the Planning Board on September 18, 2016 and subsequent amendments for the properties located at 58 and 80 Main Street, Tax Map: 042B Lots: 011, & 014 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 **18 through 20** of this Staff Memo dated May 28, 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 proposed expanded pedestrian area is compliant with ADA standards.
Appearance Assessment	The removal of building 1-H allows for an expanded landscaped patio area. No changes to the Rock Row vehicular system or site access points are proposed.
Landscape Plan	A landscape plan identifying a variety of plant species for the patio area is included with the plan submission.
Odors	Not applicable
Noise	The noise generated by a pedestrian walkway is in line with the commercial district in which it is located and is not located within the vicinity of a residential neighborhood.

Technical and Financial Capacity	The City is currently holding a bond for all phase 1 site improvements. The improvements of the patio area will be included with this bond.
Solid Waste	The proposed patio does not generate waste
Historic, Archaeological and Botanical Resources or Unique Features	The patio is located on the edge of the quarry and is intended to highlight this site feature. A safety fence along the quarry edge will remain.
Hazardous Matter	Not applicable
Vibrations	No adverse impact known or anticipated.
Parking & Loading Design and Site Circulation	The plan amendment does not alter or amend the approved parking design.
Adequacy of Road System	Adequate.
Vehicular Access	The plan amendment does not alter site in/egress
Pedestrian and Other Modes of Transportation	Pedestrian circulation is shown to connect the previously approved sidewalk infrastructure to the Phase 1-A line as well as across Rock Row to the businesses located within buildings 1-G and 1-F.
Utility Capacity	Electrical and water utilities exist on the site.
Stormwater Management, Groundwater Pollution	The plan amendment does not alter or amend any stormwater features nor does it require an amendment to the site's existing SLOD permit.
Erosion and sedimentation Control	All previously approved erosion and sedimentation control measures remain applicable.

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 September 13, 2016 and amended July 12, 2018, and April 13, 2020 (Revised May 19, 2020) with plans dated 05-15-20 and all supporting/subsequent 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. *Mylars must be submitted to the City within 90 days of Planning Board approval, or the approval shall be null and void.*
3. All prior Conditions of approval for this site related to September 18, 2018 Planning Board Decision as well as Phase 1 amendments are applicable.
4. Site work associated with the amendment to be included with the performance bond issued November 20, 2017 for current Phase 1 Site Improvements.

7. 2021.19 – Site Plan – 737 Spring Street – Blue Rock Industries, LLC – 20,000 sf Building

WORKSHOP

Tax Map: 005 Lot: 010
Zone: Manufacturing District
Use: Manufacturing

Project Description:

The applicant is requesting to construct a 2 story 20,000-sf building expansion located at 737 Spring Street associated with the Blue Rock stone center.

Project History

May 2021 – Neighborhood Meeting
June 1, 2021 – Planning Board Workshop

Staff Comments

1. Noticing fees for workshop (\$4.08) may be paid in coordination with final application noticing fees
2. Verify level of new impervious to determine participation in Long Creek Watershed Management District.
3. DBA testing
4. Roof overhang cannot extend into setback
5. Show enclosed waste disposal on plan for stone remnants to be hauled away
6. 5” Storz connection
7. Sprinkler room with exterior access
8. Provide turning template to ensure adequate access for emergency vehicles
9. Any upgrades to CMP connected required as part of the expansion? If so, provide ability to serve letter from CMP
10. Driveway location must meet MDOT driveway entrance standards for arterial roads
11. Does project remove Conex box located within the setback?
12. Final treatment of rear gravel area – grassed?
13. Provide appropriate/adequate lighting in parking area with final submission
14. Final submission requirements:
 - o Building elevations
 - o landscape plan with final application submission. Landscape plan should show enhanced landscaping along Spring Street right-of-way
 - o Stamped boundary survey

Board Action

1. Provide feedback to applicant