



Planning & Code Enforcement

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PLANNING & CODE ENFORCEMENT

WESTBROOK PLANNING BOARD
Tuesday, October 4, 2022, 7:00 P.M.
Westbrook Middle School – Performing Arts Center
471 Stroudwater Street

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

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

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

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

Webinar ID: 817 0074 1385

AGENDA

1. **Call to Order**
2. **Approval of Minutes**
3. **Election of Officers**

REGULAR BUSINESS

4. **2022.28 – Subdivision – Eagles Lane Subdivision – Presumpscot River, LLC:** The applicant is proposing a 12-lot subdivision located along Brook Street at the Westbrook-Falmouth municipal line. Tax Map: 022 Lot: 001
5. **2022.18 – Site Plan, Subdivision – Rivermeadow Residential Development Phase 1B – WORG, LLC:** The applicant is proposing an 8-unit single family condominium development with access from a private driveway, Arnie’s Alley. Tax Map: 037 Lot: 001 Zone: Residential Growth Area 1, Lincoln Street Overlay District Use: Dwelling, Single-Family

NEW BUSINESS

6. **2021.25 – Site Plan – Rock Row Medical Office Building – Dirigo Center Developers, LLC –** The applicant is proposing a Medical Office complex to include a parking garage, retail establishment and public pump station. Tax Map: 042B Lot: 014 Sublot: 1, 2, 3, 4 Zone: Contract Zone 12 – Rock Row Contract Zone Use: Medical Office Building Use: Medical Office Building

WORKSHOP

7. **2022.31 – Site Plan, Subdivision – 333-341 Austin Street, LLC:** The applicant is proposing a 24-unit condominium subdivision located at 341 Austin Street. Tax Map: 015 Lot: 014 and Tax Map: 055 Lot: 008 Zone: Residential Growth Area 2 Use: Dwelling, Two-Family
8. **2022.32 – Site Plan, Subdivision, Conditional Use – 40 Bell Street - MTR Development:** The applicant is proposing an 8-unit subdivision located on an existing private road, Christie Way. Tax Map: 010 Lot: 001 Zone: Residential Growth Area 1 Use: Dwelling, Multiple-Family

Deliberation of agenda items, including workshops, that have not been commenced by the Planning Board as of 10:00p.m. may be rescheduled to the next regularly scheduled meeting.



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PLANNING & CODE ENFORCEMENT

DATE: September 30, 2022

TO: Planning Board

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

Cc: Plan Review Team

RE: October 4, 2022, Planning Board Meeting

-
1. **2022.28 – Subdivision – Eagles Lane Subdivision – Presumpscot River, LLC – 12 lots**
 2. **2022.18 – Site Plan, Subdivision – Rivermeadow Residential Development Phase 1B – WORG, LLC – 8 units**
 3. **2021.25 – Site Plan – Rock Row Medical Office Building – Dirigo Center Developers, LLC**
 4. **2022.31 – Site Plan, Subdivision – 333-341 Austin Street, LLC – 24 units**
 5. **2022.32 – Site Plan, Subdivision, Conditional Use – 40 Bell Street – MTR Development – 8 units**
-

1. **2022.28 – Subdivision – Eagles Lane Subdivision – Presumpscot River, LLC – Brook Street**

REGULAR MEETING

Tax Map: 022 Lot: 001

Zone: Residential Growth Area 2

Project Description

The applicant is proposing a 12-lot subdivision located along Brook Street at the Westbrook-Falmouth municipal line. The housing lots are all located in Falmouth. Within Westbrook's municipal boundary, the remaining land associated with the project will be open space area. Therefore, the level of review under Westbrook's jurisdiction is limited to the impacts of the project on Westbrook and the ownership of the open space being documented.

Per State law, when a parcel that is creating a subdivision crosses municipal lines State law requires a joint review by the reviewing authority in each municipality. Presumpscot River, LLC is requesting a waiver of the joint review process so as to review the proposed subdivision independently with the Westbrook and Falmouth Planning Boards. The Falmouth Planning Board granted the requested joint review at their September 6, 2022 meeting. Staff support this waiver for the remainder of the review process on this application.

Project History

September 6, 2022 – Item introduced; Postponed to October meeting at the request of the applicant

October 4, 2022 – Regular Meeting – Request for waiver of joint public hearing

Staff Comments:

1. Impact Fees: \$22,464.00 due prior to the release of the signed subdivision plan.

Due to the level of development that is proposed on Brook Street the City has determined that Brook Street is inadequate to accept the level of traffic generated by the collective developments along Brook Street.

Transportation needs have been identified as:

1. Intersection upgrades at the Brook Street/Rte. 302 intersection to widen travel lanes and provide dedicated turning lanes/lights for 302 to Brook Street - \$500,000.00
2. Reconstruction of Brook Street from 302 intersection to just past Minnow Brook culvert; reconstruction will address Brook Street drainage and sidewalk connection to Rte. 302 - \$1,600,000.00
3. Overlay of Easterly portion of Brook Street to Falmouth T/L - \$414,000.00

A cost estimate generated in 2021 provided an estimate of approximately \$2.5 million for all improvements as identified above. Based on this estimate, the Westbrook Planning Board approved a \$5,200/residential unit impact fee be applied to recently approved projects along Brook Street as a match to public funds to contribute to the necessary Brook Street improvements. Staff is recommending the Eagles Lane Subdivision contribute \$1,872/lot toward the Rte. 302/Brook Street intersection improvements, which will accept vehicles from the proposed development commuting through Westbrook to Windham/Portland, and the overlay project (Improvements 1 & 3: 36% of total Brook Street project costs; $\$5,200 * .36 = \$1,872$ – total impact fee: \$22,464 for 12 lots). Payment of this fee would be required as a Condition of Approval prior to the release of the signed plans.

Motion:

Motion to waive the requirement in 30-A M.R.S.A. §4403(1-A) for joint meetings and hearings with the Town of Falmouth for the Eagles Lane Subdivision (Westbrook Map 22 Lot 1) which associated parcel crosses the Westbrook/Falmouth municipal boundary.

2. 2022.18 – Site Plan, Subdivision – Rivermeadow Residential Development Phase 1B – WORG, LLC

This item was tabled at the September 6th Planning Board meeting following a failed motion to approve.

The following actions will need to be conducted to get the application back to a “discussion status” which would take the application “back” to what it was prior to the vote on September 6th. Where the item is on the table, the Board cannot have any discussion during the meeting on this matter until the Board proceeds through the following two steps.

1. Remove the item from the table:

- a. MOTION: Motion to remove item 2022.18 Rivermeadow Residential Development Phase 1B from the table.

2. Once the item is removed from the table, the applicant is requesting a motion of reconsideration to be able to discuss the newly revised building renderings that the applicant has provided in response to comments stated by the Planning Board at the previous meeting.

- a. MOTION: Motion to reconsider the September 6, 2022 vote on item 2022.18 Rivermeadow Residential Development Phase 1b

Tax Map: 037 Lot: 001

Zone: Residential Growth Area 1, Lincoln Street Overlay district

Use: Dwelling, Single-Family

Project Description

The applicant is proposing an 8-unit single family condominium development with access from a private driveway named, Arnie’s Alley. This project is a continuation of the Rivermeadow Residential Development project.

Project History

June 7, 2022 - Planning Board Workshop

September 6, 2022 – Public Hearing – item tabled

October 4, 2022 – Regular Business

Staff Comments (From 9/6 memo – for reference):

1. Both sides of Arnie’s Alley shall be designated as No Parking
2. Sewer
 - a. Manhole at Lincoln Street connection
 - b. Label lateral connections/valves in driveways to units
 - c. Note FM material on plan (HDPE)
3. Revise E/C plan to show erosion control berm instead of silt fence & provide appropriate detail
4. Grading plan is for the version of the house with a deck. A revised grading plan shall be required with building permit submission for any structure that does not include a deck (patio/sunroom/etc.)
5. Phase 1B site work commencement will be contingent on submission of the Arnie’s Alley PG. Arnie’s Alley and Phase 1B PGs can be combined.
6. Arnie’s Alley Condominium Docs
 - a. Section 5.7 – typo, revise easement to 15ft (written 15 in)
7. Provide a confirmatory deed for the merging of lots 37/1 and 10/2

Staff Comments:

1. Noticing Fees: \$238.00

Following is a summary of comments that were provided to the applicant in response to an unsuccessful motion to approve the Rivermeadow Phase 1B application:

1. Proposed elevations do not provide sufficient variation between units

2. Recessed front porch is not functional, and does not provide an opportunity for community development between neighbors (porches are not visible between units)
3. Does not feel the concept of an alley is achieved – would like to see rear of building to function as the front of a building.
4. Explore potential for trail connection from the condo development to the Presumpscot River public trail system
5. Development lacks identity

Building Variation:

In response to the Board’s comments, the applicant has provided three different structures with exceptional architectural variations between them along with a varied color palate (shown on the site plan). The structures provide for either a one- or two-car garage and vary in width, depth, rooflines, door/window placement, porch size/location and color. The proposal meets the LUO design standards as required by the Residential Growth Area 1, Lincoln Street Overlay District which requires variation of at least 3 architectural treatments, such as Roof Line, Windows/Doors, Materials, Colors, Exterior Lighting, Arch Elements like Porches.



Arch Design #1 (Original Design)



Arch Design #2 (New)



Arch Design #3 (New)

Perspective pictures for the two new styles (Arch Design #2 & #3) are shown below:



Arch Design #2 (New)



Arch Design #3 (New)

The applicant has provided a revised site plan to demonstrate that no two buildings of the same design will be placed directly adjacent to one another. (There are no more than 3 of any Arch Design proposed in the 8 units.) You can see the footprint variability in the site plan reflective of the specific design chosen for each unit. Similar to other projects, the final colors will be determined upon building permit application and will need to comply with the approval to ensure variability.

Discussion on term “alley”:

§335-13.3.G of the Land Use Ordinance defines standards for differing roadway classifications. The Ordinance has prescribed standards for Arterial, Collector, Local Street and Private Way. The primary distinction between a local street/private way and a driveway is that the local street/private way is a formal right-of-way which provides legal frontage for a lot and which the land area cannot be utilized toward a lot’s available density. A dead-end local street/private way is limited to 800’ in length.

A driveway, however, cannot provide legal frontage and is simply a means of access from a legal right-of-way into a singular lot. Therefore, driveways are often utilized in joint Site Plan-Subdivision review as they offer a greater flexibility of design and are not bound by the 800’ limitation in length or other design road criteria.

Arnie’s Alley, as approved as part of Phase 1 of the Rivermeadow Residential Development, is a shared driveway that is utilized to access the Lincoln Street residential lots and the Phase 1b condo units.

The Ordinance does not have codified standards for a “driveway” other than what would otherwise be required as part of a Site Plan review to ensure functional development (i.e. adequate width to accommodate two-way traffic, sidewalk for pedestrian connectivity, etc.). It is a typical requirement of site plan review for applicants to name a driveway when the driveway provides access to more than one structure. The applicant’s driveway name request of “Arnie’s Alley” went through an E-911 review with public safety to confirm there are no other road/driveway names that are similar sounding to avoid confusion in the event of an emergency.

Points to be raised in relation to the Ordinance on this matter:

1. The City does not prescribe a specific roadway nomenclature for named driveways, and the term “Alley” was chosen by the applicant due to personal preference, but it is not a defined term and there are no standards attached to the term.
2. There is not a requirement for building orientation, structure setback or roadway width for “Arnie’s Alley” as the Ordinance defines this as a driveway.
3. The neighborhood public process expressed the request for the Lincoln St homes to have a front facing presence on Lincoln St, which the developer has addressed.

In wrapping up on this discussion point, a traditional “alley design” typically has tighter buildings offering limited views between buildings and a grid system of roads. This is not the layout being proposed, nor is it achievable on this site. Residents along Lincoln St will see the condominium buildings from Lincoln St between the Lincoln St homes and therefore the developer is providing a more front facing view towards Lincoln St for both rows of housing set ups.

Trail Connectivity:

Applicant has shown on a revised grading plan view that from the backside of the homes, the residents can connect from their units to the main trail network that will be constructed in the Open Space area. The grading was adjusted to afford gentler slopes for the residents to walk through the complex’s backyard towards a connection point.

Motion:

That the Site Plan-Subdivision application for WORG, LLC for an 8-unit single-family condominium development on condo 1C of the Rivermeadow Residential Development with access via a private driveway, Arnie’s Alley Tax Map: 010 Lot: 002 and Tax Map 037 Lot: 001 Zone: Residential Growth Area 1 and Lincoln Street Overlay District is **(approved with conditions/ denied)** and the following findings of fact, conclusions, and conditions as stated on pages **6 through 10** of this Staff Memo dated September 30, 2022 are adopted in support of that approval.

Site Plan – Finding of Fact

Standard	Finding
Utilization of the site	Meets intent of Ordinance
Handicap Access	Subdivision is compliant with ADA standards
Appearance Assessment	<p>Site layout is designed to take into account natural site topography and minimize wetland disturbance. A landscape plan has been provided to show enhanced landscaping along the Arnie’s Alley driveway to mimic Ordinance requirements. Additional lighting has been provided at each of the two visitor parking pods. Lighting will be residential in nature. All locations for street/safety signs are identified on the plans. Criteria (a) – (e) have been met. Criteria (f) is not applicable as the site is not located within the Village Review Overlay Zone.</p> <p>Variation on building elevations has been provided in compliance with the Residential Growth Area 1, Lincoln Street Overlay District</p>
Landscape Plan	A landscape plan has been provided. Additional landscaping is proposed along Arnie’s Alley to mimic Ordinance standard for street trees. Additional landscaping is provided to the rear of each structure.
Odors	No odors known or anticipated
Noise	Noise levels will be consistent with the residential nature of abutting properties. No adverse impact known or anticipated.
Technical and Financial Capacity	The applicant has provided a letter from Norway Savings Bank dated September 8, 2021 to demonstrate financial capacity. The applicant has retained the services of Gorrill Palmer which demonstrates technical capacity.
Solid Waste	Private curbside toter pickup will be provided for each unit.
Historic, Archaeological and Botanical Resources or Unique Features	None known
Hazardous Matter	No adverse impact known or anticipated
Vibrations	No adverse impact known or anticipated
Parking & Loading Design and Site Circulation	Each unit is provided with a minimum of 3 off street parking spaces, which is in excess of minimum Ordinance requirements. Additional visitor parking is provided on each end of Arnie’s Alley. No parking is permitted along Arnie’s Alley due to the reduced travel/shoulder widths.
Adequacy of Road System	With consideration of the Phase 1 condition of approval which requires the submission of a street design for Lincoln Street and Mayberry Street to include curbing, sidewalks and drainage, Lincoln Street has adequate capacity to accept the additional traffic generated by the development.
Vehicular Access	Vehicular access for each unit is via a private driveway. The intersection of Arnie’s Alley and Lincoln Street was reviewed and approved as part of Phase 1 of the Rivermeadow Residential Development.
Pedestrian and Other Modes of Transportation	A sidewalk is provided along Arnie’s Alley to connect to Lincoln Street sidewalk (to be included with the Lincoln Street redesign) as well as provide a connection from the visitor parking lots to the Lincoln Street lots and 1b condo units.

Utility Capacity	Utility services will be extended down Arnie's Alley from Lincoln Street to serve the condo 1b units. Underground utility connections are provided.
Stormwater Management, Groundwater Pollution	Stormwater management is provided on the site of condo unit 1c to serve the 8 units and Lincoln Street lots (Phase 1 approval)
Erosion and sedimentation Control	Adequate erosion control 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 not** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed site **is not** situated entirely or partially within a floodplain.
14. All freshwater wetlands **have** been shown on the site plan.
15. Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.
16. The proposed site plan **will** provide for adequate storm water management.
17. The proposed plan **will not** negatively impact the ability of the City to provide public safety services.

Subdivision – Finding of Fact

Standard	Finding
Pollution	Disposal of sewage will be via the public system. With consideration of the utility extension approved as part of Phase 1 of the Rivermeadow Residential Development, sewer connection is available within the Lincoln Street right of way and Arnie's Alley driveway.
Sufficient Water	Water services are available within the Lincoln Street and Mayberry Rd rights of way. An ability to serve letter from PWD will be provided to the City upon approval
Municipal Water Supply	Water services are available within the Lincoln Street and Mayberry Rd rights of way. An ability to serve letter from PWD will be provided to the City upon approval
Erosion	Adequate erosion control measures are provided on the plan.
Traffic	With consideration of the Phase 1 condition of approval which requires the submission of a street design for Lincoln Street and Mayberry Street

	to include curbing, sidewalks and drainage, Lincoln Street has adequate capacity to accept the additional traffic generated by the development.
Sewage Disposal	Disposal of sewage will be via the public system. With consideration of the utility extension approved as part of Phase 1 of the Rivermeadow Residential Development, sewer connection is available within the Lincoln Street right of way and Arnie's Alley driveway.
Municipal Solid Waste Disposal	Private curbside toter pickup will be provided for each unit.
Aesthetic, Cultural and Natural Values	The residential subdivision is set back from the Presumpscot River outside of the limits of the Shoreland Overlay Zone and will not have an undue adverse impact on the scenic viewshed from the River.
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 Norway Savings Bank dated September 8, 2021 to demonstrate financial capacity. The applicant has retained the services of Gorrill Palmer which demonstrates technical capacity.
Surface Waters; Outstanding River Segments	The residential subdivision is located outside of the 250' Shoreland Overlay Zone from the Presumpscot River.
Ground Water	Groundwater will not be adversely impacted by the project
Flood Areas	Condo unit 1C is not located within a flood plain
Freshwater Wetlands	All wetlands have been identified on the plan
Farmland	No farmland has been identified on the site.
River, Stream or Brook	No rivers, streams or brooks identified within the limits of condo unit 1C
Stormwater	Stormwater management is provided on the site of condo unit 1c to serve the 8 units and Lincoln Stret lots (Phase 1 approval)
Spaghetti Lots Prohibited	Shore frontage is not impacted by the subdivision and maintains the minimum 5:1 ration of frontage to lot dept.
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 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 of Approval

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated May 12, 2022 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to the review and approval by the City Planner or the Planning Board.
2. Prior to the sale of any units for the project:
 - a. Provide a copy to Planning Office of recorded Homeowners association by laws & Declaration of Covenants and Restrictions for the lot included in that association.
 - b. Copy of the recorded subdivision plan must be provided to the Planning Office.
3. Prior to any site disturbance, a pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate. (Can be coordinated with Ph I Pre-Con)
4. Prior to issuance of any building permits:
 - a. All Staff comments must be addressed or are considered conditions of approval
 - b. Copy of the recorded subdivision plan must be provided to the Planning Office
 - c. An inspection fee for lots/condo units associated with this approval shall be made payable to the City of Westbrook, for inspection of road/site improvements conducted by the appropriate City staff. This fee is required per the Land Use Ordinances in order to cover the costs of inspection of project related improvements. (2% of Performance guarantee amount.) **\$1,406.20**
 - d. The applicant shall file a performance guarantee with the City of Westbrook. The amount of the guarantee shall be agreed upon 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. **\$70,310.00**
 - e. The applicant shall provide the digital data as required by the Land Use Ordinance. – verification with GIS coordinator.
 - f. Arnie's Alley must be constructed to a vehicular passable standard for Code Enforcement and Public Safety access (Base Gravel)
 - g. Building elevations reviewed by Planning Department to ensure compliance with site plan application
 - h. Confirmatory deed provided to Assessing Department to document merging of Map/Lots 37/1 and 10/2.
 - i. Coordinate with the E911 Coordinator on addressing of the building/units.

5. **Prior to any combustible products being brought on-site**, a review of the Fire Hydrants within 800 feet of the staging location and/or location of a structure under construction must be done to ensure they are charged and if new, tested in compliance with the parameters below.
 - a. Required flow rate: 1,000 gal/minute
 - b. Documentation provided to City's satisfaction. (Coordinate with Fire Department – Mike Corey)
6. **Prior to the issuance of the first Certificate of Occupancy:**
 - a. All conditions applicable to first lot sold must be addressed
 - b. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval. (to include but not limited to sidewalks, lighting (installed & lit), striping, signage (no parking, etc.), stormwater management features, off-site improvements as applicable in accordance with this approval, etc.)
 - c. Documentation (signed contract) of private curbside trash hauling service to be provided for all lots served by the associated road system.
 - d. Documentation (signed contract) of private plowing service to be provided for all lots served by the associated road system.
 - e. Arnie's Alley must be constructed to a base pavement
 - f. All water and sewer lines fully tested and approved.
 - g. Documentation of maintenance contractor for Stormwater Best Management Practices for the project.
 - h. All site improvements must be installed, unless a performance guarantee amount is held in the amount of the remaining improvements.
 - i. Street signs, stop signs, and any other signage as stated in the outstanding comments and stop bars at all intersections as shown on the site plan for the associated road system need to be installed.
 - j. Mailbox installed at a location approved by USPS
7. **Prior to the issuance of the final certificate of occupancy for Arnie's Alley:**
 - a. Arnie's Alley shall be final paved.
8. **Prior to release of the Performance Guarantee**
 - a. All conditions of approval associated with the approval of Arnie's Alley, and Planning ID 2021.12 shall be met.
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. Additional BMPs may be required to address erosion and sediment control during construction. Determination of the need for additional measures are at the sole discretion of City Staff.
10. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

3. 2021.25 – Site Plan – Rock Row Medical Office Building – Waterstone Rock Row Medical Campus, LLC.

PUBLIC HEARING

Tax Map: 042B Lot: 014 Sublot: 1, 2, 3, 4 based on subdivision plan
 Newly mapped Map: 042B Lots: 014B (MOB), 014C (ROWs), 014D (Garage), 014E (Pump Station)
 Zone: Contract Zone 12 – Rock Row Contract Zone
 Uses: Medical Offices, Medical/Diagnostic Center, Retail class 1, Restaurant class 2, Parking facility

Project Description

The applicant is proposing a 177,386+/- sf Medical Office complex to include a 640-space parking garage, with ancillary retail/restaurant establishments to support the Medical Offices.

Project History

- July 15, 2021 – Recreation and Conservation Commission
- July 20, 2021 – Planning Board Workshop
- March 1, 2022 – Public Hearing
- June 28, 2022 - Maine DEP SLODA Permit
- October 4, 2022 – Public Hearing

Staff Comments:

1. The applicant has proposed a Waiver request of 86 spaces for the MOB lot– With the ability for transit and ride shares, the applicant sees the parking requirement to be more than what will be necessary to conduct the various operations on the premise. Staff takes no issue with the waiver to reduce the overall parking impact to the project.
2. Sheet G1 – Geotech note #13 – misspelling in table – “ZOI” ? should this be a number or a word?
3. Note on MDEP permit on C2 in the notes. (Maine needs an “e”)
4. Sheet PP2
 - a. Extra SMH 306 label is floating around DMH 058 – remove SMH306 label
5. Offsite work to be verified.
 - a. Forest Street
 - i. One channel needs to be fixed near the RR tracks – too low, causing sag
 - b. Connection where new pipe into existing is infiltration. Recommend seal it or liner prior to approving

Motion:

That the Site Plan application for **Waterstone Rock Row Medical Campus, LLC.** for a 177,386+/- sf Medical Office complex to include a 640-space parking garage, with ancillary retail/restaurant establishments at Map: 042B Lots: 014B (MOB), 014C (ROWs), 014D (Garage), 014E (Pump Station) Zone: Contract Zone 12 is **(approved with conditions/ denied) inclusive of a waiver of Chapter 335-13.6 B.(1) to reduce the required parking spaces by 86 spaces,** and the following findings of fact, conclusions, and conditions as stated on pages **11 through 14** of this Staff Memo dated September 30, 2022 are adopted in support of that approval.

Site Plan – Finding of Fact

Standard	Finding
Utilization of the site	Meets the intent of the Ordinance
Handicap Access	Accessible parking spaces are provided in each of the three parking locations on the site. Greater than 2% of the total provided parking spaces are ADA. Site is compliant with ADA standards.
Appearance Assessment	The south campus complex is accessed via an existing curb cut on the Westbrook Arterial and Larrabee Road. Height of the structure is consistent with the Rock Row Conceptual Master Plan approved as part of the Contract Zone 12 – Rock Row Contract Zone. A landscape plan is included which demonstrates enhanced

	landscaping throughout the site and along the Westbrook Arterial and Rock Row frontages. Adequate site lighting is shown to provide safe site circulation and does not impact vehicular traffic along the arterial. Appropriate wayfinding signage is shown on the plan. Criteria (a) through (e) have been met. Criteria (f) is not applicable as the site is not located within the Village Review Overlay District.
Landscape Plan	A landscape plan is provided which demonstrates enhanced landscaping throughout site and along the Westbrook Arterial and Rock Row frontages
Odors	The project location does not have any direct abutters and is situated alongside major roadways. No adverse impact is known or anticipated.
Noise	The project location does not have any direct abutters and is situated alongside major roadways. No adverse impact is known or anticipated.
Technical and Financial Capacity	Evidence of financial capacity has been provided by Waterstone Properties to support the project. The applicant has retained the services of Jones & Beach Engineers which demonstrates technical capacity.
Solid Waste	Solid waste removal will be privately managed. Dumpsters are provided at two locations for convenience for the Medical Office and Retail buildings. Dumpsters are fully screened.
Historic, Archaeological and Botanical Resources or Unique Features	Project does not encroach on setbacks for Nason's Brook.
Hazardous Matter	None known
Vibrations	None known
Parking & Loading Design and Site Circulation	Included with this approval is a parking waiver to reduce the number of provided on site parking spaces to 674 spaces. The project 5-story parking garage will serve as primary parking for the medical office use. A condition of approval to this effect is included with the approval.
Adequacy of Road System	City Staff has reviewed the draft TMP provided with the project. With consideration of the final TMP from DOT, Westbrook Arterial and Larrabee Road have adequate capacity to accept the traffic generated as part of the project.
Vehicular Access	Site access for the medical office complex is provided via the private access, Rock Row Blvd. Rock Row Blvd intersects with the public rights of way Larrabee Road and Westbrook Arterial at locations that have been approved of by the City Engineer and MDOT. A copy of the approved TMP will be provided to the City upon receipt by the applicant.
Pedestrian and Other Modes of Transportation	Pedestrian connectivity is provided from the Medical Office Building to the Rock Row north campus via a sidewalk system internal to the site to connect with Larrabee
Utility Capacity	With consideration of the public pump station included as part of the project and the upgrades to the CMP, the site has been afforded capacity.
Stormwater Management, Groundwater Pollution	Stormwater management is provided via the subsurface chamber system to connect with the overall site drainage plan. Project has received DEP approval L-02743-23-P-A dated June 28, 2022

Erosion and sedimentation Control	Adequate erosion and sediment control measures have been provided on the plan
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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 June 10, 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 the review and approval by the City Planner or the Planning Board.
2. Consistent with Section 335-13.5, 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 building permits being issued for Map: 042B Lots: 014B, 014C, 014D:**
 - 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. Addressing of units shall be coordinated with the City's E911 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. **\$67,559.24**

- 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. **\$3,377,961.90**
- g. Parking garage stand pipe location to be verified by FD
- 4. **Prior to any combustible products being brought on-site**, a Fire Hydrant must be charged and tested within 800 feet of the staging location and/or location of a structure under construction.
 - a. Required flow rate: 1,000 gal/minute
 - b. Documentation provided to City's satisfaction. (Coordinate with Fire Department – Mike Corey)
- 5. **Prior to any building permits being issued for Map: 042B Lots: 014E (Pump Station Lot)**
 - a. Final design review of pump station by Wright-Pierce completed and all comments addressed to the satisfaction of the City Staff
- 6. **Prior to commencing any work in the City Right-of-Way**, the applicant must obtain a road-opening permit from the Public Works Department.
- 7. **Prior to the first Occupancy Permit issuance for Map: 042B Lots: 014B (MOB):**
 - 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, signage, sidewalks, utilities, etc.)
 - b. Parking Garage needs to be completed to address parking needs.
 - c. Pump Station and all sewer upgrades shown on the design plans need to be completed and signed off by the Sewer Dept. (This includes any necessary testing of lines and manholes or inspections of lines installed.)
 - d. Copy of Recorded easements provided to Planning Office to benefit Map: 042B Lot: 014B from Map: 042B Lots 014C (ROWs), 014D (Garage), 014E (Pump Station) for the purposes of access, parking and utilities. (This includes the creation of an Association for the South Campus lots for items such as Accessways & Stormwater Maintenance/MDEP SLODA approvals. Documents to be provided to the Planning Dept.)
 - e. Provide copy of recorded legal arrangement between the MOB lot and the parking garage lot.
 - f. All other site improvements must be installed unless a performance guarantee amount is held for the full amount of any remaining improvements.
- 8. **Prior to the issuance of c/o for each building:**
 - a. Addressing shall be clearly displayed on the building for emergency access
 - b. BDA testing required for each building within Phase 4
- 9. **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.
- 10. Provide a copy of the final signed MDOT Traffic Movement Permit to Planning Department.
- 11. Provide 3rd party inspection consultant for erosion & sediment control and maintenance of ponds.
- 12. This approval binds the parking required for the Medical Office Building and Retail structures at Map: 042B Lots: 014B to the adjacent Parking Garage at Map: 042B Lots: 014D (Garage), as shown on the Approved Plans. Any variations from this arrangement would require review and approval by the City Planner or the Planning Board to ensure the parking requirements are being met.
- 13. Guardrail is required at all locations where side slopes are greater than 3:1
- 14. Pedestrian Railings are needed where the distance to the ground is greater than 30" at a point 3' from where people can walk (edge of walkway or paved surface). Please review retaining wall locations or steep slopes.
- 15. 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.
- 16. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
- 17. 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.

4. 2022.31 – Site Plan, Subdivision – 333-341 Austin Street, LLC – 24 Unit Duplex style Condominiums

WORKSHOP

Tax Map: 015 Lot: 014
Tax Map: 055 Lot: 008
Zone: Residential Growth Area 2
Use: Dwelling, Two-Family

Project Description

The applicant is proposing a 24-unit condominium subdivision located at 341 Austin Street. The structures are to be duplexes, with many of the duplexes being in an attached layout. The parcel is split by power line easements which is reflected in the layout proposed but affords an opportunity to layout a trail system on the site for an open space amenity for the development.

Project History

September 27, 2022 – Neighborhood Meeting
October 4, 2022 – Planning Board Workshop

Staff Comments:

1. Noticing Fees: \$67.20
2. Open Space Requirement: 7,200 sf
 - a. An open space plan/narrative will be required for review by the Recreation and Conservation Commission for recommendation prior the public hearing with the Planning Board.
3. Offsite sidewalks along Austin St – It is a priority of the City to look at increasing connectivity to existing pedestrian infrastructure with each application. The closest sidewalk system to this project is along Summit Circle, approximately 1,400' from the project location. Due to the smaller scale of this project, Staff does not find a complete sidewalk installation to Summit Circle is reasonable. Therefore, Staff is currently in the process of exploring an impact fee per unit that would be collected and held towards a larger sidewalk project to be constructed in the future.
4. Dumpster location needs to be shown on the plan. Dumpster pad and full enclosure required.
5. Named driveways required for e-911 addressing – Provide 3 driveway name options for E-911 review.
6. Appropriate signage required (driveway name, stop signs). Show signage location on final plan set
7. Fire hydrant required internal to site – Location preference is in the vicinity of the far 8-unit cluster of buildings
8. Firewall separation required between duplexes unless buildings sprinkled.
 - a. Sprinkler system may otherwise be required for units that do not have adequate fire access
9. Color building elevations with final submission
 - a. Provide building variation (color, rooflines, architectural elements, etc.) between buildings.
10. Provide a turning template to demonstrate adequate emergency vehicle access
11. Ability to serve letters for PWD and Sewer required
12. Verify development within easement is permitted
13. Show site lighting on plan – site lighting should be minimized and for safety purposes only. Site lighting shall be down casting/cutoff to prohibit light spillover over property lines.
14. A confirmatory deed to merge two parcels needed prior to project commencement.
15. Additional Final application requirements:
 - a. Full landscaping plan
 - i. Additional buffering to be provided along property line that is directly adjacent to Jemada Way residence
 - b. Stamped boundary survey

- c. Stormwater management plans
- d. Draft condo docs

Board Action:

1. Provide feedback to Staff and Applicant
2. Staff can provide a virtual site walk along Austin St along with Aerial views.

5. 2022.32 – Site Plan, Subdivision, Conditional Use – 40 Bell Street – MTR Development

WORKSHOP

Tax Map: 010 Lot: 001
Zone: Residential Growth Area 1
Use: Dwelling, Multiple-Family

Project Description

The applicant is proposing an 8-unit subdivision located on an existing private road, Christie Way. The project is proposing to construct a two-story structure on public water with a septic system. Christie Way will be upgraded to be in compliance with Private road standards.

Project History

September 27, 2022 – Neighborhood Meeting
October 4, 2022 – Planning Board Workshop

Staff Comments:

1. Noticing Fees: \$63.00
2. Open Space requirement: 2,400 sf
 - a. Look at opportunities for outdoor recreational/patio/picnic area on site for residents of development. Possibility for trail connectivity to Rivermeadow parcel? Need more information on long term public access of Rivermeadow condo development.
3. Full fire alarm and sprinkler connection needed for structure.
4. Pressure of Emery St fire hydrant is low. Hydrant will likely require booster pump to get adequate pressure for sprinkler system
5. Street design of Christie Way does not meet private way standards.
 - a. Christie Way will need to be extended and with a hammerhead turnaround at terminus.
 - b. Better refinement needed for driveways to distinguish between Christie Way and driveways
 - i. Driveways for project site cannot extend off end of hammerhead
 - c. Paved access provided for abutting 40 Emery and 10 Christie Way
 - i. Driveway access to 10 Christie cannot be combined with hammerhead turnaround
6. Provide draft association docs to include maintenance, snow removal and trash responsibility for private way. Association should at minimum include the 40 Bell Street and 10 Christie Way lots.
7. HHE-200 needed with final application. Will need to provide a provide plume analysis to demonstrate nitrate levels of no more than 10ml at property line.
8. Provide detail for dumpster enclosure
 - a. Typo on plan “Enclosure”
9. Accessible route needed from ADA parking space
 - a. Provide ADA signage with parking
10. Provide color building elevations
11. Patio located within setback to stream – verify this is permissible
12. Mail delivery? If cluster box, show location on plan.
13. Space and bulk table – provide post construction to demonstrate compliance
14. Screening required for parking lots, particularly between the easterly parking pod and 48 Emery Street abutting property
15. Show site lighting on plan – site lighting should be minimized and for safety purposes only (parking lots, stairs, building perimeter). Site lighting shall be down casting/cutoff to prohibit light spillover over property lines.
16. Additional Final application requirements:
 - a. Landscaping plan

- b. Stamped boundary survey
- c. Stormwater management plans

Board Action:

1. Provide feedback to Staff and Applicant
2. Staff can provide a virtual site walk in the vicinity along with Aerial views.