



PLANNING & CODE ENFORCEMENT



Planning & Code Enforcement

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WESTBROOK PLANNING BOARD
Tuesday, May 3, 2022, 7:00 P.M.
Westbrook Middle School – Performing Arts Center
471 Stroudwater Street

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

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

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

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

Webinar ID: 817 0074 1385

AGENDA

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

REGULAR BUSINESS

3. **2021.12 - Site Plan, Subdivision, Shoreland Zoning – 216 Lincoln Street – WORG, LLC:** The applicant is requesting to provide an update for Phase 1 of the Rivermeadow Residential Development to comprise of 17 single-family house lots with frontage on a new public street, Nicklaus Lane; 12 single-family lots with frontage on Lincoln Street and access via a private driveway, Arnie’s Alley; and a 43.6-acre parcel to be conveyed as land conservation. Tax Map: 037 Lot: 001 Tax Map: 010 Lot: 002 Zone: Residential Growth Area 1, Lincoln Street Overlay District

NEW BUSINESS

4. **2022.13 – Amendment to the Land Use Ordinance – Contract Zone 1 – Millbrook Estates – Westbrook Housing Authority:** The applicant is proposing amended language to the Contract Zone to reflect current Low Income Housing Tax Credit standards and requirements.

WORKSHOP

5. **2022.14 – Conditional Use – 2 Stonewall Way – Joel Richardson:** The applicant is requesting a Home Daycare Use to care for up to 12 children located at 2 Stonewall Way. Tax Map: 021 Lot: 114 Zone: Residential Growth Area 2 Use: Home Daycare Provider
6. **2022.15 – Site Plan – Arthur P. Girard Columbarium Garden at Woodlawn Cemetery – City of Westbrook:** The City is requesting a columbarium garden to include four niche walls and an outdoor service area located within Woodlawn Cemetery. Tax Map: 009 Lot: 999 Zone: Residential Growth Area 1 Use: Cemetery

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: April 29, 2022

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

RE: May 3, 2022, Planning Board Meeting

-
1. **2021.12 – Site Plan, Subdivision, Shoreland Zoning – 216 Lincoln Street – WORG, LLC**
 2. **2022.13 – Amendment to the Land Use Ordinance – Contract Zone 1 – Millbrook Estates – Westbrook Housing Authority**
 3. **2022.14 – Conditional Use – 2 Stonewall Way – Joel Richardson – Home Daycare**
 4. **2022.15 – Site Plan – Arthur P. Girard Columbarium Garden at Woodlawn Cemetery – City of Westbrook**
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1. **2021.12 – Site Plan, Subdivision, Shoreland Zoning – 216 Lincoln Street – WORG, LLC**

REGULAR BUSINESS

Tax Map: 037 Lot: 001 Tax Map: 010 Lot: 002
Zone: Residential Growth Area 1, Lincoln Street Overlay District

Project Description

The applicant is proposing an overall Phasing Plan for the development of the Rivermeadow Residential Project including final approval of Phase 1 comprising of 17 single-family house lots with frontage on a new public street, Nicklaus Lane; 12 single-family lots with frontage on Lincoln Street and access via a private driveway, Arnie's Alley; and 5 condominium division lots which include the 43.6-acre parcel to be conveyed as land conservation (1C) and the future Westbrook Senior Housing project (1A). Total divisions created by this proposed approval are 34.

The applicant is still finalizing utility plans, street design and final DEP review/approval, however the applicant wished to provide the Planning Board with an update on the project. The applicant anticipates being prepared to submit for final approval this summer. A public hearing was held on October 5, 2021 and the applicant has agreed to waive the 30-day requirement for a decision by the Planning Board following a public hearing.

To achieve the transfer of the open space lot during the phase 1 construction period vs having to wait until the final phase of development, the applicant has provided a phasing plan with the number of units in the various phases to memorialize the units based on the overall lot size for density purposes. These future phases will be returning to the Board for further subdivision and site plan approval for each phase. With the transfer of the 43.6 acres of open space, the applicant has substantially exceeded the open space ordinance requirement which would be approximately 4 acres. The applicant has been working with PRLT on adjustments to the lot to achieve the intended goal of trail networks, such as expanding westerly side width along with trail easements internally to

work collaboratively on the future trail systems. The land along the Presumpscot has been a high priority of the City's to acquire for 10+ years. The City had been trying for years to purchase this high value area, but with this development team, they are offering these lands at no cost to the public for use in perpetuity. The concerns provided early in the Overlay Ordinance process on the value of these lands to the Public were heard by the development team and they have answered the concerns with this sizable donation to secure public access to the Presumpscot River.

The applicant will participate in Lincoln St roadway improvements related to the Sidewalk, curbing, and drainage along their side of Lincoln & Mayberry Streets. To partner with the City, the applicant is taking on the responsibility of the Full Roadway Construction Drawings for Mayberry (Nicklaus to Lincoln) and Lincoln (Mayberry to Bridge) within 6 months of approval of Phase 1. These Roadway construction drawings in conjunction with the applicant's utility extensions will provide the City with the information needed to secure future funding for the Lincoln Street Reconstruction project, which has been a deferred maintenance item for some time but will be supported by the efforts of this project which is how staff look at new development projects. We always ask ourselves, "How are there ways that this new project can address or improve current deficiencies in our transportation network?" The Rivermeadow project will participate in the Sidewalk System, Curbing and Drainage which is a substantive part of Lincoln St Reconstruction efforts.

Project History:

- April 8, 2021 – Neighborhood Meeting
- April 20, 2021 – Planning Board Workshop of Master Concept Plan
- August 3, 2021 – Phase 1 – Planning Board Workshop
- September 23, 2021 – Recreation and Conservation Commission
- October 5, 2021 – Public Hearing
- May 3, 2022 – Regular Meeting

Staff Comments:

1. Noticing Fees: \$236.60
2. Hydrants required at 800-foot intervals throughout development
3. Coordination with CMP for light pole type. CMP will need to purchase lights to ensure appropriate fixture.
4. Knox boxes required at all gates
5. Draft Conservation Easement needed for review by PRLT
6. Revise/Update roadway names on detail sheets
7. Typo – Forebay/LLS Details are included on C309. Callouts on C306 – C308 state C305.
8. Cast iron truncated domes required
9. ABS for Sewer, PWD & CMP
10. Coordination with CMP for light pole type. CMP will need to purchase lights to ensure appropriate fixture.
11. Landscape Plan
 - a. Coordinate with City Arborist on street tree type and location
 - b. Deep Root Root Control to be installed with all trees located adjacent to City sidewalk. Shown on landscaping plan – will also include as a COA
 - c. Update tree counts to be consistent with what is shown on plan (Nicklaus Lane – 10CC shown, 9 stated)
12. Lopez Drive
 - a. Additional erosion control measures may be required based on infield inspection and as it the sole discretion of City Staff.
 - b. Road to be constructed as gravel access drive. Condition of approval that Lopez Drive will be paved to typical roadway standards prior to the release of the performance guarantee.
 - c. Stop sign needed at Mayberry/Lincoln Intersection
13. Nicklaus Lane
 - a. Should sewer be stubbed for future development in the same manner the water is stubbed out?
 - b. Hammerhead on Nicklaus –

- i. Separate driveway for lot 9 not feasible with hammerhead on easterly side of road.
Layout does not provide adequate space for snow storage.
 - 1. If utilizing a shared driveway for lots 8 & 9, flexibility with maximum driveway width (22' for typical sf home) may be approved by Public Services.
- ii. May need additional ROW for snow storage location? Verify with Eric.
- iii. Consider cul-de-sac to avoid issues for future plowing/maintenance
- c. Trash and snow removal is responsibility of developer until such time that the street is accepted as public. Staff recommends providing a contract with Casella and reimburse City to include the street with the City route with City totes
- d. Show pull off area for mail delivery/pickup
- e. One side of Nicklaus Lane (sideway side) posted No Parking
- f. Drainage
 - i. Grading for lots 1 and 10 are project specific to overall street grading plan for Nicklaus. Final grading required as part of project. Individual surface drainage plans for remainder of lots required prior to building permit issuance for each lot.
- g. Draft HOA documents for needed in event the street is not accepted as public. Documents should address street maintenance, snow removal and trash removal.

14. Arnie's Alley

- a. Provide lighting for visitor parking pods
- b. Extend sidewalk full length of Arnie's Alley
- c. Recommend slip form concrete curb (Bituminous shown on plan)
- d. Hydrant may be needed on Arnie's Alley to serve Condo 1B if any structures are located more than 800 feet from the hydrant located on Lincoln Street
- e. Transformers labeled for emergency shutoff
- f. Signage
 - i. 5-minute parking sign – place directly adjacent to the pull off (next to cluster mailbox) so it is clearly identifying that area as limited parking
 - ii. May need 1-2 additional no parking signs so it is clear this is for the full length of drive.
 - iii. No parking both sides – explore signage at Lincoln Street intersection “No parking full length”
- g. All single-family homes shall front toward Lincoln Street and be accessed via Arnie's Alley. Maximum setback from Lincoln Street for principal structure is 30'.
- h. Surface drainage plan required with each sf house lot

15. Arnie's Alley Association – General question on intention for association. As previously submitted, association included only the single-family house lots with full responsibility of the maintenance/snow removal for Arnie's Alley. It would seem the association should include all lots/units that are within this subphase of development.

- a. Revise docs to be inclusive of the future 8-units, condo #1B, (or any future development that has access to/over Lopez) for costs associated with Snow/Trash Removal and Maintenance of Lopez Court.
- b. Trash removal plan needed for Arnie's Alley Association – include with association documents.
- c. Maintenance of Stormwater BMPs (filter bed 1 & filter bed 2)
- d. Is there a responsibility of “subphases” for a portion of the maintenance of the wet pond? How will this be managed at full buildout?

16. Lincoln/Mayberry Reconstruction

- a. Sidewalk/Street design
 - i. Sidewalk/Street design to be completed as part of a condition of Phase 1 approval. Sidewalk/Street design to be submitted to City within 6-months of the date of Planning Board approval or prior to the issuance of first occupancy permit.

- ii. Edit Note #5 Sheet C101 (and all other sheets that this note resides on) to state “For Phase 1 of the Rivermeadows project, the developer shall be responsible for the survey and design of the street reconstruction within 6 months of receipt of approval. 50% of the cost for the survey and design of the street reconstruction project shall be allocated against the developer’s share of the project (sidewalk including curb and drainage) when constructed.”
 - iii. Recommended Condition of Approval - If no future phases are submitted to the City for approval within 2 years of the approval of phase 1, the applicant is responsible for the construction of the sidewalk system (inclusive of drainage) along Mayberry from Nicklaus to Lincoln, and along Lincoln St from Mayberry to Lopez. If the developer does not move forward with the work within 6 months of the 2-year anniversary, the City shall use the performance guarantee to complete the work.
 - a. Slipform Concrete curbing acceptable; Granite curbing required along Lincoln Street radius with Bridge Street
- 17. Performance Guarantee may be utilized to be cover costs associated with the engineering design of Mayberry and Lincoln Streets as well as the construction of a sidewalk as described in note 18c.
 - a. The City will hold the project’s overall performance guarantee to ensure that the City Street sidewalk system is fully constructed from Nicklaus to Lincoln along Mayberry Street, and Mayberry to Bridge along Lincoln Street. No reduction in the overall performance guarantee amount will be allowed, unless the developer wishes to provide a secondary performance guarantee for the City Street sidewalk, curbing and drainage associated with the Rivermeadow project (cost estimate to be provided as part of the design package). This secondary performance guarantee will then release the overall project’s performance guarantee from that obligation.
- 18. Easements need to be provided to the City for flowage rights from CB-8 (terminus of public infrastructure) to wetpond
 - a. Final Location of CB-8 TDB – Possibility of shifting easterly so it is located within the ROW? Item needs further review by Public Services.
 - b. Easement shall be specific to include the ability for, but not the obligation of, maintenance of pipe.
- 19. Lincoln Street/Arnie’s Alley drainage easements
 - a. 15-foot width shown – verification with Public Services on width required
 - b. Easement required for 24” storm drain beginning in front of Lot 19 and out letting over Condo #1B area.
 - c. Clarify easements on C203 (i.e., 15’ easement to benefit lots 17-22)
 - d. Draft language needed for all easements. All easement to City shall be specific to include flowage rights and the ability for, but not the not obligation of, maintenance.
 - e. Existing CPP pipe in front of Lot 27 - Will this require additional grading/piping/easements along the Lot 27/28 Property line. If so – consider possibility of consolidating drainage along Lincoln Street to collect from Lot 25 southerly to outlet past the intersection with Lopez Court into conservation lands and avoid multiple public easements through private properties.
- 20. Sewer Comments (Black are October comments, Italicized red responses from Sewer dept)
 - a. SMH 6 on Nicklaus needs to be insulated, have the channel lined and have a 30-inch cover for access since it is shallow.
There are no notes on insulating the channel or that there needs to be a 30-inch cover for access.
 - b. SMH 2 on Mayberry also shallow and will need the same treatment as SMH 6.
There is insulation on the pipes but no notes on insulating the channels and the bigger cover again.

- c. Provide a reference elevation for grading on ends of cross culverts in Lincoln Street so we can make sure they will not be buried.
Concern on how flat the slope is from the cross culvert to DMH8.
- d. Piano keys should not be used for City crosswalks. The City prefers two 6” stripes with a 5-foot crosswalk in between the striping.
A striping plan will need to be provided.
- e. Where are the nyoplast structures going?
Please clarify as the plans are still unclear.
- f. *What is the purpose of SMH 19, SMH 20 and SMH21? 20 and 21 are considered shallow manholes again and would need the same treatment as SMH 6 and SMH 2. These will be private but still in danger of freezing.*
- g. *What is the sewer duplex pump station for? Where is that?*

Motion:

The that Planning Board continue the application for Rivermeadows Residential Development to finalize site design and obtain all required State permits.

2. 2022.13 – Amendment to the Land Use Ordinance – Contract Zone 1 – Millbrook Estates – Westbrook Housing Authority

PUBLIC HEARING

Tax Map: 012 Lots: 010 and 010B

Ordinance Description:

The applicant is proposing amended language to the Contract Zone to reflect current Low Income Housing Tax Credit standards and requirements.

Ordinance History:

May 3, 2022 – Public Hearing

Staff Comments:

The City of Westbrook approved an application for a De Minimis Site Plan Amendment for the Millbrook Estates project to allow for changes to the exterior facades and minor site amendments associated with a larger rehabilitation of the Phase 1 portion of the Millbrook Estates project. Following this approval, the City was approached by Westbrook Housing Authority after language within the Contract Zone was identified as problematic in finalizing funding for the rehabilitation (see memo from Drummond Woodsum dated 3/30/2022). Westbrook Housing is thereby requesting an amendment to the Contract Zone language to clarify property ownership and affordability requirements.

In looking at the language of the Contract Zone, Staff identified several other issues in the Contract zoning language that were conditions of the original site plan approvals for the developments of Phase 1 and Phase 2. Many of these conditions have been completed and are therefore no longer applicable or necessary within the Ordinance. Therefore, in addition to the amendments requested by Westbrook Housing, Staff is also recommending several amendments to remove outdated language and reorganize the Contract Zone to be consistent with the structure of other Zoning Districts and proper ordinance organization. The edits have been reviewed by the applicant and they take no issue with the proposed changes.

A summary of amendments as recommended by Staff are as follows:

1. Purpose Statement – Added Lot 010B to be inclusive of both phases
2. Strike sections D, F, H and K – These items are specific to the review process and are no longer applicable or have been completed
3. Rewrite Sections C and E in typical Dimensional Requirement format
4. Section I – revise “Sidewalks shall be installed” to state “maintained”
5. Section J – Instead of stating the term for Phase 1 shall be 90 years from 2022 with recognition this restriction has been valid since 1991, could we state, “for a term of not less than 120 years from November 1, 1991”?
6. Renumbering of sections to account for abovementioned changes & titling of sections to be in proper code format.

Motion:

Motion to recommend to City Council the attached Land Use Ordinance Amendment for Contract Zone 1 – Millbrook Estates to remove outdated language, reflect current Low Income Housing Tax Credit standards and requirements and be consistent with the layout and structure of other Zoning districts.

3. 2022.14 – Conditional Use – 2 Stonewall Way – Joel Richardson

WORKSHOP

Tax Map: 021 Lot: 114
Zone: Residential Growth Area 2
Use: Home Daycare Provider

Project Description:

The applicant is requesting a Home Daycare Use for up to 12 children which would be in the existing residential structure at 2 Stonewall Way.

Ordinance History:

May 3, 2022 – Planning Board Workshop

Staff Comments

1. Noticing fees due: \$35.00
2. Need to show location of fenced in play yard – minimum of 50sf per child required. (600sf of area required for approval up to 12 children) Playground needs to be fenced in prior to approval of Conditional Use by the Planning Board with a minimum of 4-foot fence.
3. Provide clarity on number of employees to determine off street parking requirement
4. Show number and location of off-street parking spaces
5. Provide updated septic design sized for 3-bedroom house with ADU or 3-bedroom house and a daycare. Completed HHE-200 form needed prior to Planning Board approval.
6. Review and approval are for Land Use permit *only*. All other state and local permits, including a certificate of occupancy from the Code Enforcement Officer, is required prior to the marketing/opening of the daycare.
7. Provide clarity on location of the daycare in the structure.

Board Action

1. Provide feedback to applicant and Staff

4. 2022.15 – Site Plan – Arthur P. Girard Columbarium Garden at Woodlawn Cemetery

WORKSHOP

Tax Map: 009 Lot: 999
Zone: Residential Growth Area 1
Use: Cemetery

Project Description

On December 6, 2021, The City Council accepted a \$500,000 donation from Arthur P. Girard toward the establishment of the Arthur P. Girard Columbarium Garden located within Woodlawn Cemetery, to allow for a dedicated location in the cemetery for cremation interment. The project includes 4 double sided niche walls and will also include a section that is dedicated to Veterans. Also included with the project is a garden, seating area and area that could be utilized for outdoor services.

Project History

April 19, 2022 – Neighborhood Meeting
May 3, 2022 - Planning Board Workshop

Staff Comments

1. Provide the following elements with final submission
 - a. Boundary survey
 - b. Site Plan
 - i. Final plan requires PE stamp
 - ii. Include all grading and utilities
 - iii. Show e/c measures
 - c. Landscape Plan with final submission

Board Action

Provide feedback to Applicant and Staff