



Planning & Code Enforcement

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PLANNING & CODE ENFORCEMENT

WESTBROOK PLANNING BOARD

Tuesday, October 3, 2023, 7:00 P.M.

Westbrook High School – Room 114

125 Stroudwater Street

This meeting will be offered as a hybrid meeting, accommodating both in-person and remote participation.

Where public comment is permitted, members of the public attending remotely will have the opportunity to provide remote oral testimony. If you wish to speak during a Public Hearing or Public Comment, use the “Raise Hand” function through Zoom (or dial *9 on your phone) when instructed by the Planning Board chair.

Zoom Link: <https://us02web.zoom.us/j/81700741385>

Dial-in (audio only): 1-646-558-8656

Webinar ID: 817 0074 1385

AGENDA

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

REGULAR BUSINESS

3. **2022.30 – Site Plan Approval Extension Request – 860 Spring Street – Boulos Asset Management:** The applicant is requesting a 1-year extension Site Plan approved November 1, 2022 for a 15,240sf building addition located at 860 Spring Street. Tax Map: 003 Lot: 101A Zone: Industrial Park District
4. **2022.22 – Site Plan Approval Extension Request – 31 Spiller Drive – Troiano Properties, LLC:** The applicant is requesting a 1-year extension Site Plan approved September 6, 2022 for a 15,000sf multi-tenant commercial building and associated parking lot located at 31 Spiller Drive. Tax Map: 004 Lot: 301 Zone: Manufacturing District

NEW BUSINESS

5. **2023.22 – Green Space Designated Parcels – City of Westbrook – Westbrook Recreation and Conservation Commission:** The Westbrook Recreation and Conservation Commission is presenting a proposed amendment to the Westbrook Code of Ordinance §295-Article 2 Forest to clarify language and retitle as ‘Green Space’ and provide the Planning Board with a recommendation by the Westbrook Recreation and Conservation Commission for parcels to be designated as “Green Space”.
6. **2023.21 – Site Plan – Rock Row South Campus – Central Maine Power:** The applicant is requesting to construct an electrical substation and supporting infrastructure within the Rock Row South Campus Development to support the increasing electrical needs in the surrounding communities. Tax Map: 042B Lot: 014K Zone: Contract Zone 12, Rock Row Contract Zone Use: Utility

WORKSHOP

7. **2023.24 – Amendment to the Land Use Ordinance in response to the requirements of State Law L.D. 2003 – City of Westbrook:** Section 335-1.8. Definitions, Article II General Provisions 335-2.2 Accessory dwelling unit, Article V Zoning Districts, Article VII Overlay Districts, Section 335-13.6 Site Plan Review Design and Performance Standards, and Land Use 335 Attachment 1 City of Westbrook Table 1: Land Use Table



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PLANNING & CODE ENFORCEMENT

DATE: September 29, 2023

TO: Planning Board

FROM: Jennie P. Franceschi, City Planner & Rebecca Spitella, Senior Planner

Cc: Plan Review Team

RE: October 3, 2023, Planning Board Meeting

-
1. **2022.30 – Site Plan Approval Extension Request – 860 Spring Street – Boulos Asset Management**
 2. **2022.22 – Site Plan Approval Extension Request – 31 Spiller Drive – Troiano Properties, LLC**
 3. **2023.22 - Green Space Designated Parcels - City of Westbrook – Westbrook Recreation and Conservation Commission**
 4. **2023.21 – Site Plan – Rock Row South Campus – Central Maine Power**
 5. **2023.24 – Amendment to the Land Use Ordinance in response to the requirements of State Law L.D. 2003 – City of Westbrook**
-

1. **2022.30 – Site Plan Approval Extension Request – 860 Spring Street – Boulos Asset Management**

REGULAR BUSINESS

Tax Map: 003 Lot: 101A

Zone: Industrial Park District

Project Description

The applicant is requesting a 1-year extension Site Plan approved November 1, 2022 for a 15,240-sf building addition located at 860 Spring Street.

Project History

August 26, 2022 – Neighborhood Meeting

September 6, 2022 – Planning Board Workshop

November 1, 2022 – Public Hearing

October 3, 2023 – Site Plan Approval Extension Request

Staff Comments

No changes to the Ordinance have been made that would alter this approval. Staff take no issue with the applicant's request for a one-year extension on the approval.

Motion

Motion to approve the request from Boulos Asset Management for a 1-year extension on the site plan approved November 1, 2022 for a +/-15,240 sf building addition located at 860 Spring Street. Tax Map: 003 Lot: 101 Zone: Industrial Park District. All previously approved Findings of Fact, Conclusions and Conditions of Approval associated with the November 1, 2022 approval applicable.

2. 2022.22 – Site Plan Approval Extension Request – 31 Spiller Drive – Troiano Properties, LLC

REGULAR BUSINESS

Tax Map: 004 Lot: 301

Zone: Manufacturing District

Project Description

The applicant is requesting a 1-year extension Site Plan approved September 6, 2022 for a 15,000sf multi-tenant commercial building and associated parking lot located at 31 Spiller Drive.

Project History

June 28, 2022 – Neighborhood Meeting

July 5, 2022 – Planning Board Workshop

September 6, 2022 – Public Hearing

October 3, 2023 – Site Plan Approval Extension Request

Staff Comments

No changes to the Ordinance have been made that would alter this approval. Staff take no issue with the applicant's request for a one-year extension on the approval.

Motion

Motion to approve the request from Troiano Properties, LLC for a 1-year extension on the site plan approved September 6, 2022 for a 15,000sf multi-tenant commercial building and associated parking lot located at 31 Spiller Drive. Tax Map: 004 Lot: 301 Zone: Manufacturing District. All previously approved Findings of Fact, Conclusions and Conditions of Approval associated with the September 6, 2022 approval are applicable.

3. 2023.22 - Green Space Designated Parcels – City of Westbrook – Westbrook Recreation and Conservation Commission

PUBLIC HEARING

Section §295-Article II (“Forest”) of the Ordinance charges The Recreation & Conservation Commission with the task of inventorying City owned property to recommend parcels to be dedicated as “City Forest”. It appears this Ordinance was never enacted and there has been some confusion as to what areas are meant to be included under the ordinance. A common thought was that this was referring specifically (and only) to what is commonly referred to as The City Forest (approximately 75 acres located behind the Community Center – Map/Lot 010/029 & 011/005B) however, the ordinance states that the purpose is “to provide open space areas in the City for recreation, timber harvesting, wildlife, watershed protection, scenic beauty and affiliated educational uses” and that land shall be formally dedicated through a collaborative process with the Recreation and Conservation Commission, Planning Board and City Council. While this certainly could apply to City Forest, it does not appear to be limited to that. That the Ordinance and City Forest share a name appears to be coincidental.

Therefore, to avoid confusion Staff is seeking an amendment to §295-Article II to revise the Ordinance Title from “Forest” to “Green Space” and clarify the intent of the Ordinance.

The ordinance amendment has been provided to the Planning Board for reference, as the Planning Board does not make a recommendation on this ordinance as it is not part of the Land Use Ordinance, and therefore not within the purview of the Planning Board.

General summary of amendment to §295-Article II:

- Rename section to “Green Space”
- Reorganize layout
- Clarify implication of Green Space designation
- Remove outdated/unnecessary language

Essentially, this Ordinance provides an extra layer of protection for lands that the City deems as valuable for the purpose of recreation and/or environmental protection/conservation. The primary implications of Green Space designation area as follows:

General Summary of Green Space Designation

- Rec and Con may (but are not required to) develop management plans for parcels holding Green Space designation.
- Except for general maintenance/repair of existing structures/facilities and except for any subsurface utility work, Rec & Con review/recommendation required for the development of parcels with Green Space designation to ensure development is in line with intent of the Ordinance.
- Land with Green Space designation cannot be conveyed out of public ownership unless/until Green Space designation is removed.
 - o Removal of Green Space designation requires a 2/3 vote of Rec & Con, Planning Board ***and*** City Council. (This standard currently exists (§295-19) – Staff is not proposing this as a new policy)

Per the existing (and amended) Ordinance, land proposed to be designated as Green Space shall be presented to the Planning Board by recommendation of the Recreation and Conservation Commission. After review, the Planning Board then provides a recommendation to the City Council who ultimately determines the designation. Therefore, beginning in January 2022 Rec and Con, in conjunction with Staff, began an extensive review of all City owned parcels to provide a recommendation for parcels that they found met the criteria of the Ordinance.

Recreation and Conservation Commission inventoried each parcel with the following criteria:

- Recreation (hunting, fishing, trails, ballfields, playgrounds, etc.)
- Trail Connectivity

- Water Quality Protection
- Water Recreation (boat launch & swimming access)
- Habitat Protection
- Scenic Beauty
- Timber Management
- Educational Use (non-school use)

The inventoried parcels were presented to a Staff group that included the Administration, Economic Development, Planning, Public Services & Community Services for review. Staff supports the Green Space designation on parcels that do/are not:

- Located in the City Center Heart District
- Have existing surface utility functions (i.e., pumpstation)
- Lots that demonstrate high value for future development potential (and do not include resource protection or other high value habitat)
- Parcels significantly encumbered by subsurface private utility services.

This collaborative review resulted in a recommendation of 36 parcels, approximately 350 acres, of public land to be included with this Green Space designation. If approved, this will nearly double the level of protected land area within the City.

Included with your Board packets is a map created by our Rec & Con Chair that shows all 36 parcels recommended for designation. Recommended parcels are identified as yellow and are numbered with hatching. Parcels that are yellow without hatching are City owned parcels that are not recommended for designation and parcels that are yellow and dotted are educational facilities. Only those parcels that are **numbered** are recommended for designation.

Staff are in support of the designation of the 36 parcels as recommended by Rec and Con.

4. 2023.21 – Site Plan – Rock Row South Campus – Central Maine Power – 9 Rock Row

PUBLIC HEARING

Tax Map: 042B Lot: 014M

Zone: Contract Zone 12 - Rock Row Contract Zone

Project Description

The applicant is proposing to construct an electrical substation and supporting infrastructure within the Rock Row South Campus Development to support the increasing electrical needs for the region.

Project History

October 3, 2023 – Public Hearing

Staff Comments

Due to the nature of this project being a public utility, there is a fixed site layout required for the substation. Staff have limited comments on a public utility project; thus, the application was submitted to the board for final review.

Site Plan Revisions to be addressed by applicant on signature plan set:

1. Signature Block added to site plan.
2. Site Address
 - a. Lot address to be verified with City's E911 coordinator.
3. Owner/Applicant information
4. District Standards noted on plan (post construction)
5. Spot grades along the top of berm around both filter ponds to ensure berm can manage 100-year storm event.

Motion

Motion to approve the request from Central Maine Power for an electrical substation within the Rock Row South Campus Development. Tax Map: 042B Lot: 014M Zone: Contract Zone 12 – Rock Row Contract Zone. Approval includes the following Findings of Fact, Conclusions and Conditions as stated on pages 6 through 8 of the Staff Memo dated September 29, 2023, which are adopted in support of this approval.

Site Plan – Finding of Fact

Standard	Finding
Utilization of the site	Meets the intent of the Ordinance.
Handicap Access	No public access is permitted within the site.
Appearance Assessment	The site is situated to the rear of a private medical complex with no access to or near the public. The development is a private utility service with specific regulations for safety and functionality.
Landscape Plan	The site is situated to the rear of a medical complex with no access to or near by the public. No additional landscaping is proposed with the application.
Odors	No adverse impact known or anticipated
Noise	No adverse impact known or anticipated.
Technical and Financial Capacity	The applicant has provided financial statements as of and for the years ended December 31, 2021 and 2020 to demonstrate financial capacity. The applicant has retained the civil services of Belanger Engineering and the consulting services of Flycatcher LLC which demonstrates technical capacity.
Solid Waste	No solid waste is generated by the development.

Historic, Archaeological and Botanical Resources or Unique Features	Development team has applied to Army Corps for work within the setback of Nason's Brook in compliance with the National Resources Protection Act.
Hazardous Matter	Not applicable.
Vibrations	No adverse impact known or anticipated.
Parking & Loading Design and Site Circulation	Limited vehicular access is permitted within the site. Any vehicles that access the site will park within the vicinity of the locked entrance gate.
Adequacy of Road System	The site is accessed by private way, Rock Row and has no impact on the public road system.
Vehicular Access	Limited vehicular access is permitted within the site. Any vehicles that access the site will park within the vicinity of the locked entrance gate.
Pedestrian and Other Modes of Transportation	No pedestrian activity is permitted within the site. The site is contained with a locked gate to prevent access.
Utility Capacity	Project is an electrical substation. All necessary power poles and infrastructure are located within the vicinity.
Stormwater Management, Groundwater Pollution	Stormwater facilities are provided on site along the easterly and westerly edges of the development. With the issuance of all MDEP permits the project demonstrates adequate stormwater facilities are provided.
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 July 6, 2023 and additional supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.
2. Consistent with §335-13.5.D, the Code Enforcement Officer shall not issue any permits until a site plan has been approved by the Planning Board and a Mylar signed by the Planning Board. *Mylars must be submitted to the City 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. A copy of all DEP permitting 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. The applicant shall provide the digital data as required by §335-13. – 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. **\$19,722.23**
 - 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. – **\$986,111.34**
4. Prior to release of the performance guarantee:
 - a. A site inspection for the required improvements by the City to ensure public health & safety is addressed and compliance with the approval.
 - b. The site will be in compliance with the approved plan and as-built plan provided in City approved format for the GIS system.
5. Best management practices shall be adhered to during all ground disturbance operations.
6. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

4. 2023.24 - Amendment to the Land Use Ordinance in response to the requirements of State Law L.D. 2003 – City of Westbrook

Section 335-1.8. Definitions, Article II General Provisions 335-2.2 Accessory dwelling unit, Article V Zoning Districts, Article VII Overlay Districts, Section 335-13.6 Site Plan Review Design and Performance Standards, and Land Use 335 Attachment 1 City of Westbrook Table 1: Land Use Table, Westbrook Zoning Map

WORKSHOP

The State of Maine has taken substantive steps to address the housing shortage. In 2022 the State Legislature passed a law commonly known as L.D. 2003, which mandates state-wide legislation on various land use standards. With the adoption of this law, municipalities are now required to amend local land use ordinances to be in compliance with this State Law. In summary every municipality is required to:

1. Allow up to four residential structures or units on lots where housing is permitted.
2. Allow an accessory dwelling unit on any lot where a single-family dwelling unit is located & permitted.
3. Allow a density bonus for certain affordable housing developments.

Municipalities are expected to amend all applicable local land use Ordinances by January 1, 2024 when the state law goes into effect.

For more information on L.D. 2003 please view the September 5, 2023 Planning Board meeting. Recordings of Planning Board meetings can be found on the City website or by going to www.vimeo.com/showcase/westbrookmeetings.

1. Allow up to four residential structures or units on lots where housing is permitted.

Westbrook Land Use Ordinance already permits this. (*Item addressed*)

Multiple dwelling units or structures are permitted on a lot provided:

1. The lot is located in a zoning district where residential use is permitted;
2. The lot has adequate residential density to support more than one dwelling unit; and
3. All other performance standards of the zoning district in which the lot is located can be met (ex: setbacks, building footprints, etc.)

For example, the Residential Density Factor for the Residential Growth Area 1(RGA1) District is 1-dwelling unit/5,000 sf. Therefore, if a lot located in the RGA1 District is 20,000 sf that lot could support 4-residential dwelling units or structures provided all other standards of the RGA1 District are met. If a lot located in the RGA1 District is 7,000 sf, that lot may only have 1-residential dwelling unit or structure as a minimum of 10,000 sf would be required to support 2-residential units.

The intent of this law was to prohibit a municipality from only allowing 1-residential unit or structure on a lot in a particular district *regardless of that lot's size*. Where Westbrook regulates residential uses based on a lot's size and not based on the number of structures or units permitted, no changes to the Westbrook Land Use Ordinance are required to meet this standard.

2. Allow an accessory dwelling unit on any lot where a single-family dwelling is located.

Westbrook Land Use Ordinance mostly permits this. (Ordinance amendment needed)

An accessory dwelling unit is a dwelling unit that is permitted on a lot where the lot does not have adequate square footage to support a second unit. In the example described above, a single-family dwelling located on the 7,000-sf lot located in the RGA1 District could be afforded an accessory dwelling unit where the lot is not large

enough for a second dwelling unit by right. From a land use perspective, the difference between a permitted second dwelling unit and an accessory dwelling unit is that accessory dwelling units are subject to size & occupant restrictions and additional performance standards that a permitted second unit is not. Accessory dwelling units also have financing implications where a lot with a single-family dwelling with an accessory dwelling unit is assessed differently than a lot with two single-family structures or a legal duplex.

§335-2.2 of the Land Use Ordinance already permits an accessory dwelling unit on any lot where a single-family dwelling unit located. The current ordinance requires an ADU to be attached to or part of the principal single-family structure. L.D. 2003 expands this to require municipalities to allow for detached ADUs if they are located within a new structure that was constructed for the purpose of creating an accessory dwelling unit and that structure is located so that all dimensional standards of the base zone are met.

Further, L.D. 2003 prohibits a municipality from requiring *any* additional parking for an ADU beyond the parking requirements of the single-family dwelling on the lot where the ADU is located. Where the existing Ordinance requires a landowner to demonstrate a minimum of 3 off-street parking spaces to be eligible for an ADU (Single-Family Dwelling (2 spaces) + Accessory Dwelling Unit (1 space)) the Ordinance must be amended to permit an accessory dwelling unit in locations where only 2 off-street parking spaces are provided. This is a requirement of state law that municipalities are mandated to comply with regardless of the location of the ADU.

Therefore, Staff reviewed §335-2.2 (Accessory Dwelling Unit) and are proposing the following amendments in response to the requirements of L.D. 2003:

1. Amend the definition of Accessory Dwelling Unit to use language consistent with the language used throughout the Land Use Ordinance (revise “primary” to “principal”) and clarify the ADU must be located on the same parcel of land as the single-family dwelling they are affiliated with.
2. Reorganize the ADU section to be consistent with proper ordinance layout (Purpose; Applicability; Authority; etc.)
3. Permit a detached ADU that is located within a new structure that was created for the purpose of being an accessory dwelling unit.
 - a. An ADU may be permitted within an existing accessory structure if it meets district standards and is built for human habitation per building code.
4. ADUs that are attached or within a principal structure may share a utility meter.
 - a. This would ensure the ADU remains classified as an ADU and is intrinsic to the principal structure it is located within/attached to and is more cost effective.
5. Clarifies that a Single-Family Structure/ADU must remain under single ownership and cannot be converted to condominium ownership.
 - a. Current ownership requires a single-family structure with an ADU to be owner occupied (i.e., both the SF structure and ADU cannot both be rental properties). This standard is proposed to remain.
6. Provides site and building design standards for the ADU (shared driveway and visual compatibility with principal structure).
7. Remove the off-street parking requirement.

The proposed language has been reviewed by the City Solicitor and is in compliance with the requirements of L.D. 2003.

3. Allow a density bonus for certain affordable housing developments. (Ordinance amendment needed)

An Affordable Housing Development is defined as a project where at least 51% of the units provided are rented at 80% AMI or sold at 120% AMI. L.D. 2003 requires municipalities to provide a density bonus of 2.5x the base density to Affordable Housing Developments that are located within a designated growth area, as identified in that municipality’s comprehensive plan. L.D. 2003 further *limits* the parking requirement a municipality may require

to no more than 0.67 spaces/unit for the units that are designated as affordable. Units that are not designated as affordable, as defined in the Affordable Housing Development definition, are required to comply with the parking standards of the appropriate use (multiple-family, two-family, etc.).

On September 5th 2023 the Planning Board held a workshop on an amendment to the 2012 Comprehensive Plan Chapter 10, Future Land Use Plan, and the Growth Area and Rural Area map in response to this requirement to reduce the Growth Area to the commercial districts where the City anticipated high density growth to occur. On November 7, 2023 the Planning Board will hold a public hearing on the Comprehensive Plan Amendment which places the Growth Area designation over the following districts: City Center District, Industrial Park District, Manufacturing District, Gateway Commercial District (*where sewer services are located), the portion of the Highway Services District located along Spring Street, adjacent Main St fronting parcels, split district parcels and adjacent contract zones. All remaining areas (outside of the current Rural Districts, or areas proposed to be Rural in the future) would then be designated as Transitional Areas. More information on this can be found in the Staff Memo dated September 1, 2023, or by watching the September 5, 2023 Planning Board workshop.

As certain districts are proposed to be split between Growth and Transitional areas, the challenge was to figure out the most appropriate methodology of inserting a density bonus into districts where only part of that district would be afforded the bonus. For example, some of the parcels zoned Highway Services and Gateway Commercial Districts are in locations that do not have access to public sewer services and therefore would not be recommended to permit the Affordable Housing Density Bonus at this time.

Further, while Staff did not find it appropriate to insert the 2.5 Density Bonus throughout the entirety of the Residential Districts where established neighborhoods exist, Staff also agreed that while not all locations in the RGA districts may be appropriate for a density bonus, some locations *could* be. Just as Staff did not want to open up the entirety of the city to this higher level of density, Staff also did not want to completely exclude certain areas of the community to the potential of an Affordable Housing Development at the increased density that L.D. 2003 permits.

In that vein, Staff is proposing the use of an Overlay District, “Affordable Housing Development Overlay District”. By utilizing an overlay district, the City retains the flexibility of expanding the Affordable Housing Density Bonus option beyond the Growth Area (minimum required by State Law) *where appropriate*. If a developer or the City were to identify in the future a location that is appropriate and feasible for an Affordable Housing Development, that developer could request an amendment to the Zoning Map to expand the Affordable Housing Overlay District over a parcel. This would then follow the process of review/recommendation by the Planning Board and final approval by City Council but would not require a further amendment to the Comprehensive Plan. Again, L.D. 2003 *requires* the Affordable Housing Development density bonus in a municipality’s growth area, but it does not limit it to these locations. Thus, an overlay provides flexibility for the City into the future.

Included with the Planning Board packets is draft language for the Affordable Housing Development Overlay District which includes the performance standards for the density bonus, parking reduction and requirement to demonstrate long-term affordability for the units designated as affordable. Additionally, we have a Zoning map amendment that would follow the description of area as stated above. (We would suggest a bold line color to outline the area of the overlay district on the current map, such as an Orange line.)

Staff is proposing the Affordable Housing Development Overlay District to be inclusive of the City Center District, Industrial Park District, Manufacturing District, Gateway Commercial District (*where sewer services are located), the portion of the Highway Services District located along Spring Street, adjacent Main St fronting parcels, split district parcels and adjacent contract zones, as these are the areas proposed to be designated as Growth Area where residential dwellings are currently permitted.

Along with the amendments related to the ADU provisions and Affordable Housing Overlay District, Staff is proposing the following clean-up items:

1. Revisions the definition of Maximum Residential Density Factor to remove outdated language and clarify the use of the term “Base Density”,
2. Remove Community Living Arrangement from the Land Use Table.
 - a. This use was inadvertently included in the table when Community Based Residential Facilities were added to the ordinance. A community-based living arrangement is permitted by right in all districts where single-family dwellings are permitted and therefore there is no need to have this included as an independent use in the Land Use Table and is inaccurate as it currently states it is only permitted in the City Center District.
3. General cleanup to the Table of Off-Street Parking standards.
4. Adjustment of the Zoning Map for City Center District parcels that are split district to adjust district lines to property lines and placement of all Main Street fronting parcel into the City Center District where access is primarily off of Main St.