



## PLANNING & CODE ENFORCEMENT



### Planning & Code Enforcement

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

**WESTBROOK PLANNING BOARD**  
**Tuesday, November 2, 2021, 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**

### NEW BUSINESS

3. **2021.27 – Conditional Use – 396 Cumberland – Pastor Samuel Luzingu – Public Hearing:** The applicant is requesting a conditional use within an existing building located at 396 Cumberland Street to be operated as a church facility. Tax Map: 043 Lot: 044 Zone: Residential Growth Area 1 Use: Church
4. **2021.20 – Subdivision – 500 Spring Street – Westbrook Housing Group, LLC – Public Hearing:** The applicant is requesting a 64-lot subdivision with 60-residential lots and 4-commercial lots along Spring Street located at the former Twin Falls Golf Course. Tax Map: 008 Lot: 008B Zone: Residential Growth Area 1, Shoreland Overlay Zone, Limited Residential and Resource Protection

### WORKSHOP

5. **2021.28 – Subdivision – 313 Forest Street – Landsdowne Development Company, LLC:** The applicant is proposing a duplex on a recently divided lot located at 313 Forest Street. The application requires subdivision review due to an additional residential unit that was added to the divided lot in 2020 resulting in the creation of 3 residential units within a 5-year period. Tax Map: 034 Lots: 128 and 128B Use: Dwelling, Two-Family
6. **2021.29 – Site Plan, Subdivision – Methodist Road – Methodist Homes, LLC:** The applicant is proposing 10 units on a named private driveway located on the westerly side of Methodist Road approximately 2,000’ northerly of Timberland Drive and Cobb Farm Drive. Tax Map: 014 Lot: 009 Use: Dwelling, Two-Family
7. **2021.30 – Site Plan, Subdivision – Stacy M. Symbol Apartments – Westbrook Development Corporation – Symbol Apartments LP and WORG, LLC:** The applicant is proposing a three-story, 60-unit affordable senior housing development located on a +/- 4.32-acre condo lot with frontage on the proposed public street, Nicklaus Lane, within the Rivermeadow Residential Development. Tax Map: 037 Lot: 001 and Tax Map: 010 Lot: 002 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.



## Planning & Code Enforcement

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### PLANNING & CODE ENFORCEMENT

DATE: October 29, 2021

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

RE: November 2, 2021, Planning Board Meeting

- 
1. **2021.27 - Conditional Use – 396 Cumberland – Pastor Samuel Luzingu – Church**
  2. **2021.20 – Subdivision – 500 Spring Street – Westbrook Housing Group, LLC – 64 Lots**
  3. **2021.28 – Subdivision – 313 Forest Street – Landsdowne Development Company, LLC – Add'l Duplex**
  4. **2021.29 – Site Plan, Subdivision – Methodist Road – Methodist Homes, LLC – 10 Dwelling Units**
  5. **2021.30 – Site Plan, Subdivision – Stacy M. Symbol Apartments – Westbrook Development Corporation – Symbol Apartments, LP and WORG, LLC – 60 Unit Elderly Housing**
- 

1. **2021.27 – Conditional Use – 396 Cumberland – Pastor Samuel Luzingu**

#### **PUBLIC HEARING**

Tax Map: 043 Lot: 044  
Zone: Residential Growth Area 1  
Use: Church

#### **Project Description:**

The applicant is requesting a conditional use within an existing building located at 396 Cumberland Street to be operated as a church facility. Please see application packet for more information and parking layout sketch.

#### **Project History:**

November 2, 2021 – Public Hearing

#### **Staff Comments:**

1. Current driveway is too narrow for full two-way circulation. Cumberland Street is currently under a moratorium and therefore the driveway width cannot be widened. Given the nature of the proposed use, and that the majority of cars will be entering/existing the site at the same time, Staff recommends the property owner/applicant remove the granite post located on the south-easterly side of the driveway and line that side of the driveway with gravel to allow space for a vehicle to safely pull to the side, if necessary.
2. As a condition of approval, parking lot will need to be restriped to be in general compliance with the striping plan included with the application, or an alternative approved by the Planning Department.
3. Confirm sufficient parking on site – no on street parking on Cumberland Street.
4. Fire Comments:

- a. Building must meet NFPA code for places of worship, daycare, and education.
- b. Owner must have a complete code review done by a licensed engineer and report given to the city for follow up on requirements

**Motion:**

1. Motion to grant a Conditional Use Permit for Pastor Samuel Luzingu for a church located at 396 Cumberland Street Tax Map: 043 Lot: 044 Zone: Residential Growth Area 1 is **(approved with conditions/ denied)** and the following findings of fact, conclusions, and conditions as stated on pages **2 through 3** of this Staff Memo dated October 29, 2021, are adopted in support of that approval.

**Conditional Use – Finding of Fact**

<b>Standard</b>	<b>Finding</b>
Landscape Environment and Enhancement	The operation of the proposed use is within the limits of the existing structure(s) on site. No additional clearing is required.
Surface Water Drainage	The operation of the proposed use is within the limits of the existing structure(s) on the site. No changes or alterations to the grading or impervious cover are proposed. Any future addition of any buildings or structures will require updated surface drainage plan as part of the building permit process.
Water, Air, Soil Pollution	The operation of the proposed use is within the limits of the existing structure(s) on the site. No known or perceived impacts to water, air or soil pollution are anticipated.
Soil Integrity	No changes or alterations to the grading or impervious cover are proposed
Natural Environment	Not applicable
Nuisance Factor	None anticipated
Special Features	Not applicable
Vehicular Access	Vehicular access is via an existing curb cut from Cumberland Street.
Parking and Circulation	Prior to the issuance of a c/o for the conditional use the parking lot shall be restriped in line with the striping plan included with the application, or an alternative approved by the Planning Office.
Public Services	The use does not generate an unreasonable burden on available public services.

**Conclusions**

1. The landscape **is** preserved in its natural state insofar as practicable and **is not** designed so as to stabilize the slopes and buffer the site, where necessary.
2. Surface water drainage **does not** have an adverse effect on surrounding properties, downstream water quality, soil stability or the storm drainage system.
3. The development **will not** cause unreasonable water, air or soil pollution
4. The development **will not** cause unreasonable soil erosion or reduction in the capacity of the soil to hold water.
5. The development **does not** have an unreasonably adverse effect on a historic site or irreplaceable natural areas
6. The development **does not** cause unreasonable noise, odors, dust, gas, fumes, smoke, light, or other annoying or dangerous emissions.
7. Exposed storage areas, machinery installation, service and loading areas and similar facilities **are** set back, screened, or buffered so as to minimize any possible adverse effect on the surrounding uses.
8. The site layout **does** provide for safe vehicular access and egress, including that for emergency vehicles.

9. The layout of vehicular and pedestrian traffic patterns **does** provide for safe interior circulation, separation of pedestrian and vehicular traffic and storage of plowed snow. Parking **does** comply with the parking requirements set forth in the Ordinance.
10. The development **does not** impose an unreasonable burden on the water supply and sewage disposal systems, fire or police services, public ways, schools, recreational facilities and other public services or facilities.

**Conditions:**

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated October 5, 2021 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.
2. Prior to the issuance of a c/o for the Church use:
  - a. The parking lot shall be restriped in general compliance with the striping plan included with the application, or an alternative approved by the Planning Department.
  - b. Granite post located on the south-easterly side of the driveway shall be removed to afford a wider entrance and to be in line with the 2' widened gravel area as depicted on the submitted plan.
  - c. Remove or replace existing School of Real Estate signage

## 2. 2021.10 – Subdivision – 500 Spring Street – Westbrook Housing Group, LLC

### **PUBLIC HEARING**

Tax Map: 008 Lot: 008B

Zone: Residential Growth Area 1, Shoreland Overlay Zone, Limited Residential and Resource Protection

### **Project Description:**

The applicant is requesting a 64-lot subdivision consisting of 60-residential lots and 4-commercial lots along Spring Street located at the former Twin Falls Golf Course. The 4 commercial lots will all be required to return to the Planning Board for site plan approval when a future use of the lots is determined and all commercial lots will be accessed from the internal road system and NOT Spring St.

### **Project History:**

May 2021 – Neighborhood Meeting

June 15, 2021 – Planning Board Workshop

November 2, 2021 – Public Hearing

### **Staff Comments:**

1. Noticing Fees: \$225.80
2. Final open space proposal required
  - a. Open Space Requirements:
    - i. Average Lot size for the 64 lots (60 Residential + 64 Commercial): 22,413 sf
    - ii. Open Space Requirement (weighted average): 6.1%
    - iii. Acreage Req (50.55\*.061): 3.08
    - iv. Fee equivalency: \$225,099.15
  - b. Staff recommends area to the rear of lots 20 – 27 conveyed to PRLT rather than maintained by the association with a public access easement.
3. General Comment on plan set – Plan set is difficult to review due to the complex nature and heavy line weight. Please provide differentiation in line weights between grading/utilities/etc.
4. Stormwater
  - a. Detail needed for concrete forebay
  - b. Remove rip rap symbol on plan to differentiation concrete material for base of forebay
  - c. Stormwater – provide CB analysis to review flows of CBs
  - d. DMH-1 – verify location is within pavement (difficult to read with heavy line weights); convert to CB
  - e. DMH 11 & 12 – Convert to CBs
5. Sewer
  - a. Difficulty locating laterals on plan (difficult to read with heavy line weights). Verification needed the laterals are staggered so they are not located directly across from one another
  - b. Minimum sewer slope for 8 inch is 0.6%
  - c. Sewer profile of pipe between SMH-4 to SMH-5 missing on sheet 13
  - d. Sewer pipe 18 is missing from profile on sheet 15
  - e. Sewer table/labeling missing on sheet 16
  - f. Utility information missing on sheet 17
  - g. Utility table missing from sheet 18
  - h. Provide profile and information for cross country sewer
6. Pumpstation does not meet NFPA regulations (require explosion proof for flow of over 20k gallons/day). Will likely require full redesign and possible second building to meet building code standards. Full review of pumpstation pending final design, however the following general comments are noted by Staff
  - a. Verify allowances for commercial units are included with estimated flow rates
  - b. Building needs to have clear access to the control panels for maintenance

- c. Fire extinguisher should be near the door, not on the back wall
  - d. PVC pipe, where applicable – iron pipe seems odd for drainpipe
  - e. Air relief valves should have unions on either side for easy removal
  - f. Air relief valves should be piped PVC/DI and supported
  - g. Force main air relieve ball valve doesn't need a pipe to wet well – tie in with floor drain
  - h. Pumps should reflect current model (Super "T" Series), "T" series is no longer manufactured
  - i. Doesn't look like there is sufficient wall space for control panels (do not want to have to crawl under vent or fuel fill pipe to access telemetry panel)
  - j. No 2-part paint shall be used on wall or ceiling surfaces
  - k. Trap on floor drain series of four 45-degree elbows
  - l. City to conduct 3<sup>rd</sup> party electrical review once final plans submitted
7. Pump Station Structure
- a. Intake Louver - Verify finish on material and size is correct
  - b. Provide architectural shingle roof
  - c. Vinyl siding – Seafoam Green to match County Road pump house (Staff will provide specs)
  - d. Verify window is feasible with new pump design/requirements
  - e. Galvanized steel posts required for wood guardrail
8. Trail Access via pump station lot
- a. Relocate trail head to the easterly side of the pump station structure
  - b. Concern conflict with public parking and City need of spaces to service pumpstation. Possibility to expand the parking area and provide separated trailhead/pump station parking. (parking/fence)
  - c. Extend boardwalk to cover full drainage area
  - d. Maintenance of trail on City property? PRLT? Further discussion needed.
9. Verification on existing PRLT easement – Plans show PRLT easement from Spring Street, HOA docs call out the easement over Lot 27. Is the intent for the easement to remain in its current location or relocate? If relocating, easement should be over Commercial Lot 1 rather than the residential lot.
10. HOA Docs
- a. Update Street Names
  - b. Page 4 Section 21 typo – “Loamed and hydro-seeded”
  - c. Temporary trail access over lots 19 & 20? Is this proposed? Clarity needed – on this item.
  - d. HOA Docs do not call out maintenance responsibilities for Stormwater BMPs
  - e. HOA Docs missing maintenance of all roadways including trash and snow removal responsibilities until such time that the roads are accepted by the City
11. Plan Revisions
- a. Typo: Lot 43 reads 88 on plans
  - b. Remove sheet list table from sheet 5
  - c. Show area to be conveyed to abutter on subdivision plan (Sheet 4)
  - d. Sidewalk along spring street “easement to the City” should be ROW conveyance to DOT
  - e. Update street name on Sheet 5 (states Twin Falls Drive)
  - f. Sheet 21 – revise to state “Backfill granite curb with concrete fill”
12. Cost Estimate seems low on several items based on current cost of products. Staff will provide further comments
- a. Pump station needs to be included with the cost estimate
  - b. As-builts; Street Trees; Clean up not included in current estimate
13. Location of parking area/bus stop should be on sidewalk side of the road. Consider utilizing either Commercial Lot 1 or 4 to allow for a full pull in parking pod to avoid a back-out maneuver onto the street.
14. Verify placement of sidewalk along Spring Street allows for adequate width for future left turn pocket onto Quincy Drive

15. Concern for public infrastructure built on c/d soils and the long-term impacts of settlement post construction. Geotech engineer will need to advise on design of the public road base and foundation for pump station.
16. Hydrants required at maximum 800-foot intervals. Verify location of closest hydrant on Spring Street.
17. Verify streetlights are located at each intersection (difficult to identify with heavy line weights)
  - a. Revise detail to specify LED lights required (Staff to resend)
18. Internal to project – one side of road required to be designated as No Parking
19. ‘No parking here to corner’ signs on Quincy Drive and Katie Way at appropriate locations to their respective intersections with Spring Street.

**Items to be included with Conditions of Approval**

1. No combustible material can be stored on site or construction started prior to hydrants being tested by a third party and accepted by the Westbrook Fire Department
2. Barrier/guard rail required along all slopes greater than 3:1. Provide galvanized steel post for any guardrail.
3. Document of waste management contract required prior to issuance of first c/o
4. Any construction within Spring Street requiring a lane closure is limited to the hours of 8am - 3:30pm and will require police officer detail. A total shutdown of Spring Street will have to be nighttime construction.

**Motion:**

**Motion that Planning Board continue the application for Westbrook Housing Group, LLC to finalize site design and obtain all required State permits.**

### 3. 2021.28 – Subdivision – 313 Forest Street – Landsdowne Development Company, LLC

#### **WORKSHOP**

#### **Project Description:**

The applicant is proposing a duplex on a recently divided lot located at 313 Forest Street. The application requires subdivision review due to an additional residential unit that was added to the divided lot in 2020 resulting in the creation of 3 residential units within a 5-year period.

#### **Project History**

November 2, 2021 - Workshop

#### **Staff Comments**

1. Based on previous reviews and comments received by the Planning Board on similar building elevations, Staff recommends the applicant explore alternative layouts to the building design to remove the protruding garage along the Forest Street fronting. Staff does not find this nor the setback nature from the street is in line with the character of the existing neighborhood.
  - a. Consider possibility of shared driveway with 221 Rochester Street to allow for parking in the rear of the structure with the house shifted southerly to provide a stronger presence on Forest Street. More unified porch elements, typical of homes in this area.
2. Underground electric required.
3. Combine and square utility trench in ROW – curb to curb
4. Minimum 1% pitch required for lawn drainage – verify on plan. In reviewing existing site conditions and in other similar situations, a field inlet may be necessary to drain properly and avoid ponding in yard.
5. Due to high water table and existing grading, structure will be slab on grade.
6. Driveway entrance is too wide, maximum driveway width permitted is 22' (including radii)
7. As part of subdivision, existing curb cut on Forest Street servicing 221 Rochester Street must be closed and raised sidewalk installed – Show on plan and show grading.
8. Construction on Forest Street will require a police officer detail and is limited to 8a – 3:30p
9. Verify size of sewer lateral on plan (8" line in Forest Street ROW)
10. Need ability to serve from Sewer, PWD and CMP.
11. Provide landscaping plan.
12. Provide additional sewer cleanout at 45-degree angle in driveway

#### **Board Action**

1. Provide feedback on building elevations and site layout



#### 4. 2021.29 – Site Plan, Subdivision – Methodist Road – Methodist Homes, LLC

### WORKSHOP

#### Project Description

The applicant is proposing 10 units (5 duplex structures) on a named private driveway located on the westerly side of Methodist Road approximately 2,000' northerly of Timberland Drive and Cobb Farm Drive.

#### Project History

October 21, 2021 – Neighborhood Meeting

November 2, 2021 - Workshop

#### Staff Comments

1. Noticing fees: \$42.00
2. Rec and Con review of open space plan, once a plan is provided.
  - a. Required: 3,000 sf; \$5,028 fee-in-lieu estimated at this time.
3. Documentation of Right, title and interest not included with application. (provide deed for file reference)
4. Provide agent letter from Methodist Homes LLC to Sebago Technics.
5. Current assessing documentation shows lot in an open space tax status. If accurate, lot will need to be removed from this tax status as open space prior to issuance of first building permit and will be subject to tax penalty (applicant to work directly with Assessing Dept for more detail).
6. Question on need to build cul-de-sac at this phase. If included with this approval, this will be considered part of the project for purposes of utility layout and performance guarantee. If not currently needed, recommend terminating driveway with hammerhead just past dwellings until future development is planned.
7. Provide possible driveway names (minimum of 2 names required) for E-911 verification
8. Neighborhood meeting scheduled for October 21<sup>st</sup>. Provide documentation (sign in and minutes) of neighborhood Meeting to Planning Office following meeting
9. Private trash and recycling required – final application should include trash management plan (i.e. private toter collection vs dumpster?). Documentation of trash removal contract required prior to issuance of first c/o. Snow Removal/Maintenance required for complex.
10. Ownership of units – Apartments or Condos? If Condos a Homeowners associations is required and draft documents need to be provided prior to final approval for City Review. If apartments, please verify ownership of entire premise to be under single management company.
11. Mail delivery – location subject to USPS approval. Typically, cluster boxes are required for all new subdivisions. Show location for cluster mailbox and a pull off area for a parked car on final plan.
12. Methodist Road is currently under moratorium until 2024. Verification needed that water services are accessible within the shoulder as cutting into the Methodist Road pavement is prohibited.
13. Final driveway cannot be off hammerhead. Will need to extend past the driveway to last duplex for hammerhead turnaround.
14. Show any proposed lighting on final plan set
15. Signage (Road Name sign and stop sign) required at intersection with Methodist Road and internal intersections
16. Elevations and color palate for all structures required with final application – Planning Board will be looking for variation in the architecture of the structures as well as in the colors to provide a neighborhood feel.
17. Show density calcs (Net Residential Area ) on final plan
18. Hydrants required at 800-foot intervals. Verify location of closest hydrant on Methodist Road – may need an additional hydrant internal to project.
  - a. No combustible material can be stored on site or construction started prior to any new hydrants being tested by a third party and accepted by the Westbrook Fire Department.

19. Ability to serve from CMP and PWD required with final submission.
20. Underground electric required as part of development from the existing power pole.
21. Grading, Drainage to be reviewed as part of final application submission (Concern noted for topography at site entrance – may require driveway culverts to avoid impacts to Methodist road drainage system)
22. Lighting along Road and at intersection points needs to be provided. Provide cut sheets on lighting, including colors and photometrics. – Use fixtures with full cut off to direct lighting down.
23. Provide Septic test pits documents and proposed layout designs for the system.
24. Final plan stamped by P.E.
25. Landscape plan required with final submission

**Board Action**

1. Provide feedback on site layout

**5. 2021.30 - Site Plan, Subdivision – Stacy M. Symbol Apartments – Westbrook Development Corporation – Symbol Apartments LP and WORG, LLC**

**WORKSHOP**

**Project Description**

The applicant is proposing a three-story, 60-unit affordable senior housing development located on a +/- 4.32-acre condo lot of the Rivermeadow Residential Development Project, with frontage on the proposed public street, Nicklaus Lane.

**Project History**

October 27, 2021 – Neighborhood Meeting

November 2, 2021 – Planning Board Workshop

**Staff Comments**

1. Coordination needed with WORG application re: association documents. Condo 1 to be apartments – no association needed specific to the Symbol Apartments condo unit.
2. Final application to include detail/elevations for shade structure and smoking hut
3. Waiver needed for parking standard (§335-13.6.B(1) - 1.5 spaces required for 1-bedroom unit) to reduce from 90 spaces to the 63 proposed. Provide documentation to demonstrate the need/demand at similar projects to support waiver request. Staff is in support of the waiver request as Westbrook Housing can demonstrate the reduced parking needs for elderly housing.
4. Shade shelter shown within the 75-foot NRPA setback– verify this is permissible.
5. No electrical shown on utility plan - underground electrical services required
6. Provide north-view elevation for structure to show view as seen from Nicklaus Lane single-family homes
7. Provide a pair of catch basins at driveway intersection with Nicklaus and tie into drainage system
8. Detail needed for lift station (laundry only)
9. Similar projects have issues with wet wipes in the sewer – Seek alternatives to capture wipes within the private line before it enters City system.
10. Trash removal and mail delivery internal to building. Mail delivery subject to review/approval by USPS
11. Insulation recommended for all shallow manholes (below 4 feet) due to the low flow and concern for freezing.
12. Hydrants required at 800-foot intervals. Verify location of closest hydrant to determine if any additional hydrants are needed internal to project.
  - a. No combustible material can be stored on site or construction started prior to any new hydrants being tested by a third party and accepted by the Westbrook Fire Department.
13. Extend Grasscrete Roadway further along the westerly side of the building
  - a. Driveway and emergency accessways will require signage for no parking and year round maintenance, including snow removal, to remain clear for emergency access.
14. Project Signage required at Nicklaus Lane Site Entrance for residential complex.
  - a. Sign should be residential in nature in design and lighting to compliment the character of the development (ex: Cumberland Woods monument sign (located at 475 Cumberland Street) that is a comparable sized residential project located within the RGA 1 zone)
15. Add a tipdown at the curve point of the entrance driveway to afford ped access to the grasscrete access to the trail system behind the structure and conversely to allow residents walking up from the trails to access the sidewalk system to Nicklaus.
16. Provide a photometrics plan with final submission - provide cutsheet on lighting fixtures. Full cut offs.
17. Full fire alarm and sprinkler system required for multi-family building. Standpipes required within internal stairwell
18. Stormwater details and drainage will be reviewed in final application.
19. ABS letter from CMP, Sewer and PWD required

20. Full radio enhancement test done once windows and sheet rocking is complete
21. Final location for knox boxes subject to approval by Fire Department.
22. Provide documentation (sign in and minutes) of neighborhood Meeting to Planning Office following meeting

**Board Action**

1. Provide feedback on building elevations and site layout.