



## Planning & Code Enforcement

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

### PLANNING & CODE ENFORCEMENT

**WESTBROOK PLANNING BOARD**  
**Tuesday, November 16, 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. **2021.15 – Paper Street Development – Deer Hill Circle – JW Group, LLC – Public Hearing:** The applicant is proposing to construct the remainder of the approved 1959 Deer Hill Circle Subdivision to include the connection of proposed public streets Deer Hill Circle and Chickadee Lane. The constructed paper street will provide frontage for the remaining 16 lots in the Deer Hill Circle subdivision. Tax Map: 041 Lot: 084 Zone Residential Growth Area 1



## Planning & Code Enforcement

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

### PLANNING & CODE ENFORCEMENT

DATE: November 12, 2021

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

RE: November 16, 2021, Planning Board Meeting

---

#### 1. 2021.15 – Paper Street Development – Deer Hill Circle – JW Group, LLC

---

#### 1. 2021.15 – Paper Street Development – Deer Hill Circle – JW Group, LLC

#### **PUBLIC HEARING**

Tax Map: 041 Lot: 084  
Zone: Residential Growth Area 1

#### **Project Description:**

The applicant is proposing to construct the remainder of the approved 1959 Deer Hill Circle Subdivision to include the connection of proposed public streets Deer Hill Circle and Chickadee Lane. The constructed paper street will provide frontage for the remaining 16 lots in the Deer Hill Circle subdivision.

#### **Project History:**

May 4, 2021 – Planning Board Workshop  
November 16, 2021 – Public Hearing

#### **Staff Comments:**

1. Noticing Fees: \$238.40
2. Open Space Fee - \$37,800 – To be paid prior to site disturbance.
3. Sheet 3 - No disturbance area (This is providing a no clearing area in perpetuity which is above the standards required.)
  - a. Limits of clearing to be clarified on paper street plan.
4. Sheet 13
  - a. Plan and section view for ExDMH-2 subject to approval by Wastewater Services

#### **Motion:**

1. Motion to grant a Paper Street Development Permit for JW Group, LLC for 16 lots off Deer Hill Circle Tax Map: 041 Lot: 084 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 4** of this Staff Memo dated November 12, 2021, are adopted in support of that approval.

## Paper Street – Finding of Fact

Standard	Finding
Stormwater	Stormwater flow is directed to four underdrain soil filters located generally to the northerly and easterly boundaries of the project. A MDEP Stormwater Permit is required and will be provided to the Planning Department prior to any site disturbance or issuance of permits.
Street Construction	Deer Hill Circle and Chickadee Lane a proposed as public streets and will be constructed to meet the standards as defined in §335-13.3.G(3). The cul-de-sac at the terminus of Chickadee Lane has been reviewed by public safety and provides adequate access for emergency vehicle access.
Erosion Control	Adequate erosion control measures are shown on the plan
Lot Development	The construction of Deer Hill Circle and Chickadee Lane will provide legal frontage for the remaining 16 lots of the Deer Hill subdivision. All lots meet the minimum standards of the current RGA1 Zoning District. The plans provide for the 2-street trees per lot minimum as required by the Ordinance. Street tree species and location have been reviewed by the City Arborist.
Provision of Open Space	A payment of \$37,500 is required prior to site disturbance or issuance of the building permit. This standard has been met.
Water and Sewer Capacity	Public water and sewer are proposed within the Deer Hill Circle and Chickadee Lane rights-of-way to service the lots. An ability to serve letter from PWD dated 10/12/2021 is included with the November 2021 Submission Packet – Attachment 5
Traffic	A traffic statement dated May 4, 2021, by Sebago Technics was provided to demonstrate the trip generation for the project will generate a total of 12 trips/day during the AM peak hour, 16 trips/day during the PM peak hour and 15 trips/day during the Saturday peak hours. This does not meet the threshold of an MDOT traffic movement permit. The existing Deer Hill neighborhood has adequate capacity to accept the additional traffic generated by the development.

### Conclusions

1. The project **does** adequately address stormwater.
2. The project **does** meet the Ordinance standard for public street construction.
3. The project **will not** cause unreasonable soil erosion or a reduction in the land’s capacity to hold water so that dangerous or unhealthy condition results
4. The project **does not** result in the creation of substandard lots
5. The project **provides** for adequate open space or payment of a fee in lieu.
6. The project **has** sufficient water and sewer capacity for the reasonably foreseeable needs of the development.
7. The project **will not** cause unreasonable public road congestion or unsafe conditions with respect to the use of the public roads, existing or proposed.

### Conditions

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated July 6, 2021, and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to the review and approval by the City Planner or the Planning Board.

2. Prior to any site disturbance, lot sales or building permits being issued for the project:
  - a. Copy of Recorded Paper Street Plan must be provided to the Planning Office
  - b. Copy of DEP Stormwater Permit must be provided to the Planning Office
  - c. All Staff comments must be addressed or are considered conditions of approval.
    - i. Plan and section view for ExDMH-2 subject to approval by Wastewater Services
  - d. A pre-construction meeting must be held with City Staff, project engineer and the site work contractor. Contact the Planning Office to coordinate. As part of this meeting, a plan for temporary settlement basins and other onsite erosion prevention/sedimentation prevention measures will need to be provided to the City Staff.
  - e. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
  - f. Open Space in-lieu-of fee to be paid in the amount of \$37,800.
  - g. An inspection fee shall be made payable to the City of Westbrook, for inspection of road/site improvements conducted by the appropriate City Staff to cover the costs of inspection of project related improvements - \$29,881.50
  - h. 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. A performance guarantee in the amount of \$1,494,075 is required.
  - i. Coordinate with the E911 Coordinator on addressing.
3. Prior to building permits being issued:
  - a. Road system must be constructed to a vehicular passable standard for Codes, and Public Safety access. (Base gravel)
  - b. Hydrants will need to be installed prior to combustible products being brought into the site if less than the necessary distance to the closest existing hydrant.
  - c. Final design of the Post Office delivery box and parking area to be approved of by the Delivery Postmaster for the area.
4. Prior to the First Lot Sold:
  - a. Provide copy to Planning Office of recorded Homeowners association by laws & Declaration of Covenants and Restrictions
5. Prior to first Occupancy Permit issuance:
  - a. 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, striping, signage, etc.)
  - c. Road system must be base paved.
  - d. Installation of stop signs at both intersection points of Fairfield Avenue and Deer Hill Circle
  - e. Documentation of private curbside trash hauling service to be provided for all lots, until the Street is accepted by the City as a public street.
  - f. Documentation of private plowing services to be provided for all lots, until the Street is accepted by the City as a public street.
  - g. Documentation of maintenance contractor for Stormwater Best Management Practices with the Homeowners Association.
  - h. All site improvements must be installed unless a performance guarantee amount is held in the amount of the remaining improvements.
6. Prior to commencing any work in the City Right-of-Way, the applicant must obtain a road-opening permit from the Public Services Department.
7. 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 in paper, mylar, dwg & pdf formats.
  - b. Public Services will determine if any off site catch basins need to be vacuumed out if impacted by the project and if so, the documentation that they have been cleaned will need to be provided to the City.
8. Lots 19 and 22 shall utilized shared driveway for access

9. No trees shall be cut from the rear setback of any lot with frontage on the paper streets Deer Hill Circle or Chickadee Lane until the issuance of a c/o for the principal structure on the lot.
10. Plowing and trash pickup for Deer Hill Circle and Chickadee Lane shall be the responsibility of the project owner or the Homeowners Association until such time as the streets are accepted by the City as public streets.
11. The City Council may require a majority of the homes to be built before the City accepts the street, or an increase in the performance guarantee may be required for potential damages to the road system created by home construction.
12. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance. On January 15th every year, 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.
13. 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.
14. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
15. Any requirements of the Portland Water District or the Westbrook Sewer Department in their ability to serve letters are conditions of this approval.