



Planning & Code Enforcement

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PLANNING & CODE ENFORCEMENT

WESTBROOK PLANNING BOARD
Tuesday, February 7, 2023, 7:00 P.M.
Westbrook High School – Room 114
125 Stroudwater Street

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

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

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

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

Webinar ID: 817 0074 1385

AGENDA

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

NEW BUSINESS

3. **2023.02 – Amendment to the Land Use Ordinance – New Section §335-2.28.1 Restaurant Class 3; §335-5.9 Gateway Commercial District; §335-Attachment 1, Table 1 Land Use Table:** The amendment to the land use ordinance provides performance standards for a Restaurant Class 3 use and permits the use as a conditional use within specified districts.
4. **2022.32 – Site Plan, Subdivision, Conditional Use, Private Way, Paper Street – 40 Bell Street - MTR Development:** The applicant is proposing improvements to an existing paper street/private way, Christie Way, to provide access and frontage for a 10-unit subdivision comprising of an 8-unit multi-family structure and a duplex. Tax Map: 010 Lot: 001 Zone: Residential Growth Area 1 Use: Dwelling, Multiple-Family, Dwelling, Two-Family
5. **2022.17 – Subdivision – 680 Methodist Road – Methodist Homes, LLC:** The applicant is requesting a 10-lot residential subdivision located at 680 Methodist Road. Tax Map: 009 Lot: 014 Zone: Rural District
6. **2022.23 – Site Plan, Subdivision, Village Review – Maple Grove Subdivision - Avesta Housing & New Ventures, LLC:** The applicant is proposing a 125-unit multifamily residential complex with site access from Main Street and Seavey Street. Tax Map: 040 Lot: 135 Zone: City Center District, Village Review Overlay Zone Use: Dwelling, Multiple Family

WORKSHOP

7. **2023.04 – Site Plan, Subdivision – 41 Arlington Avenue - Infinity Real Estate, LLC:** The applicant is proposing three new single-family structures located at 41 Arlington Avenue. Tax Map: 027 Lot: 046 Zone: Residential Growth Area 1 Use: Dwelling, Single-Family

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



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PLANNING & CODE ENFORCEMENT

DATE: February 3, 2023

TO: Planning Board

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

Cc: Plan Review Team

RE: February 7, 2023, Planning Board Meeting

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1. **2023.02 – Amendment to the Land Use Ordinance – New Section §335-2.28.1 Restaurant Class 3; §335-5.9 Gateway Commercial District; §335-Attachment 1, Table 1 Land Use Table**
 2. **2022.32 - Site Plan, Subdivision, Conditional Use, Private Way, Paper Street – 40 Bell Street - MTR Development**
 3. **2022.17 - Subdivision – 680 Methodist Road – Methodist Homes, LLC**
 4. **2022.23 - Site Plan, Subdivision, Village Review – Maple Grove Subdivision - Avesta Housing & New Ventures, LLC**
 5. **2023.04 - Site Plan, Subdivision – 41 Arlington Avenue - Infinity Real Estate, LLC**

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1. **2023.02 – Amendment to the Land Use Ordinance – New Section §335-2.28.1 Restaurant Class 3; §335-5.9 Gateway Commercial District; §335-Attachment 1, Table 1 Land Use Table**

PUBLIC HEARING

Ordinance Description

The amendment to the land use ordinance provides performance standards for a Restaurant Class 3 use and permits the use as a conditional use within specified districts.

Ordinance History

January 17, 2023 – Planning Board Workshop

February 7, 2023 – Public Hearing

Staff Comments:

Last year, the applicant Dirigo Center Developers, LLC had applied for a Restaurant Class 2 to create a seasonal outdoor beer garden on the premise of Rock Row. It was approved of as a traditional restaurant needing the food truck component to be compliant at the City level. During the process of state permitting between the State Liquor Enforcement Division and the Food Service Division, the applicant was unable to align the requirements of the two divisions with the proposed set up of a beer garden with food vendors, so the project did not move forward.

In further follow ups with the State agencies, it was recommended by the State that Dirigo Center Developers, LLC should look at the operation of the proposed seasonal beer garden as a Class A Lounge License which does not require the food to be the primary component of the operation.

The City's Ordinance has a definition of a Restaurant Class 3 which would be inclusive of the proposed use that the state recommended, but it is not currently a permitted use in any City District, except for a defunct contract zone (#8). To move this matter forward, a change to the City of Westbrook's ordinance would be required to insert the use of Restaurant Class 3 into the Gateway Commercial District.

In reviewing our zoning map in terms of adding this use, the Gateway Commercial District would seem to be a district that this use could be added which is along major corridors of Larrabee and Main St thus high visibility and in proximity to the resources of the community. Gateway Commercial is the most inclusive districts of various uses which would not appear to conflict with other like uses. The GC District area is predominantly under the ownership of car dealers, Westbrook Crossing and Rock Row with a variety of other smaller operations scattered throughout. Staff is supportive of the inclusion of the Restaurant Class 3 into the Gateway Commercial District as a reasonable request based on the uses allowed and existing.

During the January 17th workshop, the Board provided the following comments on the draft language provided by Staff:

- The draft language included a 300' buffer between a Restaurant Class 3 use and the RGA 1-Gateway Commercial District Zoning boundary or a public school. The Board expressed concern that the language on how to measure the distance between the use and the zoning boundary/public school was not clear. Staff have revised the language to state a 300' buffer is required between any portion of a Restaurant Class 3 use where alcohol is permitted to be sold or consumed (building/deck/patio/etc.) and the stated restriction.

Motion:

Motion to recommend the amendment to the Land Use Ordinance new section §335-2.28.1 Restaurant Class 3, §335-5.9 Gateway Commercial District and §335 Attachment 1, Table 1 Land Use Table to the City Council to allow a Restaurant Class 3 use as a Conditional Use within the Gateway Commercial District and to establish performance standards.

2. 2022.27 – Site Plan, Subdivision, Conditional Use, Private Way, Paper Street – 40 Bell Stret - MTR Development

PUBLIC HEARING

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

Project Description

The applicant is proposing improvements to an existing paper street/private way, Christie Way, to provide access and frontage for a 10-unit subdivision comprised of an 8-unit multi-family structure and a duplex.

Project History

September 27, 2022 – Neighborhood Meeting
October 4, 2022 – Planning Board Workshop
October 15, 2022 – Site Walk
December 6, 2022 – Public Hearing (8-unit multi-family)
February 7, 2023 – Public Hearing (8-unit multi-family & duplex)

Staff Comments on project:

1. Noticing Fees: \$226.24
2. Open Space Subdivision Fee-in-lieu: \$5,028.00 (10 units)
3. Utility easement over Rivermeadow Lot 9 to benefit Reece Commons Lots 1 and 2 shall be recorded prior to project commencement and shall include flowage rights through Nicklaus Ln sewer system). Easement is shown on the Grading & Utility plan – GU-1
4. Provide draft easement language for utility and drainage easements over lot 2 to benefit lot 1
 - (a) Show drainage easement on SB-1 (utility easement shown)
5. Recommend extending the decks for the duplex units to the full width of the house for usability
6. COA - BDA testing required for both structures prior to occupancy
7. Ability to Serve letter from Wastewater Services – Condition of Approval to address final design connection into the Sewer Main at Nicklaus prior to the issuance of the building permit for letter as Lead Staffer is currently out sick, but has been working with applicant on final details. Project generated flow is low and can be accepted at the treatment plant.
8. Lot 1 – driveway-Christie Way radii missing
9. Cost Estimate adjustments to be incorporated into final numbers:
 - (a) Reece Commons
 - i. Verify this includes all work associated with both the multi-family and the duplex
 - ii. Erosion/Sed control low
 - iii. Site Stabilization low
 - iv. Sewer cost do not include pump station or offsite manhole
 - v. Cost for f-basin is low
 - vi. Monuments needed for new lot line
 - vii. As-built plans amount low
 - (b) Christie Way
 - i. No landscaping included with estimate
 - ii. Erosion/Sed control low
 - iii. Site Stabilization low
 - iv. Roadway amount – verify this is correct (shown as comparable to the parking lot?)
 1. Quantities for roadway appear low. Recommend the following:

- a. subbase gravel – 440 cf
 - b. Base gravel – 74 cf
 - c. Base Paving – 75 tons
 - d. Final Paving – 100 tons
 - v. As-built amount low
10. Verify how solid waste will be managed for the duplex units – Toter collection vs utilization of the dumpster. If dumpster – provide legal rights for Lot 1 to access/utilize

Private Way/Paper St review

- 1. Open Space fee for Paper Street review: \$4,500 (300’ private way; \$1,500/50’ of private way constructed, excluding the first 150’)
- 2. Waiver required for Private Way standard to provide 1’ gravel shoulder on non-curbed side. State waiver on Private Way Plan PP-1
 - a. §335-13.3.G(3) Private Way Road Standards
- 3. Per the PWD approval – Christie Way shall remain a private way. Staff recommends this as a condition of approval.
- 4. Extend buffering landscaping to the area between the driveways of 40 Emery St and 10 Christie Way.

Staff Response to Public Comments/Concerns:

Included in the Board’s Packet are emails received on the project. Of the comments received, we would like to response to a few comments in this memo and any remaining comments can be discussed further in the meeting.

Questions to MDEP – please see email response to MDEP from City Staff in your emails for Staff’s response on those questions.

Legal access:

Per the previous submission, the City Attorney determined that the applicant had provided sufficient information to right, title and interest in the parcel for the project to proceed. With the further clarification provided subsequent to the last meeting on the ownership of Christie Way (aka Bell St ROW), the applicant has now been transferred the fee interest in the Christie Way ROW & Old Emery St Extension ROW from Emery St to the public portion of Bell St. See deed in your packet from Gilbert to MTR.

The City vacation process of paper streets only removed the “public interest” in the right of way. The ownership of the ROW still resided with Arthur Gilbert as the original Developer until such time as those rights are relinquished, which has now occurred in this most recent legal transfer from Gilbert to MTR. The fee interest of the ROW was in Arthur Gilbert’s control prior to the vacation process and post vacation process, until the recent transfer of interest.

The premise of adjacent owners owning to the center line of the ROW in a vacation process only occurs if the original developer does not retain the rights of the ROW or there was no specific developer of a project (developer has passed and there are no assigns, etc.), then the ownership of the underlying fee of the road transfers to the abutters to the centerline. But even in those instances, it does not remove the access rights to land along the right of way unless you go through a court process to remove all rights of any lands associated with the Emery Extension/Bell St ROW.

Purpose Statement reference:

The purpose statement of any ordinance section is non-regulatory. It does not provide the means to approve or deny a permit by. It is a goals statement, but it has no specific criteria by which the City can require a project to comply with. We understand that this can be confusing for the public and will provide this explanation at the meeting as well.

Reference to cutting trees:

The work on the land was not conducted during the review process, therefore the provision does not apply. Any property owner can cut down trees on their land without a permit.

In summary, Staff find the application is compliant with the City of Westbrook Land Use Ordinance and is in order for consideration of approval by the Planning Board with the conditions as stated in this memo.

Motion:

That the Planning Board approve the Site Plan/Subdivision/Conditional Use/Private Way/Paper Street application for MTR Development, LLC’s for improvements to an existing paper street/private way, Christie Way, to provide access and frontage for a 10-unit subdivision comprised of an 8-unit multi-family structure and a duplex on a separated lot. Tax Map: 010 Lot: 001 Zone: Residential Growth Area 1 and the following findings of fact, conclusions, and conditions as stated on pages 5 through 13 of this Staff Memo dated February 3, 2023, which are adopted in support of this approval. Included with this approval is a waiver of §335-13-.3G(3) Private Way Road Standards to allow 1’ gravel shoulder on the southerly side of Christie Way.

Site Plan – Finding of Fact

Standard	Finding
Utilization of the site	The proposed development is located within the allowable setbacks and within the allowable building footprints and gross density as permitted in the RGA1 District. Adequate on-site parking is provided for both lots in excess of the minimum ordinance requirements. Stormwater management is provided on site with improvements in the Emery Street right of way to collect the runoff from the easterly portion of the improved Christie Way to the public system. A landscape plan is provided to demonstrate additional landscaping along Christie Way in compliance with Ordinance standards. Additional landscaping is provided along the property lines of 10 Christie Way and 48 Emery Street as buffering. The building height of both structures is within the allowable limits of the RGA 1 District. The project meets the intent of the Ordinance.
Handicap Access	The site provides one ADA accessible parking space at a location that is accessible to the entrance. Tipdowns are provided to access the walkway to the structure. Site is compliant with ADA standards.
Appearance Assessment	(a) Lot 1 and Lot 2 site ingress/egress is provided at locations that have been reviewed and approved by the City Engineer. The intersection of Christie Way and Emery St. is aligned with the centerline of the existing Christie Way right-of-way. The building height of both structures is within the allowable limits of the RGA 1 District. (b) The multi-family structure is located to the rear of the site to provide a greater distance from existing structures to minimize scale. Landscaping is provided along the property lines of 10 Christie Way and 48 Emery Street to provide additional buffering between the proposed development and existing structures. (c) A landscape plan is provided to demonstrate additional landscaping along Christie Way in compliance with

	<p>Ordinance standards. Additional landscaping is provided along the property lines of 10 Christie Way and 48 Emery Street as buffering.</p> <p>(d) Two light poles are provided for safety within the Lot 2 parking area. A cutsheet and photometric spread has been provided to demonstrate light is contained within the site and does not trespass over a property line. Wall packs are provided on the multi-family residential unit along the pedestrian path for safety. The duplex will have typical front door residential style lighting.</p> <p>(e) No signage is proposed</p>
Landscape Plan	A landscape plan is provided to demonstrate additional landscaping along Christie Way in compliance with Ordinance standards. Additional landscaping is provided along the property lines of 10 Christie Way and 48 Emery Street as buffering.
Odors	The residential use is consistent with the abutting residential uses. A dumpster is located on the 40 Bell Street parcel Lot 2 to service both structures and will be emptied on a sufficient schedule to avoid overflowing onto the property. No adverse impact is known or anticipated.
Noise	The residential use is consistent with the abutting residential uses. No adverse impact is known or anticipated.
Technical and Financial Capacity	The applicant has provided a letter from Biddeford Savings dated October 5, 2022 to demonstrate financial capacity. The applicant has retained the services of DM Roma Consulting Engineers which demonstrates technical capacity.
Solid Waste	The residential use is consistent with the abutting residential uses. A dumpster is located on the 40 Bell Street parcel Lot 2 to service both structures and will be emptied on a sufficient schedule to avoid overflowing onto the property.
Historic, Archaeological and Botanical Resources or Unique Features	No historic, archaeological/botanical resources have been identified on the site.
Hazardous Matter	Project does not propose the handling, storage, or use of hazardous materials. No adverse impact known or anticipated.
Vibrations	The proposed residential use is compatible with the abutting residential use. No adverse impact known or anticipated.
Parking & Loading Design and Site Circulation	Two individual driveways provide access and parking for 2 cars associated with the duplex structure. One driveway off of Christie Way and 16 parking spaces are provided adjacent to the multi-family structure which is in excess of Ordinance requirements. Adequate on-site parking has been provided as part of the project.
Adequacy of Road System	With consideration of the improvements to Christie Way, Christie Way and Emery Street have adequate capacity to accept the additional traffic generated by the development.
Vehicular Access	Lot 1 and Lot 2 site ingress/egress is provided at locations that have been reviewed and approved by the City Engineer. The intersection of Christie Way and Emery St. is aligned with the centerline of the existing Christie Way right-of-way.
Pedestrian and Other Modes of Transportation	A stabilized path provides access to each residential structure from their respective designated parking areas.

Utility Capacity	Water services are available within the Emery Street right of way. An ability to serve letter from PWD has been provided in support of the design to provide individual lateral and fire services from the Emery Street water main to serve the residential structures. Sewer services are available within the Nicklaus Lane right of way. The applicant has provided a P&S for Lot 9 of the Rivermeadow Residential Subdivision which provides frontage on Nicklaus Lane to access sewer. An ability to serve letter from wastewater services will be provided to the Planning Department upon receipt of the final connection design at Nicklaus Lane.
Stormwater Management, Groundwater Pollution	Stormwater management is provided on site with improvements in the Emery Street right of way to collect the runoff from the easterly portion of the improved Christie Way to the public system.
Erosion and sedimentation Control	Adequate erosion and control measures are provided on the plan. Double erosion/control measures are shown in areas adjacent to the natural resource.

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	Sewer services are available within the Nicklaus Lane right of way. The applicant has provided a P&S for Lot 9 of the Rivermeadow Residential Subdivision which provides frontage on Nicklaus Lane to access sewer. An ability to serve letter from wastewater services will be provided to the Planning Department upon receipt of the final connection design at Nicklaus Lane.
Sufficient Water	Water services are available within the Emery Street right of way. An ability to serve letter from PWD has been provided in support of the design to provide individual lateral and fire services from the Emery Street water main to serve the residential structures.
Municipal Water Supply	Water services are available within the Emery Street right of way. An ability to serve letter from PWD has been provided in support of the design to provide individual lateral and fire services from the Emery Street water main to serve the residential structures.
Erosion	Adequate erosion and control measures are provided on the plan. Double erosion/control measures are shown in areas adjacent to the natural resource.
Traffic	With consideration of the improvements to Christie Way, Christie Way and Emery Street have adequate capacity to accept the additional traffic generated by the development.
Sewage Disposal	Sewer services are available within the Nicklaus Lane right of way. The applicant has provided a P&S for Lot 9 of the Rivermeadow Residential Subdivision which provides frontage on Nicklaus Lane to access sewer. An ability to serve letter from wastewater services will be provided to the Planning Department upon receipt of the final connection design at Nicklaus Lane.
Municipal Solid Waste Disposal	The residential use is consistent with the abutting residential uses. A dumpster is located on the 40 Bell Street parcel Lot 2 to service both structures and will be emptied on a sufficient schedule to avoid overflowing onto the property.
Aesthetic, Cultural and Natural Values	The proposed development is located within a growth area as identified in the City’s comprehensive plan and is not encumbered by any easements or restrictions on tree removal or development. The project meets the standards of the district in which it is located. Site disturbance is limited to what is required for the construction and the project provides a landscape plan to provide buffering for directly abutting parcels. The project does not have an undue adverse impact on the aesthetic, cultural and natural values of the site.
Conformity with City Ordinances and Plans	The proposed development conforms with City Ordinances and the Comprehensive Plan.
Financial and Technical Capacity	The applicant has provided a letter from Biddeford Savings dated October 5, 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	The project site is not located within the watershed of any pond or lake, or within 250’ of a protected resource. The 75’ MDEP NRPA Stream Setback is identified on the plan and the application has obtained a

	permit-by-rule from MDEP for the grading/drainage work within the NPRA setback.
Ground Water	Groundwater is not anticipated to be negatively impacted by the development.
Flood Areas	All flood zones
Freshwater Wetlands	All wetlands have been identified on the subdivision plan.
Farmland	No farmlands have been identified on the site.
River, Stream or Brook	The 75' MDEP NRPA Stream Setback is identified on the plan and the application has obtained a permit-by-rule from MDEP for the grading/drainage work within the setback.
Stormwater	Stormwater management is provided on site with improvements in the Emery Street right of way to collect the runoff from the easterly portion of the improved Christie Way to the public system.
Spaghetti Lots Prohibited	The lot does not have shore frontage.
Lake Phosphorus Concentration	The subdivision is not located near or along a great pond.
Impact on Adjoining Municipality	The subdivision does not cross a municipal boundary.
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.

Conditional Use – Finding of Fact

Standard	Finding
Landscape Environment and Enhancement	Site disturbance is limited to what is required for the construction and the project provides a landscape plan to provide buffering for directly abutting parcels. The 75' MDEP NRPA Stream Setback is identified on the plan and the application has obtained a permit-by-rule from MDEP for the grading/drainage work within the setback.
Surface Water Drainage	Stormwater management is provided on site with improvements in the Emery Street right of way to collect the runoff from the easterly portion of the improved Christie Way to the public system. A stormwater analysis demonstrates no impact is known or anticipated to the drainage of abutting properties.
Water, Air, Soil Pollution	The development is a residential development within the RGA1 district and will not cause unreasonable water, air or soil pollution.
Soil Integrity	Adequate erosion and control measures are provided on the plan. Double erosion/control measures are shown in areas adjacent to the natural resource. The development will not cause unreasonable soil erosion or reduction in the capacity of the soil to hold water.
Natural Environment	The proposed development is located within a growth area as identified in the City's comprehensive plan and is not encumbered by any easements or restrictions on tree removal or development. The project meets the standards of the district in which it is located. Site disturbance is limited to what is required for the construction and the project provides a landscape plan to provide buffering for directly abutting parcels. The project does not have an undue adverse impact on the aesthetic, cultural and natural values of the site.
Nuisance Factor	The proposed residential use is compatible with the abutting residential uses. No adverse impact is known or anticipated.
Special Features	No exposed storage areas, machinery installation or loading areas are included with the proposed development.
Vehicular Access	Lot 1 and Lot 2 site ingress/egress is provided at locations that have been reviewed and approved by the City Engineer. The intersection of Christie Way and Emery St. is aligned with the centerline of the existing Christie Way right-of-way.
Parking and Circulation	Two individual driveways each provide parking for 2 cars associated with the duplex structure. One driveway off of Christie Way and 16 parking spaces are provided adjacent to the multi-family structure which is in excess of Ordinance requirements. Adequate on-site parking has been provided as part of the project.
Public Services	The proposed development will not create an unreasonable burden on public services.

Conclusions

1. The landscape **is** preserved in its natural state insofar as practicable and **is** 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 packet dated January 30, 2023 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 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. Provide draft documentation of the trash arrangement between Lot 1 and Lot 2. (Condition #8)
 - d. Field Verification of building corner locations per plan by surveyor. Mark property perimeter to ensure contractors stay on project land. Mark/flag limits of disturbance around property to be in compliance with approved plan.
 - e. 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.
 - f. Review of building elevations to be consistent with submitted documentation or testimony.
 - g. The applicant shall provide the digital data as required by §335-13 – verification with GIS coordinator.
 - h. Payment of Open Space Fee: **\$5,028.00 + \$4,500.00** (Subdivision & Paper Street)
 - 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.
 - 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.
- k. Documentation of recorded utility easements over lot 9 of the Rivermeadow Residential subdivision to benefit Christie Way Lots 1 and 2.
 - i. Easements need to be separated for each lot's services.
 - ii. Easements need to clearly provide access and maintenance, but also requirement to for Christie Way lot owners 1 & 2 to address land condition of Lot 9 to return to a state in compatible with the premise at the time of disturbance.
 - l. Ability to serve letter from Wastewater Services provided to the Planning Department once final connection details at Nicklaus Lane have been approved of by Sewer Dept.
 - m. Coordinate with the E911 Coordinator on addressing the building/units.
4. **Prior to commencing any work in the City Right-of-Way**, the applicant must obtain a road-opening permit from the Public Services Department.
 5. **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, sidewalks, striping, dumpster, signage, stormwater features, etc.)
 - b. All Sewer & Water lines fully tested and approved.
 - c. All other site improvements, as shown or stated on plans or in conditions, 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 (signed contracts), for private trash removal & snow plowing provided to the Planning Department. Provide recorded documents on trash arrangement between Lot 1 and Lot 2.
 - e. Copy of recorded Christie Way road association documents provided to the Planning Department.
 - f. Verify final USPS locations for mailbox.
 6. **Prior to the issuance of the Final Certificate of Occupancy:**
 - a. All areas shown as pavement shall be final paved.
 7. **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, monuments placed, 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.
 8. If Duplex Lot is sold, owner needs to be a member of the road association.
 9. The owner of Lot 1 (duplex) shall have their trash disposal addressed by the owner of Lot 2 (multifamily structure). Lot 1 residents are permitted to cross Lot 2 to access the trash receptacle on Lot 2 for the purposes of trash disposal. All trash/solid waste, from Lot 1 that is brought onto the Lot 2 site, must be placed inside the trash receptacle provided by Lot 2 owner and not on the ground of Lot 2. This arrangement is to be included in the deeds for both lots.
 10. Christie Way shall remain a private way and shall not be accepted by the City of Westbrook as a public street, unless the road is brought into compliance with the Local Street standards which include but are not limited to sidewalks, water main infrastructure, and road width.
 11. BDA testing required for both the duplex and multi-family structures.
 12. Best management practices shall be adhered to during all ground disturbance operations. All Street Catch basins in the vicinity of earthwork operations shall have silt sacks installed & maintained for the duration of the work. Additional BMPs may be required to address erosion and sediment control during construction. Determination of the need for additional measures are at the sole discretion of City Staff.
 13. Access to the existing residences must be maintained to the greatest extent practical with access disruption limited to deep utility installation and paving. Coordination with property owners on any disruptions to access must be conveyed at least 24 hours in advance.
 14. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

15. 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.

3. 2022.17 – Subdivision/Private Way – 680 Methodist Road – Methodist Homes, LLC

PUBLIC HEARING

Tax Map: 009 Lot: 014
Zone: Rural District

Project Description

The applicant is requesting a new Private Way, Viola Drive, to provide access and frontage to a 9-lot residential subdivision and an open space lot located at 680 Methodist Road.

Project History

May 31, 2022 – Neighborhood Meeting
June 7, 2022 - Planning Board Workshop
September 15, 2022 – Recreation and Conservation Commission
February 7, 2023 – Public Hearing

Recreation and Conservation Commission

The proposed development is a cluster subdivision, which allows for the Planning Board to approve reduced lot frontages and lot sizes with the understanding that land that would have otherwise be required to create a standard lot will be conserved as open space in perpetuity. This requirement is in addition to the Open Space ordinance that is included as part of the subdivision review.

Total area of open space required for the cluster subdivision design: 103,895 square feet.

Total area of open space required per the subdivision review: 26,170 square feet.

Total open space required for the project: 130,065 square feet.

The applicant is proposing 358,236 sf of open space as part of the subdivision design. Of this, 155,402sf are identified as wetlands or areas of steep slope (>20%) and 202,834sf are identified as usable land. A portion of the open space lot along the southerly side of Viola Drive is proposed to be utilized for stormwater grading and management.

The Recreation and Conservation Commission reviewed the open space proposal at their September 15th meeting. The Commission was generally supportive of the proposal with the recommendation that access be provided to the lots along the northeasterly side of Viola Drive to the open space lot. The commission discussed a possibility of providing an access easement through/along the Lot 7/8 property line to avoid the steep slopes that are present toward the front of the site. This recommendation is for access by the residents of the subdivision only, and is not a public access easement.

Staff Comments:

1. Recreation and Conservation Commission Recommendation: Following the September meeting with Rec and Con, final site design and site grading was completed. The location that the Commission recommended for an easement is designed as a stormwater swale to collect water from lots 6, 7, 8 & 9 and direct toward the gravel wetland at the front of the site. A natural path for a pedestrian to avoid walking through a ripped (at points) swale would be for pedestrians to utilize the lot 7/8 driveway which could result in conflict between the residents of the subdivision. Where the intent of the recommendation from the Commission was to ensure access to the open space lot is provided for all residents, Staff recommends the utilization of the sidewalk along Viola Drive to the front of the site where residents can directly access the open space lot rather than crossing privately owned lands.
2. The applicant is requesting a waiver of §335-13.3.G(3) Design Standards for streets and private rights-of-way. Viola Drive is a private road that provides access and frontage to more than 3 lots and is therefore required to be designed to a Local Street Standard. The applicant is requesting to design the

road to private way standards with the understanding that Viola Drive will not be accepted as a public street unless/until the road is improved to meet the local street standards. City Staff have reviewed the request and are supportive of the waiver.

3. Sheet 4 – Open Space Table. The open space calculations cannot use the 15,603 sf overage on lot size with lot 1 to reduce the overall open space requirement for the cluster subdivision design. Final plan set should remove this to so the overall open space required for reduced lot to be 103,895 sf (88,292 sf shown).
4. Show location for cluster mailbox on plan – final location subject to review/approval by USPS
 - a. Mailbox will need to be accessed via Viola Drive and may not be placed along Methodist Road
5. Plan is showing a sign just north of the site entrance. Provide clarification – What is this sign and is it existing or proposed?
 - a. Sign may need to be relocated as it is in conflict with riprap inlet protection for 12” storm drain
6. Private trash removal is required as part of the project via Viola Drive for curbside toter pickup. No toters may be stored or collected along the Methodist Road right of way.
7. Methodist Road is under a moratorium until September 2024. No street openings are permitted until the required 5-year moratorium has expired.

Motion:

That the Planning Board approve the Subdivision/Private Way application for Methodist Home’s, LLC’s for a new Private Way, Viola Drive, to provide access and frontage for a 9-lot subdivision and an open space lot located at 680 Methodist Road. Tax Map: 009 Lot: 014 Zone: Rural District and the following findings of fact, conclusions, and conditions as stated on pages **15 through 18** of this Staff Memo dated February 3, 2023, which are adopted in support of this approval. Included with this approval is a waiver of §335-13.3.G(3) – Design Standards for streets and private rights-of-way to allow Viola Drive to be constructed to private road standards.

Subdivision – Finding of Fact

Standard	Finding
Pollution	Disposal of sewage will be via private septic systems on each individual lot. An HHE-200 will be required with each building permit submission.
Sufficient Water	Water Services are available within the Methodist Road right of way. An ability to service letter has been provided by PWD for the development.
Municipal Water Supply	Water Services are available within the Methodist Road right of way. An ability to service letter has been provided by PWD for the development.
Erosion	Adequate erosion and control measures are provided on the plan.
Traffic	Methodist Road has adequate capacity to accept the additional traffic generated by the development.
Sewage Disposal	Disposal of sewage will be via private septic systems on each individual lot. An HHE-200 will be required with each building permit submission. Test pits have been shown for each lot.
Municipal Solid Waste Disposal	Solid waste will be privately managed via a private toter curbside collection. All trash collection shall be via Viola Drive. No toter storage or collection is permitted along the Methodist Road right of way.
Aesthetic, Cultural and Natural Values	None known.
Conformity with City Ordinances and Plans	The proposed development conforms with City Ordinances for a cluster subdivision.

Financial and Technical Capacity	The applicant has provided a letter from Kennebec Savings Bank dated January 31, 2023 to demonstrate financial capacity. The applicant has retained the services of Sebago Technics which demonstrates technical capacity.
Surface Waters; Outstanding River Segments	The project site is not located within the watershed of any pond or lake, or within 250' of a resource.
Ground Water	Groundwater is not anticipated to be negatively impacted by the development.
Flood Areas	No flood areas have been identified on the site.
Freshwater Wetlands	All wetlands have been identified on the site.
Farmland	No farmlands have been identified on the site.
River, Stream or Brook	No river, streams or brooks have been identified on the site.
Stormwater	Stormwater management is provided internal to the development and will not result in an adverse impact to the Methodist Road right of way or abutting properties.
Spaghetti Lots Prohibited	The subdivision does not have shore frontage.
Lake Phosphorus Concentration	The subdivision is not located near or along a great pond.
Impact on Adjoining Municipality	The subdivision does not cross a municipal boundary.
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 July 23, 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. The Code Enforcement Officer shall not issue any permits until a plan has been approved by the Planning Board and a Mylar signed by the Planning Board. *Mylars must be submitted to the City within 90 days of Planning Board approval or the approval shall be null and void.*
3. Prior to any site disturbance or lot sales:
 - 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.
 - d. The applicant shall provide the digital data as required by §335-13 – verification with GIS coordinator.
 - e. An inspection fee shall be made payable to the City of Westbrook, for inspection of road/site improvements conducted by the appropriate City staff. This fee is required per Section 500.8 of the Land Use Ordinances in order to cover the costs of inspection of project related improvements - **\$23,420.83**
 - f. The applicant shall file a performance guarantee with the City of Westbrook. The amount of the guarantee shall be agreed upon in advance with the City of Westbrook and shall be of an amount to ensure completion of all on- and off-site improvements necessary to support the proposed project. **A performance guarantee in the amount of \$1,171,041.25 is required.**
 - g. Coordinate with the E911 Coordinator on addressing of lots on Viola Drive.
 - h. Coordination with CMP on light pole/fixture type and purchase
4. 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. Provide signed easement language for drainage easement to the City of Westbrook at Methodist Rd.
 - i. City attorney to review and approval language prior to signature of owner.
5. Prior to building permits issued or any combustible material brought onto the site:
 - a. The fire hydrant shall be installed, active and tested to the satisfaction of the Fire Department.
6. Prior to the First Lot Sold:
 - a. Provide copy to Planning Office of recorded Viola Drive association by laws & Declaration of Covenants and Restrictions
7. Prior to first Occupancy Permit issuance:
 - a. Conditions applicable to First Lot Sold must be addressed.
 - b. Final design/location of the Post Office delivery box to be approved of by the Delivery Postmaster for the area.
 - c. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval. (to include but not limited to sidewalks, lighting (installed & lit),

striping, signage (no parking, etc.), stormwater management features, off-site improvements as applicable in accordance with this approval, etc.)

- d. Road system must be base paved.
 - e. All water lines fully tested and approved.
 - f. Documentation of private curbside trash hauling and plowing services to be provided for all lots.
 - g. Documentation (signed contract) of maintenance contractor for Stormwater Best Management Practices.
 - h. All site improvements must be installed unless a performance guarantee amount is held in the amount of the remaining improvements.
 - i. Street signs, stop signs and stop bars installed.
8. Prior to commencing any work in the City Right-of-Way, the applicant must obtain a road-opening permit from the Public Works Department. No work is permitted within the right-of-way until Methodist Road is no longer under moratorium.
 9. Prior to release of the performance guarantee:
 - a. The site will be in compliance with the approved plan and as-built plan provided in City approved format for the GIS system in paper, mylar, dwg & pdf formats.
 - b. Any recorded easement documentation associated with the project.
 10. Catchbasins shall be set at base pavement during construction and brought up to final finish grade at the time final pavement is placed.
 11. Guardrails required at all points adjacent to 3:1 slopes. Determination of the need for additional guardrail are at the sole discretion of City Staff.
 12. All road drainage shall stay in gutter line and may not backfeed into unit driveways.
 13. Best management practices shall be adhered to during all ground disturbance operations. Additional BMPs may be required to address erosion and sediment control during construction. Determination of the need for additional measures are at the sole discretion of City Staff.
 14. 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.
 15. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
 16. Any requirements of the Portland Water District are conditions of this approval.

4. 2022.23 – Site Plan, Subdivision, Village Review – Maple Grove Subdivision - Avesta Housing & New Ventures, LLC

PUBLIC HEARING

Tax Map: 040 Lot: 135
Zone: City Center District; Village Review Overlay Zone
Use: Dwelling, Multiple Family

Project Description

The applicant is proposing 123-unit multifamily residential complex with site access from Main Street and Seavey Street. The Avesta Housing project is 61 units and the New Ventures, LLC project is 62 units.

Project History

June 23, 2022 – Neighborhood Meeting
July 5, 2022 – Planning Board Workshop
August 2, 2022 – Site Walk
January 10, 2023 – Village Review
February 7, 2023 – Public Hearing (Final Approval Not Requested)

Village Review

The Village Review Committee met on January 10th to review the project architecture. As part of the Village Review application, the applicant is requesting two waivers of Village Review Standards:

§335-7.1.G(1)(k) – To maintain visual vibrancy, 70% of facades facing streets shall be articulated with windows, transoms, signs, cornices and other coordinated architectural features

The intent of this standard is to avoid facades that provide large blank spaces that are visually uninteresting by breaking up the facades. Where the east elevation of the Avesta building is the only building with a façade directly facing a public street, it is the only façade where this standard applies. While the applicant does not technically meet this standard with the fenestrations that are proposed, the utilization of the different building materials and colors achieves the intent of the VROZ standard.

§335-7.1.G(1)(l) – Buildings with flat roofs shall have a defined cornice at the roofline to offer architectural aesthetic borders

The character of the Avesta building is intended to be reflective of the New venture building, but quieter and more simplified. The project focuses on providing ornamentation through horizontal banding that is coordinated with the material requirements of the siding products. The balance of the horizontal ornamentation is tied to the banding aligned to the window head heights and coordinated with the window shading on the south-facing façade.

The Village Review Committee was supportive of the proposed architectural design and provided a positive recommendation to the Planning Board in response to both waiver requests.

Staff Comments

Parking Requirements

Waiver of standard §335-13.6.B(1) – On-site parking standard

The application is requesting a waiver of the on-site parking requirement to provide less than the required 1 space per unit for the Avesta units based on an analysis provided by Avesta for parking utilization at other similar projects. Staff is supportive of this waiver request and find it is consistent with other waiver requests for income restricted projects that the Board has approved.

Waiver of standard §335-13.6.B(2) – Design of off-street parking – (Parking space size)

The project is proposing the utilization of 41 compact parking spaces located along the southerly property line and within the easterly section of the New Ventures parking lot. The City has not allowed any project to provide compact spaces instead of standard size spaces for the minimum number required by ordinance. In this instance, the applicant is asking for a third of the required parking to be sub-standard size spaces, which is substantive. With consideration that the project is also requesting a waiver to reduce the parking required to less than the 1 space/unit standard, Staff is concerned that this would result in the project not providing sufficient parking on the site and would result in overflow of parking on Seavey Street. We frequently see sites where vehicles are parked over the parking lines in standard size spaces thereby reducing available parking, and this would only be exacerbated with sub-standard size spaces. The request is based on the assumption that residents are primarily driving compact cars, which we do not have any data to backup such a request. In other neighboring communities, there is a requirement for 10% oversized parking due to the prominence of trucks/SUVs, not that we would agree with going in that direction, but is an indicator of car sizes in the region.

The City Center District has a lower parking standard than the rest of the community due to proximity to public parking options along Main Street, however this location is different in that it is not within a reasonable walking distance from a public parking option. This is a problematic set up for the winter months where overnight parking on Seavey Street is not permitted nor during snow events.

Further, the turning template provided by the applicant relies on the utilization of the compact parking spots for emergency access. Fire Department does not support this model due to concerns that emergency access would be blocked by the utilization of these spaces by a standard size vehicle.

As the City has not been provided with sufficient data to support the waiver request, City Staff (Engineering, Planning, Codes, Police and Fire) do not support the waiver request to reduce the parking stall width and depth for the 41 spaces as shown on the plan.

Staff recommends the applicant make the below stated adjustments to the plans to be compliant with City Ordinances for the phase I approval, with the anticipation of returning to the Planning Board for a Phase II process. During a Phase II review, the applicant can then provide documentation as to the actual utilization of the site to demonstrate that the site could be functional with the proposed number of compact spaces. A waiver request can then be considered at that time, but it is too early now.

- a. Compact spaces
 - i. Southerly stretch of 9 compact spaces along Avesta building – extend southerly toward RR Tracks to allow for 18.5’ depth and widen to 9’. Will result in loss of 1 space.
 - ii. New Ventures Parking lot – Row of parking along East side needs to be altered to remove the parking in front of snow storage area and afford a toter pick up location. Could place some angled spaces along this east side but need to strip off access to snow storage areas.
 1. Other thought would be to eliminate the East row altogether and place necessary parking for Phase I on Phase II footprint.
 - a. This would afford space for true snow storage, set back from fence line to avoid plowing over the fence, and a location for toters along this side.
 - b. Snow storage to East of New Ventures building is not feasible with location of building, & parking shown. (Transformer in close proximity.)

2. Once site is constructed, a true review of the parking situation can be conducted over time to view the lot and how it functions along with a survey of car size.
 - a. Does the lot require all the parking spaces?
 - b. Do the tenants have compact vehicles?
 - c. How is snow management handled and do you have sufficient room to operate without impacting adjacent properties?
 - d. If the answers to all these questions were favorable toward the installation of more compact cars, then the phase 2 layout could be adjusted to accommodate.
- iii. Extend/expand Compact space striping on east side of Stormwater filter to provide spaces to standard
- iv. Require construction of 20 spaces intended for “phase 2”
- v. Would support 9x18’ as standard parking spaces as a compromise.

Parking – Other Comments:

1. Verify middle parking spot on rear NV 1 building is 9’ width
2. Waiver of Parking Size for 41 parking spaces as proposed – Staff discussed this matter and unanimously stated that they would not support the request. This will be reported to the Board.
3. 90 Degree curbing around parallel spaces in some locations is difficult for access and for maintenance. Create 45-degree transition into end spaces to allow for better access and ability to plow out the parallel lines.
4. Two parallel parking spaces along driveway should be removed due to proximity to intersecting driveways. (Southeasterly spot by Stormwater BMP FP3, Northwest corner of New Ventures Ph 1 most northerly spot on street) These spot also cause sight blocks for cars to be able to see around due to their close proximity to the intersecting drives.
5. New Ventures parking under structure – ADA spaces show a post in middle of hatched area – trapping a person in the space if vehicles are on either side. Need to review ADA space’s locations. ADA access from building not clearly identified for tip down locations into parking lot. Cannot be at ADA hatching as shown with post in the way.

Drainage:

1. Use of Filterra system as above grade stormwater treatment are taking up land space - might consider subsurface stormwater (Stormtech) to assist with constraints.
2. How does the site function during construction to address drainage with the Filterra units?
 - a. Concern on these units being end of construction installation and no measures are utilized until that point which will create significant ponding internal to the site or flow off of site untreated.
 - b. Will need to show temp sediment basins on the E/S plan to function during construction until site is stable and filterras are installed.
3. Concern on OSC #1 rim elevation to ensure that water enters pipes vs overflow FP-1. Current design does not show a stabilized emergency overflow for FP-1.
4. There are no forebays for the filter ponds to be protected from siltation.
5. How does water enter filter units along the main driveway? Nyloplast units appear in curb line, provide detail on these systems. Grading is not clear.
6. C-108 – spot grades around driveway entrance to Lot 40-154 – unable to determine how water flows by this driveway or ensure that water does not backflow into driveway in post condition.
7. Provide survey at Main St Entrance – spot elevations.
8. Curb line break between Avesta II building and retaining wall – connect to retain all stormwater on site
9. Provide details on storm drain connection into Seavey St system and fit up at downstream end.

10. Discharge license for stormwater to pass through piping system of project from Seavey St
11. Question on routing of the existing storm line through the site – would it function better to place the line in the driveway vs routing so close to the building and through the parking area. Could reduce quantity of piping, eliminate redundant piping runs, or reduce size in back parking areas.
 - a. Placement of the concrete slab for the bike racks over the 30” drainage line is not advisable.
 - b. Location of 30” in close proximity (approx. 3’) to foundation of structure and the transformer pad – concern on how you work that deep in the future without undermining the New Ventures Building as the 30” is 10-12’ below grade.

Plan Revisions

1. Plan Sheet C-105
 1. Support structure (posts) appears to be in parking spaces. Please review. 4 spaces impacted.
 2. Where are ADA tip downs around parking area?
 3. Need code compliant handrail both sides of stairs from sidewalk to Avesta walkway.
 4. Limits of pavement resurfacing for trench work in ROW to be reviewed by Engineering Dept.
 5. Extend limits of sidewalk repaving to parcel limits.
 6. Crosswalk across Seavey to Oak Street – one side of the intersection – adjust Seavey St curb line & sidewalk on opposite side to be ADA accessible.
 7. Provide stop sign & bar at intersecting driveway with Seavey St.
2. Plan Sheet C-106 (please revise plans to be accurate cut lines for blow up versions for C-105, C-106)
 1. Plan is showing grading work & Erosion Control Measures on adjacent parcels without rights to do so. If you acquire easement rights, please provide those rights to be able to show this on a final plan.
 2. What does the Bridge look like?
 3. Curb parking ends by FP-1 to direct water to the CB and armor land around CB to address erosion.
 4. ADA tip downs for ped crossings
 5. Armor outlet from CB#1 into FP-1
 6. Provide stop sign & bar at intersecting driveway
3. Plan Sheet C-107
 1. Provide stop signs and bars for intersection points with driveways and internal parking lot access
 2. Crosswalk location crossing driveway to New Ventures – with necessary tip downs for crossing North-South and East west in this location, would move the NV crossing easterly to provide separation. Please indicate tip down locations and show transitions on plan.
 3. Show ADA tip downs in NV parking area
4. Plan Sheet C-108
 1. Continue Slip form curb along West side of access from Main St into the parking pod to the elevation point 69.5 as stated on plan.
 2. Provide stop signs and bars for intersection points with driveways and at Main St.
5. Plan Sheet C-109
 1. ADA route into buildings? Curbing does not indicate breaks for tip downs into the parking lot. Need breaks around the parking lot.
 2. Structure Posts in the way of ADA spaces.
 3. Is there a sidewalk along the building in front of the parking spaces? Unclear
 4. Fencing shown on Property line. Posts need to be on-site or you need easements on adjacent property.

5. Landscape plan shows trees in the island ends of the parking rows. The viable space for a tree to grow without being damaged during snow plowing is too narrow to place trees in these locations. Please review your plan and reconsider the landscaping proposed.

Fire Department Comments:

1. Raised concern on use of reinforced turf fire lane.
2. Westerly most parking/drive aisle needed for turning template to function but shown on plans that it is not proposed to be constructed until Phase 2 - Conflict in Turning Template.
3. BDA testing for both buildings
4. May need Third hydrant behind New Ventures building – FD to review
5. Concern on Parallel parking along road – fire lane access – need to designate Fire Lanes at Main Entrance Points to allow for access.
6. Compact angle spaces for Avesta – this area is dependent on those spaces being compact to make the turning templates work. Concern with the quantity of compact spaces that non-compact cars would block accessway to Avesta.

General Comments

1. Open space fee will be determined once unit count is finalized. Avesta is requesting a waiver of the open space requirement for the units that meet the 80% AMI threshold. This waiver is permitted by the Ordinance per...
2. Noticing fees for the 2/7 Public Hearing: \$148.40
3. Clarity needed on project ownership/management. Is this a partnership between the two entities or is a single LLC managing the property. If partnership – condo plat and draft association docs needed for LCEs. If single ownership/management – documentation of joint entity
4. Remove demo conditions from the proposed site plans.
5. Street sign in BLUE for name at Main and Seavey St
6. Detectable warning panels need to be cast iron panels – please provide detail on panel.
7. Lack of Guardrail protection for stockade fences along property lines where parking directly abuts (Seavey St sf house lots) and along Seavey St LLC property line where retaining wall creates drop off – need level of protection against plow/vehicular impacts in addition to visual barriers.
8. Any areas with grading greater than a 3:1 slope where cars or pedestrians are adjacent to must have guardrail along them.
9. Feasibility of construction of the retaining wall along Northerly property line without requiring an easement on the adjacent parcel? Footing/pad below wall would extend past wall face.
10. Driveways off Main St – No parking signs on both sides to keep driveway clear. At end of driveway – one way/no left turn to prevent wrong way traffic on Cumberland Mills
11. Provide a Sewer Table on utility page with slopes and elevations
12. Provide Catch Basin Detail with 2' sump.
13. Remove the utility plan (overall) from grading and e/c – difficult to read
14. Detail for Granite curb in Main St shows backed up with aggregate – require concrete fill
15. Mail room proposed to be internal to building – need review/approval from USPS
16. Codes comment: Mindful separation between units when lining up plumbing fixtures back to back. Will achieve fire rating easier when separating plumbing fixtures.

Materials required with final application submission.

1. Items needed with next submission (not complete list)
 - a. Survey Plan of parcel with surveyor stamp

- b. Site improvements Cost Estimate
 - c. Proposed Name for driveway
 - d. Financial capacity
 - e. MDEP Permit
 - f. Ability to Serve – Sewer
 - g. Lighting plan (photometrics) along with cut sheets on the proposed fixtures – please specify the lighting options you are selecting (provide the light specification designation for each fixture, not just a general sheet without the options/colors selected)
2. Provide a phase 1 plan set – can include 1 master plan for full buildout (future views) but the approval plan set should only show the final grading/ground treatment for phase 1 only and return as a plan amendment when ready. State ground treatment for the location of the Ph 2 structures – cannot be left as gravel, must be finished stabilization.
 3. Phased out e/c plan to match construction (Propose e/c plan that is realistic for the urban site)
 4. Two access points to Stockhouse – provide letter of agreement with Stockhouse owner to allow for construction of path and stairs on their lands.
 5. Solid Waste management plan is needed. In meeting it was stated that there will be an internal trash room with Toters (65 gal) – 16 toters
 - a. Quantity of toters with frequency of pick up needs to be looked at further. May need pick-ups more frequently.
 - b. Location for New Ventures toters to be brought out for pick up? There is no space except to block in parking lot and access aisles. Need an area to locate the toters outside of structure for pick up. Alternative thought is a dumpster.

Motion

Motion to continue the Site Plan, Subdivision, Village Review application for Avesta Housing and New Ventures, LLC to allow for the finalization of site design and issuance of all State Permits.

5. 2023.04 – Site Plan, Subdivision – 41 Arlington Avenue – Infinity Real Estate, LLC

WORKSHOP

Tax Map: 027 Lot: 046
Zone: Residential Growth Area 1
Use: Dwelling, Single-Family

Project Description

The applicant is proposing three new single-family structures located at 41 Arlington Avenue.

Project History

January 28, 2023 – Neighborhood Meeting
February 7, 2023 – Planning Board Workshop

Staff Comments

1. Noticing Fees: \$69.12
2. Open Space fee: \$1,508.00
3. The lot is a legal nonconforming lot due to road frontage and is permitted to develop per §335-3.5.B
4. Neighborhood meeting required prior to the 2/7 Planning Board workshop. Provide documentation of neighborhood meeting (attendance sheet and minutes) to Planning Department.
5. Opportunities to condense footprint and allow for more flexibility of site design
 - a. A triplex structure would maximize open space on site and pull all structures outside of areas of steep slopes. If this design is not feasible for the development team, consider a duplex + single-family orientation, which would allow for 15' – 20' separation between structures rather than 10'
 - b. Staff supports the reduction of driveway aisle width to 22' (24' shown)
6. Provide building elevations with final application. Explore opportunities to create variation between structures (color, etc.)
 - a. Building elevations shall comply with the standards of §335-3.6 Nonconforming lots in the RGA1 or RGA 2 districts. Final application shall provide documentation of structures within the “immediate neighborhood” as defined in the Nonconforming lots in RGA1 ordinance.
7. Each unit will require individual sewer service (cannot share/split laterals). Existing sewer service to be disconnect and capped at the main as part of the demolition of existing structure.
8. Clarification needed on final ownership – If units are proposed as a condo association – final application will require draft condo docs (Not necessary if project is proposed to remain under single-ownership (i.e. rental units))
9. Show e/c measures with final plan set.
 - a. Extra measures may be necessary to protect steep slopes during construction. Recommend pre-planning for contaminated soils during excavation. Provide a plan for stabilized construction entrance within tight area.
10. Provide a turning template to demonstrate adequate access is provided for emergency vehicles.
11. Guard rail required at end of drive aisle and at any location adjacent to a slope that is greater than 3:1
12. Revise plan to show a 10' setback along southerly property line
13. Extend driveway to provide stabilized (paved) walkway from porches to driveway
14. Project is eligible for public trash collection.
15. Show proposed mailbox location on final plan
16. Space and bulk table will need to show post construction conditions
17. Provide landscape plan with final application.
 - a. §335-3.6 requires one tree provided in front of each residential structure