



Planning & Code Enforcement

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PLANNING & CODE ENFORCEMENT

WESTBROOK PLANNING BOARD
Tuesday, November 1, 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**

REGULAR BUSINESS

3. **2022.28 – Subdivision – Eagles Lane Subdivision – Presumpscot River, LLC – Public Hearing:** The applicant is proposing a 12-lot subdivision located along Brook Street at the Westbrook-Falmouth municipal line. Tax Map: 022 Lot: 001

NEW BUSINESS

4. **2022.19 – Site Plan, Subdivision – 984 Spring Street Residential Development – Tom Watson & Co., LLC – Public Hearing:** The applicant is requesting a 204-unit residential complex with associated site improvements and amenities located at 984 Spring Street. Tax Map: 003 Lot: 005 Zone: Highway Services Use: Dwelling, Multiple-Family
5. **2022.29 – Site Plan, Subdivision – 891 Bridgton Road - PTG Properties Inc – Public Hearing:** The applicant is proposing 4 single-family residential units to a parcel with two existing residential dwellings. Tax Map: 021 Lot: 029C Zone: Prides Corner Smart Growth Area Use: Dwelling Single-Family
6. **2022.30 – Site Plan – 860 Spring Street - Boulos Asset Management – Public Hearing:** The applicant is proposing a 15,240sf building addition for commercial use. Tax Map: 003 Lot: 101A Zone: Industrial Park District

WORKSHOP

7. **2022.34 – Site Plan, Subdivision, Conditional Use – Rock Row South Campus Phase 3 – Dirigo Center Developers, LLC:** The applicant is requesting a 350-unit subdivision with access via a private way road system from the Westbrook Arterial and Larrabee Road. Tax Map: 042B Lots: 014 H and 014I Zone: Contract Zone 12 – Rock Row Contract Zone Use: Dwelling, Multiple-Family
8. **2022.35 – Site Plan – Rock Row South Campus – Dirigo Center Developers, LLC:** The applicant is requesting the development of private ways Quarry Drive and Rock Row to provide access to lots located within the Rock Row South Campus. Tax Map: 042B Lot: 014C Zone: Contract Zone 12 – Rock Row Contract Zone

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



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PLANNING & CODE ENFORCEMENT

DATE: 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. **2022.19 - Site Plan, Subdivision – 984 Spring Street Residential Development – Tom Watson & Co., LLC**
 3. **2021.29 - Site Plan, Subdivision – 891 Bridgton Road - PTG Properties Inc – 4 SF units**
 4. **2022.30 - Site Plan – 860 Spring Street - Boulos Asset Management – Commercial Expansion**
 5. **2022.34 - Site Plan, Subdivision, Conditional Use – Rock Row South Campus Phase 3 – Dirigo Center Developers, LLC – 350 Multi-family Units in two structures with parking garage**
 6. **2022.35 - Site Plan – Rock Row South Campus – Dirigo Center Developers, LLC – Road/Utility System**
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1. **2022.28 – Subdivision – Eagles Lane Subdivision – Presumpscot River, LLC – Brook Street**

PUBLIC HEARING

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.

A waiver of joint review with the Town of Falmouth was granted by the Falmouth Planning Board on September 6, 2022 and the Westbrook Planning Board at their October 4, 2022 meeting.

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
November 1, 2022 – Public Hearing – Request for final approval

Staff Comments:

1. Surveyor stamp required on subdivision plan
2. Show limits of the Shoreland Overlay District, Flood Zones & Wetlands on subdivision plan

3. 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:

That the Subdivision application for Presumpscot River, LLC for a 12-lot subdivision located on the Westbrook-Falmouth municipal line Tax Map: 022 Lot: 001 Zone: Residential Growth Area 2 is (**approved with conditions/denied**) and the following findings of fact, conclusions, and conditions as stated on pages 2 through 4 of this Staff Memo dated October 28, 2022 are adopted in support of that approval.

Subdivision – Finding of Fact

Standard	Finding
Pollution	Disposal of sewage is via private septic systems located outside of Westbrook municipal lines and do not impact the City of Westbrook public system
Sufficient Water	Water services are available within the Brook Street right of way. Utility connections are under the jurisdiction of the Town of Falmouth.
Municipal Water Supply	Disposal of sewage is via private septic systems located outside of Westbrook municipal lines and do not impact the City of Westbrook public system
Erosion	The portion of the subdivision located within the City of Westbrook will be preserved as open space. Adequate erosion control measures during the development of Eagles Lane shall be required by the Town of Falmouth
Traffic	Due to the level of development that is proposed/approved the City has determined that Brook Street is inadequate to accept the level of traffic generated by the collective developments along Brook Street. A cost estimate generated in 2021 provided an estimate of approximately \$2.5 million of improvements to Brook Street and the Brook/Bridgton intersection are required. The City has determined the proposed subdivision is subject to a \$1,872/unit impact fee to be applied to the Brook Street East overlay project and Brook/Bridgton intersection improvement for a total impact fee of \$22,464.00 for the full project.

	With consideration of the abovementioned improvements, Brook Street has adequate capacity to accept the traffic generated by the development.
Sewage Disposal	Disposal of sewage is via private septic systems located outside of Westbrook municipal lines and do not impact the City of Westbrook public system
Municipal Solid Waste Disposal	Waste management services are under the jurisdiction of the Town of Falmouth and to not impact the City of Westbrook public services.
Aesthetic, Cultural and Natural Values	The portion of the development located within the City of Westbrook will be conserved as conservation with the Falmouth Land Trust.
Conformity with City Ordinances and Plans	Proposal is in conformance with City Ordinances (as an open space lot) & the Comprehensive Plan.
Financial and Technical Capacity	No permits or sitework will be issued within the City of Westbrook as all lands within the municipal boundaries are proposed to be preserved as open space. A statement of financial capacity is not required. The applicant has retained the services of Walsh Engineering and Land Design Solutions to demonstrate technical capacity
Surface Waters; Outstanding River Segments	All areas within the shoreland overlay district are proposed to remain as open space and to be retained by the Falmouth Land Trust. No development is proposed within the shoreland overlay zone.
Ground Water	Groundwater will not be adversely impacted by the project
Flood Areas	With consideration of Staff Comments, all flood areas have been identified on the plan
Freshwater Wetlands	With consideration of Staff Comments, all wetlands have been identified on the plan
Farmland	No farmland has been identified on the site.
River, Stream or Brook	Limits of the Presumpscot River are identified on the plan.
Stormwater	No stormwater management of open space land is required
Spaghetti Lots Prohibited	Existing lot lines of the Westbrook lands are not proposed to be altered.
Lake Phosphorus Concentration	The proposed subdivision is not located near or along a great pond
Impact on Adjoining Municipality	Application is seeking approval from the City of Westbrook and Town of Falmouth Planning Boards
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.

Conclusions:

1. Prior to the release of the signed subdivision plan:
 - a. Outstanding Staff comments will be addressed.
 - b. An impact fee in the amount of \$22,464 shall be paid to the City of Westbrook for required improvements to Brook Street.
2. Prior to project commencement, a copy of the recorded subdivision plan shall be provided to the City of Westbrook Planning Department.

2. 2022.19 - Site Plan, Subdivision – 984 Spring Street Residential Development – Tom Watson & Co., LLC

PUBLIC HEARING

Tax Map: 003 Lot: 005
Zone: Highway Services
Use: Dwelling, Multiple-Family

Project Description

The applicant is requesting a 204-unit residential complex in multiple buildings with associated site improvements and amenities located at 984 Spring Street.

The project was before the Planning Board as a workshop at their June 7, 2022 meeting. Following the workshop, the applicant finalized site design and has submitted applications for required State permits. Final issuance of State permits is not anticipated until late winter/early spring 2023. Therefore, the applicant has requested to return to the Planning Board to provide a general project update as well as complete the required open space review with the Recreation and Conservation Commission while the State permit process is underway. The applicant is not seeking approval by Westbrook Planning Board at this time and is therefore waiving the requirement of a decision within 30-days of a public hearing.

Project History

June 1, 2022 – Neighborhood Meeting
June 7, 2022 - Planning Board Workshop
October 20, 2022 – Recreation and Conservation Commission
November 1, 2022 – Public Hearing

Recreation and Conservation Commission

The Recreation and Conservation Commission reviewed the proposed open space plan provided by the applicant at their October 20, 2022 meeting. See the attached memos from **Gorrill Palmer (10/12/2022)** and **Staff (10/17/2022)**. Following a discussion on amenities the commission voted unanimously in favor of the design and provided a recommendation for additional benches to be placed within the vicinity of the flexible lawn area.

Staff Comments

1. Site Plan - Remove asterisk for Highway Services District – Not necessary to call out on plan as approval by City Council has occurred
2. Sidewalks along property frontage required
 - a. Extend internal sidewalk connections from Buildings #1, 2 & 3 to sidewalk along property
3. Final plan should show pedestrian connection from development to metro stop locations
 - a. Provide pedestrian amenities for road crossing to southbound metro stop
 - b. Bus shelters required to be installed by project – Please reach out to Metro on specifications
4. North/South access drive – remove stop signs/bars (in vicinity of clubhouse) so that this traffic flow has the right of way through the site
5. Add stop sign/bar at the covered parking spaces accessory to Building #4
6. Recommend one-way traffic circulation around clubhouse circle entering on the southerly side
 - a. Do not enter signage on northerly point (now exit only)
7. Show no parking/drop off signage locations on site plan (detail provided in legend)
8. Ongoing coordination needed with E-911 coordinator to determine site addressing. Adequate and visible wayfinding will be required to direct emergency vehicles throughout site. Final plan submission shall include examples of wayfinding signage and sign locations on the site plan.
9. Show hydrant locations utility plans

10. On site snow storage appears to be insufficient for the amount of impervious cover. Provide a snow management plan with final submission. Plan should consider snow removal in conjunction with on-site snow storage.
11. Provide offsite improvement plan for sewer upgrades in Spring St and Thomas Drive. Ability to serve (sewer) contingent upon offsite improvements.
12. Sewer – C9 –
 - a. Place pipe labels on the profile views.
 - b. The pipe table does not appear to coincide with the profiles for lengths and slopes – please review and address
13. Stormwater C8 –
 - a. The profiles as shown do not seem to flow correctly – Many of the CBs and MH have higher outlets than inlets, some have no outlet, some have 2 inlets with no outlets.
 - b. Label pipes in the profile view.
 - c. Please review all piping elevations and address the elevation and flow issues
14. C-4.0 – site entrance should utilize catch basins at driveway rather than culvert under driveway
15. Provide blowup of entrance driveway (inclusive of existing CB in Spring Street) with additional spot grades to ensure drainage flows and does not pond within the Spring Street ROW
16. Landscaping
 - a. Suggest on narrow grass strips (<5') may want to use mulch unless the grass is curbed otherwise grass strip will be a hard maintenance item and will degrade.
 - b. Suggest review of species to avoid fruit bearing plants unless in a mulched bed due to maintenance issues of the fruit on the grounds.
 - c. Recommend irrigation for esplanade for grass survival
17. Provide geo-grid system to stabilize area at end of parking pod where plowing snow over (next to community gardens)
18. Show relocated CMP pole on utility plan
19. City requests an access easement for Westbrook School Dept. for bus turnaround
 - a. Consider providing a seating area for bus pickup at clubhouse turnaround.
20. Project requires MDEP SLOD & NRPA permits and MDOT Traffic Movement Permits. All state permitting (MDEP/MDOT) required prior to PB approval
21. Secondary site access – signage and winter maintenance? Access gated with Knox box to be utilized on an emergency basis.

Motion:

That the Planning Board continue the site plan-subdivision application for Tom Watson & Co., LLC for a 204-unit multifamily residential complex located at 984 Spring Street to allow for final project design, determination of required offsite improvements and issuance of applicable State permits.

3. 2022.29 – Site Plan, Subdivision – 891 Bridgton Road - PTG Properties Inc – 4 SF Units

PUBLIC HEARING

Tax Map: 021 Lot: 029C
Zone: Prides Corner Smart Growth Area
Use: Dwelling Single-Family

Project Description

The applicant is proposing construction of 4 single-family residential units on a parcel with two existing residential dwellings.

Project History

September 1, 2022 – Neighborhood Meeting
September 6, 2022 – Planning Board Workshop
November 1, 2022 – Public Hearing

Staff Comments:

1. Open space fee in lieu: \$2,011
2. Waste management will be privately managed with individual toter pickup internal to site. Toters shall not be permitted to be stored/picked up along the Bridgton Road ROW
3. Ability to serve letter from PWD required
4. Show area of impacted wetlands on the site (currently shows edge of undisturbed wetlands only).
5. Staff does not support the waiver request for the nitrate study – The applicant has agreed to obtain a nitrate study to ensure the plume does not trespass past lot lines or impact the wetland. Staff recommends a condition of approval to obtain the nitrate study prior to project commencement.
6. Pedestrian access – Bridgton Road does not currently have any pedestrian infrastructure within the vicinity of the development. Staff does not support adding infrastructure along 302 that does not provide a connection to existing an existing sidewalk system due to the speed of vehicular travel. Due to the small scale of the development, Staff does not find an internal sideway system is necessary.
7. Two maple trees along the lot frontage are in conflict with stormwater feature. Relocate to another area on the site (northerly side of driveway, if placement is available that does not conflict with utilities?)
8. Condo docs:
 - a. Common elements exclude the Septic field. Who is responsible for the maintenance of the septic field? (Art 4.1) Stormwater system should be called out as a common element.
 - b. Clear statements are needed in the documents on the following items: (Section 8.2)
 - i. HOA is responsible for the snow plowing of all accessways and parking. A maintenance contract must be provided to the City of Westbrook.
 - ii. HOA is responsible for the collection and removal of all trash. A trash management contract must be provided to the City of Westbrook.
 - c. Maintenance of the Stormwater features is required, and a form filled out per the Engineer of record's Stormwater Maintenance Plan. (Section 8.2)

Motion:

That the Site Plan-Subdivision application for PTG Properties Inc for 4 new single-family residences to be developed on a parcel with two existing dwellings located at 891 Bridgton Tax Map: 021 Lot: 029C Zone: Prides Corner Smart Growth Area is **(approved with conditions/ denied)** and the following findings of fact, conclusions, and conditions as stated on pages 8 through 12 of this Staff Memo dated October 28, 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	Subdivision is not subject to ADA requirements in terms of parking and accessible entry to dwellings
Appearance Assessment	Site layout is designed with consideration of the site’s topography and existing residential units located to the rear of the site. Site ingress/egress is in the same location as is existing and is sized to provide for two-way access from Bridgton Road. A landscape plan has been provided as part of the application submission and is residential in nature. Residential site lighting is provided for the Callaway Drive driveway. Criteria (a) – (e) have been met. Criteria (f) is not applicable as the site is not located within the Village Review Overlay Zone.
Landscape Plan	A landscape plan has been provided as part of the application. Additional landscaping is shown adjacent to unit 1 to provide a visual buffer from Bridgton Road. Residential landscaping is provided in front of each unit.
Odors	No adverse odors known or anticipated
Noise	Noise levels will be consistent with the existing residential use of the site. No adverse impact known or anticipated
Technical and Financial Capacity	The applicant has provided a letter from Norway Savings Bank dated September 23, 2022 to demonstrate financial capacity. The applicant has retained the services of DM Roma consulting engineers which demonstrates technical capacity.
Solid Waste	Private toter pickup will be provided for all 6 units on the site. Toter storage pickup shall be internal to the site and will not be permitted within the Bridgton Road right of way
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	Parking is provided for each unit via a garage and individual driveway. Callaway Drive has adequate width to support two-way access from Bridgton Road.
Adequacy of Road System	Bridgton Road has adequate capacity to accept the traffic generated by the proposed development.
Vehicular Access	Vehicular access is provided via the existing curb cut on Bridgton Road. Callaway Drive has adequate width to support two-way access from Bridgton Road. The size and location of the Callaway Drive-Bridgton road intersection has been reviewed and approved by the City Engineer.
Pedestrian and Other Modes of Transportation	Bridgton Road does not currently have any pedestrian infrastructure within the vicinity of the development. Staff does not support adding infrastructure along 302 that does not provide a connection to existing an existing sidewalk system due to the speed of vehicular travel. Due to the small scale of the development, Staff does not find an internal sideway system is necessary.
Utility Capacity	Water services are available within the Bridgton Road right of way. Underground electrical services will be provided to all

	structures on the site, inclusive of the two existing residences. Waste management is provided via private septic systems.
Stormwater Management, Groundwater Pollution	Stormwater management is provided via a detention pond at the front of the site.
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 is via private septic systems. An HHE-200 has been provided for the new system that will service the 4 additional residential units. A nitrate study is required prior to project commencement to ensure plumes do not trespass into abutting properties or the wetlands located on the site.
Sufficient Water	Water services are available within the Bridgton Road right 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 Bridgton Road right 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	Bridgton Road has adequate capacity to accept the traffic generated by the proposed development.
Sewage Disposal	Disposal of sewage is via private septic systems. An HHE-200 has been provided for the new system that will service the 4 additional residential units. A nitrate study is required prior to project commencement to ensure plumes do not trespass into abutting properties or the wetlands located on the site.
Municipal Solid Waste Disposal	Private toter pickup will be provided for all 6 units on the site. Toter storage pickup shall be internal to the site and will not be permitted within the Bridgton Road right of way
Aesthetic, Cultural and Natural Values	None known
Conformity with City Ordinances and Plans	Proposal is in conformance with City Ordinances & the Comprehensive Plan.
Financial and Technical Capacity	The applicant has provided a letter from Norway Savings Bank dated September 23, 2022 to demonstrate financial capacity. The applicant has retained the services of DM Roma consulting engineers which demonstrates technical capacity.
Surface Waters; Outstanding River Segments	Not applicable
Ground Water	With consideration of the nitrate study to be provided as part of this approval, groundwater will not be adversely impacted by the project.
Flood Areas	No flood zones have been identified on the site.
Freshwater Wetlands	All wetlands have been identified on the site plan
Farmland	No farmlands have been identified on the site.
River, Stream or Brook	A drainage stream is located on the southerly side of the site. This stream is not subject to shoreland zoning regulation. The applicant has obtained a NRPA permit-by-rule for the tree clearing and limited development that is located within the setback.
Stormwater	Stormwater management is provided via a detention pond at the front of the site.
Spaghetti Lots Prohibited	Not applicable
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 :

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated August 11, 2022 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.
2. Consistent with §335-13.5.D, the Code Enforcement Officer shall not issue any permits until a site-subdivision 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 the sale of any units for the project:**
 - a. Provide a copy to Planning Office of updated & 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.
4. **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. Additional Pre-construction meetings may be necessary if phased construction is not continuous.
 - d. Review of building elevations to be consistent with submitted documentation or testimony.
 - e. The applicant shall provide the digital data as required by §335-13 – verification with GIS coordinator.
 - f. Copy of ABS from PWD provided to Planning Department
 - g. Copy of nitrate study provided to the Planning Department demonstrating plume does not trespass past the limits of the property or any wetlands
 - h. Payment of Open Space Fee: **\$2,011**

- i. 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. **\$2,737.42**
 - j. 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. **\$136,871.00**
 - k. Coordinate with the E911 Coordinator on addressing the building/units.
5. **Prior to commencing any work in the City Right-of-Way**, the applicant must obtain a road-opening permit from the Public Works Department.
 6. **Prior to the issuance of the first Occupancy Permit:**
 - a. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval (to include but not limited to lighting (installed & lit), base paving, signage, etc.)
 - b. All water lines fully tested and approved.
 - c. All other site improvements must be installed unless a performance guarantee amount is held for the full amount of any remaining improvements to be completed after issuance of an Occupancy Permit.
 - d. Documentation of maintenance contractor for Stormwater Best Management Practices.
 - e. Documentation (signed contracts), for private curbside trash removal & snow plowing for the Homeowners Association, provided to the Planning Department.
 - f. Copy of recorded Condo Association Docs provided to Planning Department, if not already provided.
 - g. Verify final USPS locations for mailbox
 7. **Prior to the issuance of the final certificate of occupancy for Callaway Commons:**
 - a. All areas shown as pavement shall be final coat paved.
 8. **Prior to release of the performance guarantee:**
 - a. The site will be inspected and deemed by City staff to be in compliance with the approved plans, and as-built plan provided in City approved format for the GIS system. Applicant to provide as-builts to City in paper copy, dwg file and pdf.
 - b. Documentation of maintenance contractor for Stormwater Best Management Practices.
 9. Waste management shall be internal to the site (curbside to the units) – Toter storage and collection is prohibited along Bridgton Road
 10. Best management practices shall be adhered to during all ground disturbance operations.
 11. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
 12. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance and maintain the Maintenance Log for the stormwater feature on the premise.

4. 2022.30 - Site Plan – 860 Spring Street - Boulos Asset Management – GWB Cony, LLC

PUBLIC HEARING

Tax Map: 003 Lot: 101A
Zone: Industrial Park District

Project Description

The applicant is proposing a 15,240sf building addition for commercial use.

Project History

August 26, 2022 – Neighborhood Meeting
September 6, 2022 – Planning Board Workshop
November 1, 2022 – Public Hearing

Staff Comments:

1. ADA Parking – Site requires 1-van and 4-regular accessible spots. Site plan currently shows three ADA spaces. Final site layout will need to demonstrate adequate ADA spaces are shown on plan. All accessible parking spaces shall be striped and signed accordingly.
2. Sewer – ability to serve required from Wastewater Services.
 - a. Existing service shall be televised, and video provided to the sewer department prior to project commencement to ensure existing service is in adequate condition to support the building expansion.
3. Grading & Utility Plan – Show easement area necessary for SD-1 on plan
4. Documentation required stating sprinkler system can support additional water flow required for building expansion.
5. Upgraded fire service required for entire building (existing and expansion) to provide an addressable alarm system.
6. Provide fire rating on the loading door located adjacent to existing building/tenant egresses.
7. Coordination needed with fire department on location of Storz connection.

Motion:

That the Site Plan application for Boulos Asset Management (GWB Cony, LLC) for a 15,240 sf building addition for commercial use located at 860 Spring Street Tax Map: 003 Lot: 101A Zone: Industrial Park District Area is **(approved with conditions/ denied)** and the following findings of fact, conclusions, and conditions as stated on pages 13 through 16 of this Staff Memo dated October 28, 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	129 space parking lot requires 1-van and 4-regular accessible parking spaces. With consideration of this requirement the site is compliant with ADA standards.
Appearance Assessment	The building expansion is situated within a lawn space on the easterly side of the existing building. Additional parking has been provided in a manner that provides for adequate emergency access. The development also provides for a dumpster enclosure to improve existing conditions. A landscape plan has been provided showing additional landscaping along County Road, within parking islands and along the entrance to the building expansion. Additional site lighting is provided within the parking expansion

	and around the building expansion. Criteria “a – e” have been met. Criteria f does not apply as the site is not located within the Village Review Overlay District.
Landscape Plan	A landscape plan has been provided showing additional landscaping along County Road, within parking islands and along the entrance to the building expansion.
Odors	The proposed commercial use of the building expansion is in line with existing use on the site and is compatible with the industrial park the site is located within. No adverse impact is known or anticipated.
Noise	The proposed commercial use of the building expansion is in line with existing use on the site and is compatible with the industrial park the site is located within. No adverse impact is known or anticipated.
Technical and Financial Capacity	The applicant has provided a letter from Gorham Savings Bank dated September 9, 2022 to demonstrate financial capacity. The applicant has retained the services of Sebago Technics which demonstrates technical capacity.
Solid Waste	Dumpsters are shown on the plan in a central location to the site. All dumpsters are fully enclosed
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	A parking analysis of the existing and proposed uses has been provided to demonstrate sufficient on-site parking is provided to meet the Ordinance. A turning template is included with the application submission to demonstrate adequate access for emergency vehicles.
Adequacy of Road System	Spring Street has adequate capacity to accept the traffic generated by the proposed development.
Vehicular Access	The building expansion does not alter the existing site ingress/egress to Spring Street. No access is existing or proposed to County Road.
Pedestrian and Other Modes of Transportation	An existing pedestrian path provides access to the building from the Metro stop located at the intersection of Spring Street and County Road
Utility Capacity	The building expansion will utilize existing utility connections. Sewer line shall be televised prior to project commencement to confirm adequate condition
Stormwater Management, Groundwater Pollution	The proposed development is within the industrial park’s permitted 3-acre/lot impervious cover allocation and does not require any additional MDEP permits. Additional stormwater treatment measures are shown on the plan in coordination with the Long Creek Management District
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.

Conditions :

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated September 30, 2022 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.
2. Consistent with §335-13, 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. The applicant shall provide the digital data as required by §335-13 – verification with GIS coordinator.
 - d. Review of building elevations and colors to be consistent with submitted documentation or testimony.
 - e. Coordinate with the E911 Coordinator on addressing of the building/units.
 - f. ABS letter from sewer required
 - g. Sewer lateral televised and video provided to Wastewater Services for review and approval.
 - h. 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. **\$3,851.00**
 - i. 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. **\$192,550.00**
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, utilities, etc.)
 - b. Upgrade of Fire Alarm System to the addressable system per FD requirement for entire building.
 - c. 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.
6. 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.
7. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
8. Parcel is part of the Long Creek Watershed Management District and all stormwater features associated with the District are maintained through agreements/requirements of the District.

5. 2022.34 – Site Plan, Subdivision, Conditional Use – Rock Row South Campus Phase 3 – Dirigo Center Developers, LLC

WORKSHOP

Tax Map: 042B Lots: 014H and 014I
Zone: Contract Zone 12 – Rock Row Contract Zone
Use: Dwelling, Multiple-Family

Project Description

The applicant is requesting a 350-unit subdivision in two structures with access via a private way road system from the Westbrook Arterial and Larrabee Road. A parking garage will be constructed with this project along with ancillary on-street parking along Quarry Drive.

Applicant has provided elevations of the structures & landscaping for Board comment as well as showing the on-site amenities for the residents to recreate with the parcels. Sidewalk systems will be constructed throughout the site as well as connecting to Larrabee Rd and northerly along Larrabee Road to Terminal St.

Project History

October 19, 2022 – Neighborhood Meeting
November 1, 2022 – Planning Board Workshop

Staff Comments:

1. Noticing Fees: \$14.40
2. Update cover sheet to include correct Map/Lot designation in title & owner of record information
3. Update Project Parcel ID block with correct Map/Lot designation on full plan set
4. Final plan set needs subdivision plan with signature block for recording
5. State total number of parking spaces provided in plan. Differentiate structured parking vs street parking.
6. Concern site does not provide sufficient parking for number of units available. Questions of whether the 1:1 standard that is utilized in application is appropriate where there are not currently alternative parking arrangements within vicinity of the development (ex: public lots in the Downtown District). If utilizing previous amphitheater parking, will need to include this with this site plan approval to memorialize parking count and any future projects on that site will need to accommodate any displaced parking due to development.
 - a. Project will need to provide further documentation that the 491 spaces provided is sufficient for the use of the site. If providing data from other Cathartes residential projects, please ensure the site/surrounding area is comparable to the Rock Row location.
7. E/C measures missing from easterly side of site
8. Filtera systems – Phase 4 filters required an extended period with filter sock to allow media to settle before accepting flow. Clarification needed that this will not be required during this phase of development and tree box filters will be operational time of c/o. C/O cannot be issued without fully functional stormwater management.
9. Review landscape plan
 - a. Recommend no fruit bearing trees (maintenance issue). If included – place in mulched areas
10. Ability to serve letters required for PWD & CMP
11. Easement needs to be relocated to be in line with Quarry Drive (in process)
12. Parking garage required to be fully sprinkled
13. Final hydrant locations may be revised based on sprinkler connections for buildings
14. 3rd party review of pumpstation is currently in process (required prior to final approval)
15. Bituminous curbing shown on plan – recommend slipform concrete
16. Construction of the right of way and utilities included in Planning Board item 2022.35 will be a condition of the approval for this project.
17. Offsite improvements associated with the MDOT traffic movement permit will be conditions of approval.
18. MDEP SLODA amendment is required for this project.

Board Action:

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

6. 2022.35 – Site Plan – Rock Row South Campus – Dirigo Center Developers, LLC – Roadways & Utilities

WORKSHOP

Tax Map: 042B Lot: 014C

Zone: Contract Zone 12 – Rock Row Contract Zone

Use: N/A Right of Way area for private drives and private utilities

Project Description

The applicant is requesting a site plan approval for the construction of a private way road system from the Westbrook Arterial and Larrabee Road along with all associated utilities for future phases.

The request for this project being reviewed separately from the other proposed projects on the Rock Row campus is to keep the construction of the infrastructure as its own phase of work which has obligations such as performance guarantee requirements that other Rock Row lots such as the Residential Lots or the Medical Office Building are being constructed in separated contracts.

Project History

October 19, 2022 – Neighborhood Meeting

November 1, 2022 – Planning Board Workshop

Staff Comments:

- 1.
2. Update cover sheet to include correct Map/Lot designation in title and on project parcel id
3. E/c measures are light – additional protection along intersection of Quarry Dr and Larrabee and along the southerly side of Quarry Drive (sheet C3-1)
4. Crosswalk missing on westerly side of Rock Row-Quarry Drive intersection.
5. Sidewalk connection needed from Rock Row to Larrabee Road on the northerly side of Quarry Drive. Will need to make adjustments to stormwater features to facilitate
6. Take into account possibility of sidewalk on northerly side of Rock Row in stormwater design – may want alternative layout for Rain Guardian bunkers
7. Clarification on location of catch basins on Quarry Drive – relocate to curb line?
8. Detail provided for superelevated roadway – location on plan?
9. Detail sheet for filtera – lighten line weight for utilities so spot grades re more visible
10. Project has received its MDEP SLODA amendment for the work associated with this project.

Board Action:

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