



Planning & Code Enforcement

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PLANNING & CODE ENFORCEMENT

WESTBROOK PLANNING BOARD
Tuesday, October 5, 2021, 7:00 P.M.
Westbrook Middle School – Performing Arts Center
471 Stroudwater Street

AGENDA

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

REGULAR BUSINESS

3. **2020.41 – Site Plan, Subdivision, Conditional Use – Brooks Edge Farm Subdivision – Wormell Farm, LLC:** The applicant is proposing a land division of the previous Wormell Farm and a 118-unit subdivision comprising of 58-duplex units with access along Brook Street. Tax Map: 016 Lot: 002 and Tax Map: 019 Lot: 029 Zone: Residential Growth Area 2

NEW BUSINESS

4. **2021.12 - Site Plan, Subdivision, Shoreland Zoning – 216 Lincoln Street – WORG, LLC – Public Hearing:** The applicant is proposing an overall Phasing Plan for the development of the Rivermeadow Residential Project including final approval of Phase 1 comprising of 16 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, Lopez Court; 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 Use: Dwelling, Single-Family.
5. **City Planner Business – Public Hearing**
Discussion and approval of the Planning Board Remote Participation Policy



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PLANNING & CODE ENFORCEMENT

DATE: October 1, 2021

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

RE: October 5, 2021, Planning Board Meeting

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1. **2020.41 – Site Plan, Subdivision, Conditional Use – Brooks Edge Farm Subdivision – Wormell Farm, LLC**
 2. **2021.12 – Site Plan, Subdivision, Shoreland Overlay Zone – 216 Lincoln Street – WORC, LLC**
 3. **City Planner Business – Remote Participation Policy**

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1. **2020.41 - Site Plan, Subdivision, Conditional Use – Brooks Edge Farm Subdivision – Wormell Farm, LLC**

REGULAR BUSINESS

Tax Map: 016 Lot: 002
Tax Map: 019 Lot: 029
Zone: Residential Growth Area 2
Use: Dwelling, Two-Family

Project Description:

The applicant is proposing a land division of the previous Wormell Farm parcel and a 118-unit subdivision comprising of 58-duplex units with access from Brook Street. This proposal does not include any development of the land area off of Bridgton Road.

Project History:

November 30, 2020 – Neighborhood Meeting
December 1, 2020 – Planning Board Workshop
August 3, 2021 – Public Hearing
October 5, 2021 – Regular Meeting

Staff Comments:

1. Noticing Fees - \$222.75
2. Open Space Fees will be due prior to site disturbance/permit issuance. \$59,203
3. Road names: Minnow Brook Road is not available – provide alternative road name.
 - a. All other proposed road names have been reviewed/accepted by E-911
4. Cost estimate to be inclusive of the following elements
 - a. As-builts; site lighting; signage; cleanup; and updated site design
5. Financial capacity letter must be provided from a financial institute. Letter from LLC is not acceptable.
6. Application pending DEP approval. No approvals from Planning Board may be provided without DEP approval. 10/5 Meeting with the Planning board is for comment purposes only

7. Overall Subdivision Plan - Utility easement needed over Lot 3 to benefit Lot 2; show on plan
8. Phasing Plan
 - a. Phasing Plan should include project timeline. Amendments can be requested of the Planning Board to the phasing schedule.
 - b. If phase 1 ends at pump station, then the turnaround needs to be widened to operate at the end of the roadway to provide emergency vehicles the ability to turn around.
 - c. More information needed on phasing the construction of stormwater BMPs
 - d. Review phasing plan and provide a plan to protect built ponds during future phases under construction (for Phase 1 wet pond; Phase 3 future construction – how will you protect the wet pond from the phase 3 construction. Show on e/c plan.)
 - e. USF-1 – When will this be built? With phase 1 or phase 4? If phase 1, show how to protect during phase 4 construction
9. Provide palate of color samples for units.
10. Turning template for full development needed to demonstrate emergency access
11. Guard rails shall be provided at along driveway sides or ends adjacent slopes greater than 3:1
 - a. Log rail barrier may be acceptable at terminus points only. Edge of roadway requires metal guardrail. (suggest Cor-10 vs galvanized)
12. Forebay Detail – Provide riprap berm at open end of forebay to slow down flow to retain silts.
13. Railing may be required at top of retaining walls around site if wall height is 30” or more as measured at an offset point of 3-feet from the base of the retaining wall
14. Cleanouts needed for UDSFs
15. Verify following unit FFEs:
 - a. Unit 9/10 – appears low
 - b. 33/34 and 35/36 – 4’ driveway grading differentials – is this accurate?
 - c. 56/57 – Garage FFE missing
 - d. 73/74 typo on Garage – should be 65.00’?
 - e. 77/78 – Garage FFE?
16. Grading & Drainage Plan – 3
 - a. Missing topo lines around units 33/34
 - b. Label topo within “Minnow Brook Road” – unable to determine elevations in road
17. Extend sidewalk on “Minnow Brook” (to be renamed) to crosswalk at intersection with Laurel Ridge
18. Laurel Ridge (west) truncated dome needs to be shifted to be in line with the crosswalk
19. Crosswalk at Laurel Ridge and Minnow Brook not necessary (does not provide sidewalk connection)
20. Sewer
 - a. Provide 3rd party inspector for e/c and maintenance of ponds.
 - b. Sewer details – error - shows two inlets and no outlet. Review details for final plan set
21. Landscaping
 - a. Recommend utilizing landscaping to create a gateway to the development from Brook Street. Line of arborvitae does not appear to be in line with this gateway, though some may be beneficial to create a backyard space for the first unit.
 - b. Provide Residential scale detail on unit landscaping
22. Condition of approval to state: All driveway drainage must stay in gutter line and cannot back feed into unit driveways – include driveway detail with the final plan set.
23. Performance guarantee required for entire project – Providing a phased performance guarantee would not be accepted.

Actions for the Board:

The that Planning Board continue the application for Brooks Edge Farm Subdivision to finalize site design and obtain all required State permits.

2021.12 - Site Plan, Subdivision, Shoreland Overlay Zone – 216 Lincoln Street – WORG, LLC

PUBLIC HEARING

Tax Map: 037 Lot: 001

Tax Map: 010 Lot: 002

Zone: Residential Growth Area 1, Lincoln Street Overlay District, Shoreland Zoning – LC & RP

Use: Dwelling, Single-Family; Dwelling, Two-Family

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 16 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, Lopez Court; and a 43.6-acre parcel to be conveyed as land conservation.

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 as the project has revised the layout to incorporate more house lots along Lincoln Street (previously a condominium style development) as well as present the Phasing and Open Space plans to the Board prior to returning to request final approval. The applicant anticipates being prepared to submit for final approval later this fall/early winter. As this public hearing is at the request of the applicant to garner feedback from the Planning Board, the applicant is aware and in agreement 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 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 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 ordinance requirement of approximately 4 acres. The applicant has been working with PRLT on adjustments to the lot to better 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. This area along the Presumpscot has been a high priority to acquire for the City 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 for no cost to the public for use in perpetuity. The concerns heard 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 that concern with this sizable donation to secure public access to the Presumpscot River.

The applicant will participate in Lincoln St 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 will 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 we always look at new developments. We always ask ourselves, "How are there ways that this new project can address or improve current deficiencies in our transportation network?" This 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

Recreation and Conservation Commission Comments

Following a review at their meeting on September 23, 2021, the Recreation and Conservation Commission provided a vote in support of the open space plan to convey 43.6 acres for land conservation and light recreation (trail) with the following recommendations:

- The Recreation and Conservation supports the request from PRLT for an access/parking easement to be provided over the 58 Lincoln Street parking lot
- The Recreation and Conservation Commission supports widening the width of the land conveyance along the northerly property line to the greatest extent practicable.
- The current open space proposal satisfies the open space requirement for development within the parameters of the phasing plan (28 single family house lots and 330 condo/multi-family units). Although further open space review by the Commission is not required during subsequent site plan/subdivision review by Ordinance, the Recreation and Conservation Commission recommends the applicant present each phase during the applicable site plan review for comment by the Commission on internal trail layout, including connectivity with any future trails on the conserved lands, as well as private recreational amenities as discussed during the 9/23/2021 meeting (examples: community gardens, dog park, etc.).

Staff Comments:

1. Noticing Fees - \$385.76
2. DEP permit still in process - DEP permits required prior to approval by Planning Board.
3. Subdivision Plan should be revised to state "Lot 29 (or 30, if lot sequencing changes) to be donated and conveyed for conservation and passive recreation"
4. Utility Plans and Drainage Easements are currently under City Engineer/Public Services review. Applicant to finalize all utility plans and boundaries of public easements prior to final review by the Planning Board.
5. Ability to Serve from PWD
6. Ability to Serve from CMP
 - a. Recommend early coordination with CMP on design and feasibility of providing power to the agriculture business, Lopez Court lots and future condo development from existing pole feed.
7. Palmer Road
 - a. Condition of approval that Palmer Road will be paved to typical roadway standards prior to the release of the performance guarantee.
 - b. Provide a Paved apron from Lincoln/Mayberry intersection to at least past the emergency connection with Lopez Court
8. Nicklaus
 - a. Hydrants required at 800-foot intervals. Recommend hydrant design takes into consideration connectivity with future phases
 - b. Hammerhead on Nicklaus – ROW needs to be extended to allow room for snow storage within the public right of way.
 - c. Building envelopes should be adjusted to be consistent with proposed tree line/edge of wetland.
 - d. Provide a no parking sign at end of hammerhead and along one side of the road.
 - e. Mail Delivery - Current direction from USPS has been a preference for cluster mailboxes. Show proposed mailbox location on plan. Final location subject to approval by USPS.
 - f. Provide draft HOA documents needed in event the street is not accepted as public.
9. Lopez Court
 - a. Visitor parking needed as part of Phase 1
 - b. Signage – no parking within travel way
 - c. Provide sidewalk on westerly side of Lopez to connect with the future Lincoln Street sidewalk system

- d. Easements over lots 17 – 28 should benefit all lots (shown on plan as ‘to benefit condominium #2).
 - e. Provide paved emergency connection to Palmer Way.
 - f. Hydrants along Lopez at 800-foot intervals.
 - g. Mail Delivery - Current direction from USPS has been a preference for cluster mailboxes. Show proposed mailbox location on plan. Final location subject to approval by USPS. (Consider future condo phase in mailbox layout)
10. Lopez Court Association – General question on intention for association. As written, association includes only the 12 single family house lots with full responsibility of the maintenance/snow removal for Lopez Court. 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 10-units, condo #2, (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 Lopez Court 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?
11. Phasing Plan
- a. Phasing plan to include general timing of future phases (this can be amended as part of future phase approvals).
 - b. Final approved phasing plan to be recorded at CCRD
 - c. Reference Phasing Plan as plan note on subdivision
12. Streetlights – At minimum, a streetlight should be located at all intersection points and road termini. Staff will provide detail on City Lights. Additional lighting in Lincoln may be required as part of future phases
13. Street signage required throughout development (in conjunction with stop signs, where appropriate)
14. Proposed street names pending E-911 review. Recommend selecting 1-2 backup names in the event they are needed. (Palmer not acceptable)
15. Landscaping
- a. Typo - PA/PM in table
 - b. Nicklaus Street trees need to be located within the ROW
 - c. Tree species need to be reviewed by City Arborist
 - d. Update tree counts to be consistent with what is shown on plan
16. Knox boxes required on emergency gates
17. Staff recommends the project be responsible for the construction of the trail on PRLT lands located directly adjacent to the stormwater berm. Final determination of trail location, material, and design to be included with the final plan set.
18. Sidewalk/Street design
- a. 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.
 - b. 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.
19. 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 Lincolns 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.

Motion:

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

3. City Planner Business – Remote Participation Policy

PUBLIC HEARING

Policy Description:

The Planning Board previously adopted a remote meeting policy on April 7, 2020, due to the pandemic conditions at the time. Remote and hybrid meetings occurring during that time were only permissible under Governor Janet Mills' declared State of Emergency, which expired on June 30, 2021. Following the end of the State of Emergency, the Legislature passed a law to allow remote participation in public meetings on a permanent basis but only under limited circumstances. Under this new law, the default for all meetings shall remain in person, however meetings may be held on a remote basis in the case of an emergency as determined by the Chair of that meeting in conjunction with the Mayor. Additionally, individual Board members may attend an in-person meeting remotely (hybrid meeting) in the case of an illness or temporary absence that causes that Board member significant difficulty in traveling to a meeting. Board members participating remotely shall count toward a quorum.

This new law also states that if a Board member intends to attend a meeting remotely, members of the public must be provided with a meaningful opportunity to participate remotely as well. In the instance of an agenda that includes a public hearing, the City must notice the public hearing with all participation methods available. Therefore, the decision to hold a hybrid meeting must be made 3 weeks prior to a Planning Board meeting date to work within the legal timeframe of noticing requirements. Also, fully in-person meeting cannot transition to hybrid status unless sufficient time is available to re-notice the meeting.

There are some concerns with rules as they are laid out by the legislature. If we post a meeting as hybrid and the Zoom functionality doesn't work, then the entire meeting must adjourn which would postpone approvals. These are things we will need to be cognizant of in the future. This hybrid functionality is dependent on a Board member requesting remote status. If no Board member request remote status, then we do not need to offer remote access for that meeting.

Therefore, we will be looking to have an earlier reach out to Board members to verify Member's status as being "in-person" or "remote" for an upcoming meeting in advance of posting agendas and abutter notifications.

City Council reviewed and adopted a remote participation policy at their September 13, 2021, meeting. The policy in front of the Planning Board is a modified version of what City Council adopted to remain consistent with City procedures.