



## Planning & Code Enforcement

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

### PLANNING & CODE ENFORCEMENT

#### WESTBROOK PLANNING BOARD TUESDAY, MARCH 16, 2021, 7:00 P.M.

Performing Arts Center  
Westbrook Middle School  
471 Stroudwater Street, Westbrook

**Enter Building from Street side (Performing Art Center Entrance)**  
**Masks are required to enter building as well as proper physical distancing**  
**Meeting attendance is capped at 50 attendees**

#### AGENDA

1. **Call to Order**
2. **Approval of Minutes**
3. **2020 Chair Report**
4. **Election of Officers**

#### REGULAR BUSINESS

5. **2020.35 – Site Plan, Subdivision Extension Request – 35 Seavey Street – RMC Properties, LLC:** The applicant is requesting a one-year extension on the May 5, 2020 approval for a 4-lot subdivision including 3-duplex lots with frontage along Seavey Street. Tax Map: 040 Lot: 135 Zone: City Center District Use: Dwelling, Two-Family

#### NEW BUSINESS

6. **2021.02 – Amendment to the Land Use Ordinance - §335-1.8 – Definitions §335-5.9 Gateway Commercial District §335 Attachment 1, Table 1: Land Use Table – Dirigo Center Developers, LLC – Public Hearing:** The proposed amendment clarifies the definition of Medical Office, creates and defines a new use ‘Medical/Diagnostic Center’ and adds the uses Hospital and Medical/Diagnostic Center as permitted uses in the Gateway Commercial District
7. **2020.39 – Site Plan, Subdivision, Conditional Use – 511 Bridge Street – Chase Custom Homes & Finance – Public Hearing:** The applicant is proposing a 9-unit subdivision consisting of 3-duplex units and 1-triplex unit. This application supersedes the previously approved 100-child daycare facility proposed at the same location. Tax Map: 048 Lot: 046 Zone: Residential Growth Area 2 Use: Dwelling, Two-Family; Dwelling, Multiple-Family

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

8. **2020.40 – Site Plan, Subdivision, Conditional Use – 98 East Bridge Street – Chase Custom Homes & Finance – Public Hearing:** The applicant is proposing a 3-unit subdivision consisting of a single triplex unit located at 98 East Bridge Street. Tax Map: 048 Lot: 074 Zone: Residential Growth Area 2 Use: Dwelling, Multiple Family
9. **2020.37 – Site Plan, Subdivision, Conditional Use – 364 Spring Street – Flagship Spring Street, LLC – Public Hearing:** The applicant is proposing a 22-unit subdivision, associated parking and site improvements. Tax Map: 008 Lot: 008 Zone: Residential Growth Area 1 Use: Dwelling, Two-Family, Dwelling, Multiple Family
10. **2020.34 – Site Plan – 619 Bridgton Road – Audet Enterprises – Public Hearing:** The applicant is proposing 4,224 sf commercial building for use by a landscape and property maintenance facility to include a storage area for equipment and materials. Tax Map 018 Lot 029B Zone: Prides Corner Smart Growth Area Use: Service Business
11. **2021.03 – REFERRAL FROM CITY COUNCIL - Land Use Ordinance Amendment - §335-1.5 Zoning Change – City of Westbrook – Public Hearing:** The proposed amendment revises the notification requirements for amendments to the Land Use Ordinance to more closely align with the processes of other municipalities while upholding standards set forth by State Statute. The proposed amendment does not alter or otherwise change the notifications requirements for Site Plan, Subdivision or Conditional Use review.
12. **2021.04 – REFERRAL FROM CITY COUNCIL - Land Use Ordinance Amendment - §335-1.8 – Definitions §335-1.6 Contract Zoning – City of Westbrook – Public Hearing:** The proposed amendment incorporates the terminology of “Conditional” Zoning to the Contract Zoning process.

#### WORKSHOP

13. **2021.05 – Site Plan - 2 Chabot Street – Camp Commercial Real Estate, LLC:** The applicant is proposing a new 17,466 commercial truck service facility affiliated with the existing automobile dealership, Rowe Ford, located at the intersection of Larrabee Road and Main Street. Tax Map 047 Lot: 201 Zone: Gateway Commercial District Use: Automobile Repair Service
14. **2021.06 – Site Plan, Conditional Use - 90 Riverside Street – Atlantic Regional Federal Credit Union:** The applicant is proposing a new 3,000 square foot commercial structure with associated parking and drive-thru teller lanes on an existing vacant site. Tax Map 042A Lot: 010B Zone: Gateway Commercial District Use: Bank Class 1



## Planning & Code Enforcement

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### PLANNING & CODE ENFORCEMENT

DATE: March 12, 2021

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

RE: March 16, 2021 Planning Board Meeting

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1. **2020.35 – Site Plan, Subdivision Extension Request – 35 Seavey Street – RMC Properties, LLC**
  2. **2021.02 – Amendment to the Land Use Ordinance - §335-1.8 – Definitions §335-5.9 Gateway Commercial District §335 Attachment 1, Table 1: Land Use Table – Dirigo Center Developers, LLC**
  3. **2020.39 – Site Plan, Subdivision, Conditional Use – 511 Bridge Street – Chase Custom Homes & Finance**
  4. **2020.40 - Site Plan, Subdivision, Conditional Use – 98 East Bridge Street – Chase Custom Homes & Finance**
  5. **2020.37 – Site Plan, Subdivision, Conditional Use – 364 Spring Street – Flagship Spring Street, LLC**
  6. **2020.34 – Site Plan – 619 Bridgton Road – Audet Enterprises**
  7. **2021.03 - Amendment to the Land Use Ordinance - §335-1.5 Zoning Change – City of Westbrook**
  8. **2021.04 - Amendment to the Land Use Ordinance - §335-1.6 Contract Zoning & §335-1.8 – Definitions – City of Westbrook**
  9. **2021.05 – Site Plan - 2 Chabot Street – Camp Commercial Real Estate, LLC**
  10. **2021.06 – Site Plan, Conditional Use - 90 Riverside Street – Atlantic Regional Federal Credit Union**

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1. **2020.35 – Site Plan, Subdivision Extension Request – 35 Seavey Street – RMC Properties, LLC**

#### **REGULAR BUSINESS**

Tax Map: 040 Lot: 135  
Zone: City Center District  
Use: Dwelling, Two-Family

#### **Project Description**

The applicant is requesting a one-year extension on the May 5, 2020 approval for a 4-lot subdivision including 3-duplex lots with frontage along Seavey Street. **See letter from applicant**

#### **Project History**

February 29, 2020 – Neighborhood Meeting  
March 3, 2020 – Planning Board Workshop

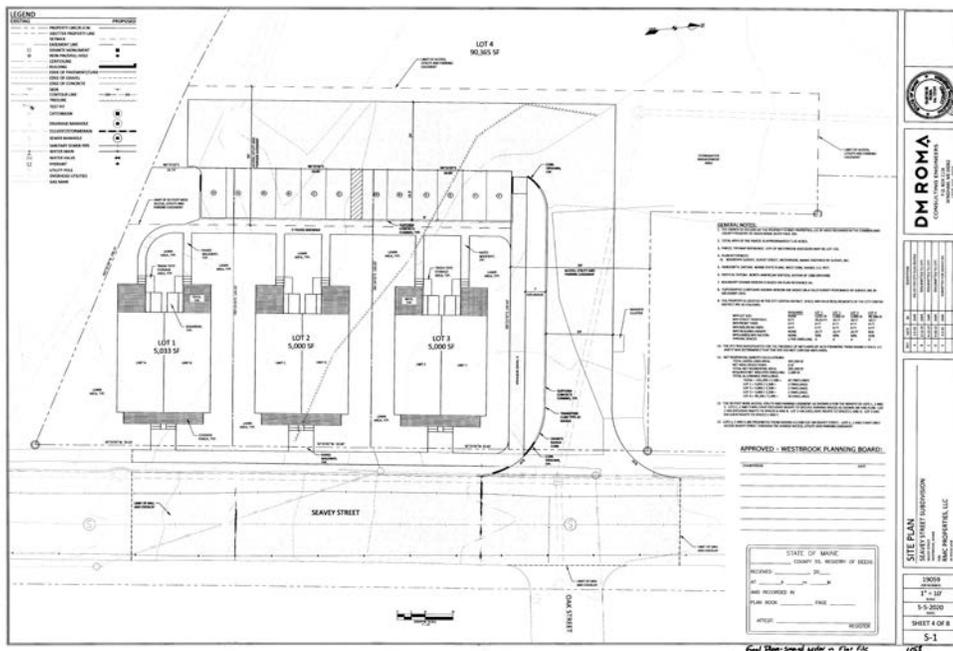
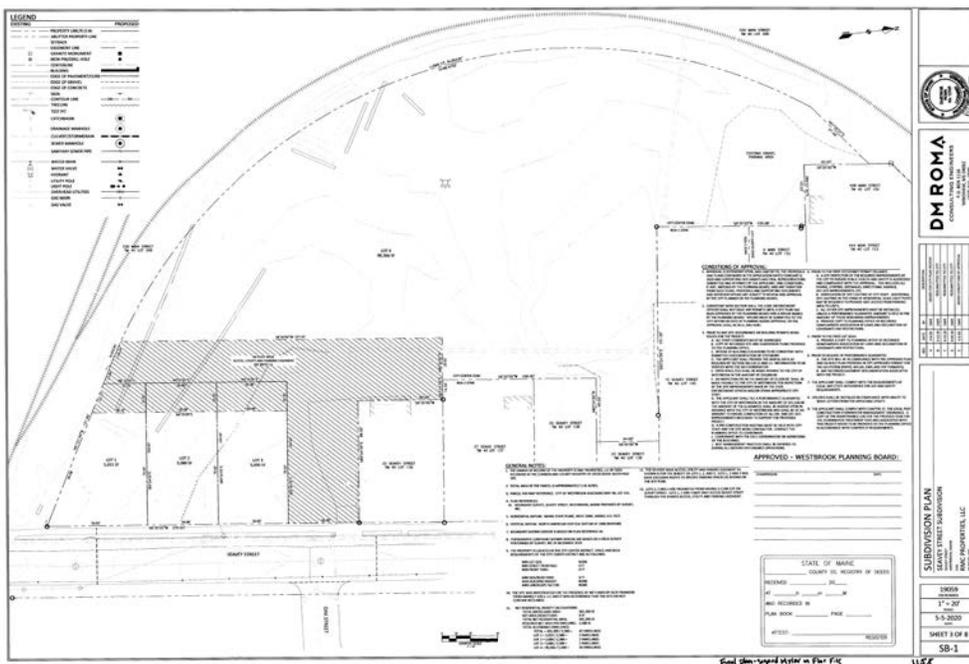
March 14, 2020 – Site Walk  
May 5, 2020 – Public Hearing  
March 16, 2021 – Extension Request

**Staff Comments:**

Staff takes no issue with the request. This extension does not alter or change any of the previously approved conditions of approval nor have any ordinance changes occurred which would have altered this approval.

**Motion:**

Motion to grant a 1-year extension to the May 5, 2020 approval for the RMC Properties, LLC application for a 4-lot subdivision including 3-duplex lots with frontage along Seavey Street, Tax Map: 040 Lot: 135 Zone: City Center District is **(approved with conditions/ denied)**. All previously approved findings of fact and conclusions and conditions are still applicable.



2. **2021.02 - Amendment to the Land Use Ordinance - §335-1.8 – Definitions §335-5.9 Gateway Commercial District §335 Attachment 1, Table 1: Land Use Table – Dirigo Center Developers, LLC**

**PUBLIC HEARING**

**Ordinance Description**

The proposed amendment clarifies the definition of Medical Office, creates, and defines a new use ‘Medical/Diagnostic Center’ and adds the uses Hospital and Medical/Diagnostic Center as permitted uses in the Gateway Commercial District.

**Ordinance History**

February 2, 2021 – Planning Board Workshop  
March 16, 2021 – Planning Board Public Hearing

**Staff Comments**

1. Noticing Fees Due: **\$285.55**

The applicant approached the Zoning Administrator seeking clarification on use classification for several potential medical industries looking to come into Westbrook on the Rock Row site. In analyzing the definitions of Medical Office and Hospital, it became apparent there was a gap in classifying services that are more intensive than a Medical Office, but not yet to the level of Hospital. Such examples include pharmaceutical, ambulatory, pulmonary or radiology services where limited inpatient care, medical research and/or the administration of drugs may be appropriate. Staff worked with the applicant to identify tiers of medical classifications utilized in other municipalities to address the gap within the Westbrook Ordinance in a manner that also meets the needs of the applicant’s proposal. Further, the amendment clarifies the current definitions of Medical Office and Hospital to clearly differentiate the three uses in an effort to limit overlapping uses.

Per the request of the applicant, the application is proposing to include the newly defined “Medical/Diagnostic Center” and “Hospital” as permitted uses within the Gateway Commercial District, which will then also permit them in the Rock Row Contract Zone. Both uses are consistent with the uses currently permitted in the Gateway Commercial District, such as Medical Office, Veterinary Clinic and Research and Development. The Gateway Commercial District intersects several major transportation modes and routes, which would support regional medical care. This proposal also includes clarifying the definition of Medical Office. The proposal is consistent with the Comprehensive Plan’s vision for this area of the community.

The application does not propose to add the Medical/Diagnostic Center to any other districts other than Gateway Commercial.

Staff are supportive of this proposal and would recommend it to move forward to City Council for adoption.

**Motion:**

**Motion to recommend the application from Dirigo Center Developers, LLC to amend the Land Use Ordinance §335-1.8 – Definitions, §335-5.9 Gateway Commercial District and §335 Attachment 1, Table 1: Land Use Table to City Council for adoption.**

3. **2020.39 – Site Plan, Subdivision, Conditional Use – 511 Bridge Street – Chase Custom Homes & Finance**

**PUBLIC HEARING**

Tax Map: 048 Lot: 046  
Zone: Residential Growth Area 2  
Use: Dwelling, Two-Family; Dwelling, Multiple-Family

**Project Description:**

The applicant is proposing the demolition of the existing structure and construction of 9-unit subdivision consisting of 3-duplex units and 1-triplex unit. This application supersedes the previously approved 100-child daycare facility proposed at the same location. A named Driveway of Collins Place will serve as access/addressing for the project.

**Project History**

- November 18, 2020 – Neighborhood Meeting
- December 1, 2020 – Planning Board Workshop
- January 21, 2021 – Recreation and Conservation Commission
- February 2, 2021 – Public Hearing (applicant withdrew due to inclement weather)
- March 16, 2021 – Public Hearing

**Recreation and Conservation Commission Comments**

1. The Recreation and Conservation Commission voted unanimously in support of the open space plan as presented by the applicant.

**Staff Comments:**

1. Utilities
  - a. Update CB covers on 8.3 to City Standards (as revised on 8.1)
2. Final plan set to include Conditions of Approval (to be provided by Staff on/around Friday, 3/12) and signature blocks on the cover sheet and subdivision sheet.

**Motion:**

Motion that the Planning Board approve the Site Plan, Subdivision and Conditional Use application for Chase Custom Homes & Finance for a 9-unit condominium development located at 511 Bridge Street, Tax Map: 048 Lots: 046 Zone: Residential Growth Area 2 is **(approved with conditions/ denied)** and the following findings of fact, conclusions, and conditions as stated on pages **4 through 10** of this Staff Memo dated March 12, 2021 are adopted in support of that approval.

**Site Plan – Finding of Fact**

<b>Standard</b>	<b>Finding</b>
Utilization of the site	Plan meets the intent of the Ordinance.
Handicap Access	The plan shows a sidewalk along the frontage of the property with truncated domes at the intersection with Graham Road. Site is compliant with ADA standards.
Appearance Assessment	Access is provided to the site via a singular driveway entrance located in the vicinity of an existing ingress point. Project will be closing a secondary curb cut along Bridge Street. Landscaping is provided through the site along the driveway representative of public street standards. Where possible, existing vegetation along Bridge Street and the property lines are maintained. A landscaping plan has been provided with the final application. Lighting is

	shown along the driveway and at the edge of each parking pod. All lighting is down casting and will not adversely impact the abutting properties. Signage will be provided at the intersection of the driveway and Bridge Street in compliance with E-911 Standards. Criteria 1-5 are met. Criteria 6 is not applicable as the site is not located within the Village Review Overlay District.
Landscape Plan	A landscape plan has been provided demonstrating adequate landscaping throughout the site. Where possible existing vegetation along the front and side property lines are maintained.
Odors	No adverse impact known or anticipated.
Noise	The residential use is consistent with the abutting properties. No adverse impact known or anticipated.
Technical and Financial Capacity	Applicant has provided a letter from Machias Savings Bank dated January 7, 2021 to demonstrate proof of Financial Capacity. The applicant has retained the services of Terradyn Consultants, LLC which demonstrates technical capacity.
Solid Waste	Private waste collection is provided as part of the project. An enclosed dumpster is shown on the plan to the rear of the site.
Historic, Archaeological and Botanical Resources or Unique Features	None known
Hazardous Matter	Not applicable
Vibrations	No adverse impact known or anticipated.
Parking & Loading Design and Site Circulation	The site provides 18-parking spaces on site, which meets the standard of the Ordinance. Parking is buffered from Bridge Street by locating behind the principal structures. A hammerhead is located to the rear of the site to facility emergency and maintenance vehicle turnaround.
Adequacy of Road System	Bridge Street has adequate capacity to accept traffic increase generated by the development.
Vehicular Access	Access to the site is provided via a singular point of ingress located in the general vicinity of an existing curb cut. A secondary curb cut along Bridge Street is being removed as a result of this project.
Pedestrian and Other Modes of Transportation	Sidewalks are provided internal to the site to provide safe pedestrian movement between buildings and the parking areas. A public sidewalk is provided along the Bridge Street frontage to improve connectivity with existing public infrastructure.
Utility Capacity	Utilities are accessible via the Bridge Street right-of-way and there is capacity for the project.
Stormwater Management, Groundwater Pollution	Stormwater management is provided by two rain gardens located at the northerly and southerly corners of the site. Water will pass over grassed areas prior to entering the rain garden as pretreatment.
Erosion and sedimentation Control	Adequate erosion and sediment control measures are provided on the plan.

## 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	Disposal of sewage is via the public system accessible from within the Bridge Street right-of-way. An ability to serve letter dated 11/30/2020 has been provided and is included with the application.
Sufficient Water	Water services are accessible within the Bridge Street right-of-way. An ability to serve letter will be provided to the City upon receipt.
Municipal Water Supply	Water services are accessible within the Bridge Street right-of-way. An ability to serve letter will be provided to the City upon receipt.
Erosion	The applicant has provided a plan to adequately address erosion control. On-site inspections will occur during construction to ensure compliance.
Traffic	Bridge Street has adequate capacity to accept the traffic generate by this project.
Sewage Disposal	Disposal of sewage is via the public system accessible from within the Bridge Street right-of-way. An ability to serve letter dated 11/30/2020 has been provided and is included with the application.
Municipal Solid Waste Disposal	Private waste collection is provided as part of the project. An enclosed dumpster is shown on the plan to the rear of the site.
Aesthetic, Cultural and Natural Values	Not applicable
Conformity with City Ordinances and Plans	Proposal is in conformance with City Ordinances & Comprehensive Plan.
Financial and Technical Capacity	Applicant has provided a letter from Machias Savings Bank dated January 7, 2021 to demonstrate proof of Financial Capacity. The

	applicant has retained the services of Terradyn Consultants, LLC which demonstrates technical capacity.
Surface Waters; Outstanding River Segments	Not applicable
Ground Water	Ground water will not be adversely impacted by this project.
Flood Areas	Site is not located within a flood zone
Freshwater Wetlands	No wetlands have been identified on the plan.
Farmland	No farmlands have been identified on the plan
River, Stream or Brook	No river, streams or brooks are present or have been identified on the plan
Stormwater	Stormwater management is provided by two rain gardens located at the northerly and southerly corners of the site. Water will pass over grassed areas prior to entering the rain garden as pretreatment.
Spaghetti Lots Prohibited	No lots within the proposed subdivision have shore frontage. Not applicable
Lake Phosphorus Concentration	The proposed subdivision is not located near or along a great pond.
Impact on Adjoining Municipality	The proposed subdivision does not cross municipal boundaries
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	To the extent practicable, existing vegetation along property lines and to the rear of the site is maintained. An open space plan was provided to utilize the rear of the site as recreation while minimizing the removal of established trees.
Surface Water Drainage	Stormwater management is provided by two rain gardens located at the northerly and southerly corners of the site. Water will pass over grassed areas prior to entering the rain garden as pretreatment.
Water, Air, Soil Pollution	No adverse impact known or anticipated
Soil Integrity	Adequate soil and erosion control measures are shown on the plan.
Natural Environment	Not applicable.
Nuisance Factor	The residential use is in-line with abutting residential uses. No unreasonable nuisances known or anticipated by the development.
Special Features	Not applicable.
Vehicular Access	Site access is via a singular access point that is located in the vicinity of an existing curb cut. A hammerhead is located to the rear of the site to facility turnaround movements by emergency and maintenance vehicles.
Parking and Circulation	The site provides 18-parking spaces on site, which meets the standard of the Ordinance. Parking is buffered from Bridge Street by locating behind the principal structures. A hammerhead is located to the rear of the site to facility emergency and maintenance vehicle turnaround. Snow storage locations are designated on the plan.
Public Services	The development does not cause an unreasonable burden on public services. Ability to serve letters for utility services have been provided as part of the application

### 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 dated January 7, 2021 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.
2. Consistent with Section 504.3, the Code Enforcement Officer shall not issue any permits until a site 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. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
  - d. Ability to serve letters for PWD and Sewer provided to the Planning Office
  - e. Review of building elevations to be consistent with submitted documentation or testimony.
  - f. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
  - g. 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. \$5,802.36
  - h. The applicant shall file a performance guarantee with the City of Westbrook. The amount of the guarantee shall be agreed upon in advance with the City of Westbrook and shall be of an amount to ensure completion of all on- and off-site improvements necessary to support the proposed project. \$290,118.00
  - i. Coordinate with the E911 Coordinator on addressing of the building/units.
  - j. 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.
4. Prior to commencing any work in the City Right-of-Way, the applicant must obtain a road-opening permit from the Public Works Department.
5. Prior to the first Occupancy Permit issuance:
  - a. Verify final USPS locations for mailbox
  - b. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval. (This includes all paving, lighting, striping, sidewalks, off-site improvements etc.)
  - c. All water and sewer lines fully tested and approved by the Engineering/Sewer Dept.
  - d. All other site improvements must be installed unless a performance guarantee amount is held for the full amount of any remaining improvements.
  - e. Provide copy to Planning Office of recorded Homeowners association by laws & Declaration of Covenants and Restrictions.
  - f. Documentation of private trash management agreement for the HOA.
6. Prior to an Occupancy Permit issued for the last building, open space amenities as shown on the approved plans must be completed.
7. Prior to the First Unit Created or Sold:

- a. Provide copy to Planning Office of recorded Homeowners association by laws & Declaration of Covenants and Restrictions
8. 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, as well as all other conditions being addressed.
  - b. Documentation of maintenance contractor for Stormwater Best Management Practices.
9. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
10. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance. 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 in accordance with Chapter 37 requirements.

4. **2020.40 - Site Plan, Subdivision, Conditional Use – 98 East Bridge Street – Chase Custom Homes & Finance**

**PUBLIC HEARING**

Tax Map: 048 Lot: 074  
 Zone: Residential Growth Area 2  
 Use: Dwelling, Multiple-Family

**Project Description:**

The applicant tearing down an existing structure at this location and is proposing to construct a 3-unit subdivision with associated parking, garage and site improvements located at 98 East Bridge Street. A named Driveway will serve as access/addressing for the project.

**Project History**

- November 18, 2020 – Neighborhood Meeting
- December 1, 2020 – Planning Board Workshop
- January 21, 2021 – Recreation and Conservation Commission
- February 2, 2021 – Public Hearing (applicant withdrew due to inclement weather)
- March 16, 2021 – Public Hearing

**Recreation and Conservation Commission Comments**

1. The Recreation and Conservation Commission voted unanimously in support of the open space plan as presented by the applicant with consideration of the addition of at least one additional element (ex: picnic table, swinging chair, etc.) to further encourage the use of outdoor space.

**Staff Comments**

1. Final overlay area to cover all three utility trenches. Show extent of mill & fill on plan C-4.0
2. Final mailbox location to be reviewed/approved by USPS.
3. Elevations – Consider addition of a rain roof on back entrance, as this will be the primary entrance for residents.
4. In accordance with the recommendation of the Recreation and Conservation Commission, a picnic table has been added to the Landscape plan.
5. Final plan set to include conditions of approval (to be provided on/around Friday, 1/29) and signature blocks on the cover sheet and subdivision plan.

**Motion:**

Motion that the Planning Board approve the Site Plan, Subdivision and Conditional Use application for Chase Custom Homes & Finance for a 3-unit triplex and associated garage and parking area located at 98 East Bridge Street, Tax Map: 048 Lots: 074 Zone: Residential Growth Area 2 is **(approved with conditions/denied)** and the following findings of fact, conclusions, and conditions as stated on pages **11 through 16** of this Staff Memo dated March 12, 2021 are adopted in support of that approval.

**Site Plan – Finding of Fact**

Standard	Finding
Utilization of the site	Plan meets the intent of the Ordinance
Handicap Access	The site is compliant with ADA Standards, as necessary.
Appearance Assessment	The driveway access to the site has been relocated to Hemphill Drive, providing a safer point of in/egress to the site. The proposed structure is located in a similar footprint as the existing structure to be demolished. A landscape plan has been provided as part of the

	application. Per the request of an abutter, a fence is provided along the northerly property line to as a buffer. No additional lighting beyond building mounted lighting is proposed as part of the application. The architectural elevations are consistent with the surrounding residential neighborhoods. Signage indicating driveway name is provided at the intersection with Hemphill Drive. Criteria 1-5 have been met. Criteria 6 is not applicable as the site is not located within the Village Review Overlay District.
Landscape Plan	A landscape plan has been provided as part of the application. Additional landscaping is provided in the side yard to provide privacy while recreating outdoors.
Odors	No adverse impact known or anticipated.
Noise	The residential use is consistent with the abutting properties. No adverse impact known or anticipated.
Technical and Financial Capacity	Applicant has provided a letter from Machias Savings Bank dated January 7, 2021 to demonstrate proof of Financial Capacity. The applicant has retained the services of Terradyn Consultants, which demonstrates technical capacity.
Solid Waste	Trash collection will be privately managed. An enclosed dumpster is provided on the plan.
Historic, Archaeological and Botanical Resources or Unique Features	None known
Hazardous Matter	Not applicable
Vibrations	No adverse impact known or anticipated.
Parking & Loading Design and Site Circulation	The site meets the standard of the Ordinance and provides 6-on site parking spots. Adequate access and turnaround space is provided for emergency and maintenance vehicles.
Adequacy of Road System	Hemphill Drive has adequate capacity to accept the increase in traffic generated by the project.
Vehicular Access	The project includes removing the existing curb cuts on East Bridge Street and accessing the site via a new curb cut on the street with a lower utilization, Hemphill Drive. The location of the curb cut has been reviewed and is approved by public services.
Pedestrian and Other Modes of Transportation	A pathway has been provided to facilitate pedestrian movement between the garage, parking area and both sides of the dwelling unit.
Utility Capacity	Utilities are accessible via the East Bridge Street right-of-way.
Stormwater Management, Groundwater Pollution	Stormwater is collected via the public system via two additional catch basins within the Hemphill Drive right-of-way.
Erosion and sedimentation Control	Adequate erosion and control measures are shown on the plan.

## 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**

<b>Standard</b>	<b>Finding</b>
Pollution	Disposal of sewage will be via the public system with a sewer connection in East Bridge Street.
Sufficient Water	Water services are accessible within the East Bridge Street right-of-way.
Municipal Water Supply	Water services are accessible within the East Bridge Street right-of-way.
Erosion	The applicant has provided a plan to adequately address erosion control. On-site inspections will occur during construction to ensure compliance.
Traffic	Hemphill Drive has adequate capacity to accept the traffic generate by this project.
Sewage Disposal	Disposal of sewage will be via the public system with a sewer connection in East Bridge Street.
Municipal Solid Waste Disposal	Trash collection will be privately managed. An enclosed dumpster is provided on the plan.
Aesthetic, Cultural and Natural Values	Not applicable
Conformity with City Ordinances and Plans	Proposal is in conformance with City Ordinances & Comprehensive Plan.
Financial and Technical Capacity	Applicant has provided a letter from Machias Savings Bank dated January 7, 2021 to demonstrate proof of Financial Capacity. The applicant has retained the services of Terradyn Consultants which demonstrates technical capacity.
Surface Waters; Outstanding River Segments	Not applicable
Ground Water	Ground water will not be adversely impacted by this project
Flood Areas	The site is not located within a flood zone.
Freshwater Wetlands	No wetlands have been identified on the plan
Farmland	No farmlands have been identified on the plan

River, Stream or Brook	No river, streams or brooks are present or have been identified on the plan
Stormwater	Stormwater is directed to the public system via two additional catch basins within the Hemphill Drive right-of-way.
Spaghetti Lots Prohibited	No lots within the proposed subdivision have shore frontage. The standard is not applicable.
Lake Phosphorus Concentration	The proposed subdivision is not located near or along a great pond.
Impact on Adjoining Municipality	The proposed subdivision does not cross municipal boundaries
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	To the extent practicable, existing vegetation throughout the site is maintained. Additional vegetation is shown on the landscape plan to provide additional privacy measures in the side yard for recreating.
Surface Water Drainage	Stormwater is directed to the public system via two additional catch basins within the Hemphill Drive right-of-way.
Water, Air, Soil Pollution	No adverse impact known or anticipated
Soil Integrity	Adequate soil and erosion control measures are shown on the plan.
Natural Environment	Not applicable.
Nuisance Factor	The residential use is in-line with abutting residential uses. No unreasonable nuisances known or anticipated by the development. Per the request of an abutting property owner, a fence has been provided on the northerly property line for buffering.
Special Features	Not applicable.
Vehicular Access	The project includes removing the existing curb cuts on East Bridge Street and accessing the site via a new curb cut on the street with a lower utilization, Hemphill Drive. The location of the curb cut has been reviewed and is approved by public services.
Parking and Circulation	The site meets the standard of the Ordinance and provides 6-on site parking spots. Adequate access and turnaround space is provided for emergency and maintenance vehicles.
Public Services	The development does not cause 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 dated January 7, 2021 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans,

proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.

2. Consistent with Section 504.3, the Code Enforcement Officer shall not issue any permits until a site 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. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
  - d. Review of building elevations to be consistent with submitted documentation or testimony.
  - e. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
  - f. 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. **\$2,391.81**
  - g. 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. **\$119,590.70**
  - h. Coordinate with the E911 Coordinator on addressing of the building/units.
  - i. 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.
4. Prior to commencing any work in the City Right-of-Way, the applicant must obtain a road-opening permit from the Public Works Department.
5. Prior to the first Occupancy Permit issuance:
  - a. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval. (This includes all paving, lighting, striping, sidewalks, off-site improvements etc.)
  - b. Open Space Site amenities (path & elements) installed per requirements of the Recreation & Conservation Commission vote.
  - c. All water and sewer lines fully tested and approved by the Engineering/Sewer Dept.
  - d. All other site improvements must be installed unless a performance guarantee amount is held for the full amount of any remaining improvements.
  - e. Provide copy to Planning Office of recorded Homeowners association by laws & Declaration of Covenants and Restrictions.
  - f. Documentation of private trash management for the HOA.
  - g. Verify final USPS locations for mailbox
6. 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, as well as all other conditions being addressed.
7. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

5. **2020.37 – Site Plan, Subdivision, Conditional Use – 364 Spring Street – Flagship Spring Street, LLC**

**PUBLIC HEARING**

Tax Map: 008 Lot: 008  
Zone: Residential Growth Area 2  
Use: Dwelling, Two-Family, Dwelling, Multiple Family

**Project Description**

The applicant is proposing a 22-unit subdivision, associated parking, and site improvements.

**Project History**

November 3, 2020 – Planning Board Workshop  
November 7, 2020 – Neighborhood Meeting  
March 16, 2020 – Public Hearing

**Staff Comments**

1. Fees Due: \$112.40 (noticing); \$11,060 (open space)
2. Knox box, fire alarm and sprinkler system required for 4-unit structure, Knox box location subject to approval by FD
3. Provide photometric plan for review. Include cut sheets for lighting and pole/base color
4. Landscaping plan
  - a. Remove trees from easement
  - b. Per letter dated November 20, 2020 (included in Planning Board packets) a barrier is requested along the northerly property line abutting the Miles Lane neighborhood
5. Sewer
  - a. Staff find the layout of the sewer design within the City is acceptable and can function with any future developments of the abutting, larger Twin Falls parcel. More detail is needed on the connections to the pump stations (Plans show typical inside drop – need blow up at the pump station) and the grading of the sewer design.
  - b. The sewer design cannot discharge directly into the wet well – plans should show discharge into manhole prior to connecting to the wet well.
  - c. All manholes within the easement required to meet City standards (Staff to provide detail)
  - d. Sewer for existing duplex should be incorporated with the sewer design of the project.
6. Stormwater
  - a. Design does not adequately address the existing drainage issues at the front of the site/along Spring Street. Project will require either a direct connection into an existing drainage system point or applicant should work with abutting property owner to create a swale system with driveway culverts to connect to the existing field inlet on the southerly property.
7. Pedestrian Improvements
  - a. Staff recommends a sidewalk be installed northerly to the existing crosswalk at Landing Way to facilitate pedestrian access. The application is proposing a sidewalk southerly to a crossing at Jacqueline Way. To demonstrate a new crossing in line with Jacqueline Way is acceptable, provide a stamped traffic analysis to assess safety and determine what improvements would be necessary (i.e., RRFBs, ADA measures, etc.). If the applicant proceeds with the sidewalk to a crossing at Jacqueline, a sidewalk northerly to Miles Ln should also be installed.
  - b. Current drawing shows sidewalk outside of the lines of the right-of-way. Sidewalk either needs to be within the limits of the ROW or demonstrate rights to construct on the Twin Falls property.
8. Elevations
  - a. Provide elements to break up walls with few windows. Enhanced architectural elements
  - b. Provide color elevations and color variations of the units. State colors on the plan for each unit.

9. Provide up to 3-proposed names in preferred order to Planning Office for driveway to verify with E-911 services. Final plan should show driveway name. Existing units will need to be re-addressed off of driveway.
10. Waste management – include as plan note private toter collection will be provided.
11. Any construction within the Spring St ROW limited to hours of 9a – 3p and requires police presence. Any work requiring shut down of road required to be nighttime construction.
12. MDEP Stormwater Permit by Rule required for project.

**Board Action:**

**As the applicant is still working on the outstanding items listed above, the applicant is not requesting final approval at this time. The applicant did want to provide the Board with an update on the project and is seeking feedback on building elevations, site layout, landscaping, and pedestrian amenities before returning to the Board at a later date with the finalized design.**

1. Provide feedback on application

Applicant will provide updated plan set with all items being addressed at a future meeting.

## 6. 2020.34 – Site Plan – 619 Bridgton Road – Audet Enterprises

### **PUBLIC HEARING**

Tax Map: 019 Lot: 029  
Zone: Residential Growth Area 2  
Use: Service Business

#### **Project Description:**

The applicant is proposing 4,224 sf building for an office/landscaping maintenance facility with an expanded parking and storage area.

#### **Project History:**

October 3, 2020 – Neighborhood Meeting  
October 6, 2020 – Planning Board Workshop  
March 16, 2021 – Public Hearing

#### **Staff Comments**

1. Building requires fire alarm system and knox box (final location to be agreed upon by FD)
2. Stamped electrical plans required prior to issuance of electrical permits.
3. Any construction within the Bridgton Rd ROW limited to hours of 9a – 3p and requires police presence. Any work requiring shut down of road required to be nighttime construction.
4. Photometric Plan
  - a. Lights located adjacent to residential property lines should have rear cutoff to eliminate light trespass on abutting properties.
5. Driveway entrance – revise plans to depict 25’ to be consistent with the memo dated 2/19/2021
6. Clarity needed – Is the 20-foot access aisle intended for one- or two-way traffic? If this is intended as one-way circulation, provide ‘Do not enter’ signage to prevent traffic exiting from storage area from existing through one way aisle.
7. Stormwater Management
  - a. Front Soil filter
    - i. Concern noted for drainage/silts entering along the southerly side where not currently protected – this may result in an ongoing maintenance issue for filter bed.
  - b. Rear Soil Filter
    - i. Concern of erosion at the points of steeper grades, particularly at the southerly corner, entering from the access aisle. Additional BMPs may be necessary based on infield conditions during construction.
    - ii. Rear of lot missing 213 topo line adjacent to filter bed – include with final plan set.
  - c. Rip rap protection needed at ends of culvert and outfall point from front filter bed.
8. Provide HHE-200 to demonstrate septic capacity
9. Parking – The required parking per the ‘Other Commercial or Business’ standard is 16 off-street spaces. Given the services provided by the applicant are primarily off-site, the applicant is requesting a reduction in this standard to 15-spaces. Staff is supportive of this waiver request. Final plans should be revised to state parking requirement based on ‘Other Commercial or Business’ standard and reduction of §335-13.6.B(1).
10. Final cost estimate needed reflective of final site design.
11. Rear of lot:
  - a. The initial plan submitted, and previously reviewed by the Planning Board, showed the ground treatment of the rear lot as gravel. In response to Staff Comments recommending a paved surface due to concern of the slope of the site, the storage of raw materials and potential impacts to the wetland, the applicant submitted revised plans with a reclaim surface and slightly adjusted

grading. Although Staff appreciates the efforts made by the applicant in adjusting the rear soil filter’s spillway and providing detail on the salt shed to demonstrate containment, the rear site continues to demonstrate varying grades ranging from 3-6% which slope toward the stormwater feature abutting the wetland. **Reclaim is not considered a stabilized surface, especially on a sloped site, and will erode into the BMP.** Given the proximity of the BMP to the wetland and property line, a failure of the filter bed could result in undue erosion onto the abutting properties and pollution of the wetland. **Staff recommends that the project should only be approved if the rear portion of the lot be paved for stability and erosion control.**

- i. If the Board agrees with Staff that the rear of the parking lot needs to be paved, the Planning Board may vote upon the Conclusions of Law & Findings of Fact that Staff have provided in this memo.
- ii. If the Board does not agree with Staff and find the reclaim surface provides adequate stability and erosion control on the site, the Board will need to take a formal vote to amend the draft Conclusions of Law & Findings of Fact provided and remove **Condition #6** from the Conditions of Approval.

**Motion:**

- 1) Motion that the Planning Board approve the Site Plan application for Audet Enterprises for a 4,224 sf commercial building and rear storage area located at 619 Bridgton Road, Tax Map: 018 Lots: 029B Zone: Highway Services which includes a waiver of §335-13.6.B(1) to reduce off-street parking from 16-spaces to 15-spaces is **(approved with conditions/ denied)** and the following findings of fact, conclusions and conditions as stated on pages **20 through 23** of this Staff Memo dated March 12, 2021 are adopted in support of that approval.

**Site Plan – Finding of Fact**

<b>Standard</b>	<b>Finding</b>
Utilization of the site	The site layout is designed around an existing quarry to provide customer/commercial access to the front of the site and material storage to the rear of the site where it will not be visible from the public right-of-way.
Handicap Access	The site is ADA compliant and provides one accessible parking space with van access.
Appearance Assessment	Site entrances is provided at a location and dimension approved by Public Services. Landscaping is shown along the Bridgton Road frontage, along the abutting property line and internal to the site with a variety of depth and species to beautify the site. Raw material storage is to the rear of the site and fully contained. Lighting is provided throughout the site for safety and security purposes. With consideration of Staff comments, lighting is contained within the boundaries of the property. The project proposes building mounted signage in accordance with the standards of the zoning district. Criteria 1-5 are met. Criteria 6 is not applicable as the site is not located within the Village Review Overlay Zone
Landscape Plan	The applicant has retained the services of Land Plans, Inc in developing a landscape plan for the parcel. Enhanced landscaping is provided along the Bridgton Road frontage, abutting property lines and internal to the site.
Odors	No adverse impact is known or anticipated.

Noise	The anticipated noise generation by the commercial operation is consistent with the commercial uses of the abutting properties and the underlying zoning district. No adverse impact known or anticipated
Technical and Financial Capacity	Applicant has provided a letter from Bangor Savings Bank dated January 20, 2021 to demonstrate proof of Financial Capacity. The applicant has retained the services of Dalfonso Engineering which demonstrates technical capacity.
Solid Waste	Trash removal will be privately hauled. An enclosed dumpster is shown on the plan behind the principal structure in limited view of the public right-of-way
Historic, Archaeological and Botanical Resources or Unique Features	None known
Hazardous Matter	None known
Vibrations	Onsite operations are consistent with the commercial operations of a typical landscaping operation and are consistent with the commercial district the property is located within. No adverse impact known or anticipated.
Parking & Loading Design and Site Circulation	Commercial and employee parking is provided to the front of the site. Due to the off-site nature of the services provided by this business, the applicant has requested waiver of §335-13.6.B(1) to provide 15-off street parking spaces, including 1 ADA
Adequacy of Road System	Bridgton Road has adequate capacity to accept the traffic generated by the proposed development.
Vehicular Access	Access to the site is provided by a curb cut onto Bridgton Road at a location/dimension that has been approved by Public Services.
Pedestrian and Other Modes of Transportation	Employee and customer parking are located directly adjacent to the building to provide adequate safe access.
Utility Capacity	Water services are available within the Bridgton Road ROW. An ability to serve letter will be provided upon receipt. Electric services are underground from the property line per the standards of the Ordinance. Public sewer is not available at this location. The applicant has shown a location for septic on site and will provided an HHE-200 form as part of the application.
Stormwater Management, Groundwater Pollution	Stormwater is managed through two underdrain filter beds located to the front and rear of the property. The rear filter bed is located adjacent to an existing wetland. With the paving of the rear storage area, the filter bed will provide adequate stormwater management and protect the wetland from undue groundwater pollution.
Erosion and sedimentation Control	With the paving of the rear storage area, the site provides for adequate erosion control. Temporary erosion control measure while the site is under construction are shown on the Grading and Drainage Plan.

## 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/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.

**Conditions :**

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated February 4, 2021 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.
2. Consistent with Section 504.3, the Code Enforcement Officer shall not issue any permits until a site 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 building permits being issued for the project:
  - a. All Staff comments must be addressed, which includes providing the City an updated plan set based on the staff comments and conditions as stated.
  - b. Review of building elevations to be consistent with submitted documentation or testimony.
  - c. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
  - d. 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.
  - e. 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.
  - f. Coordinate with the E911 Coordinator on addressing of the buildings.
  - g. Ability to serve letter from PWD provided to the Planning Office.
  - h. HHE-200 form provided to Code Enforcement.
  - i. Best management practices shall be adhered to during all ground disturbance operations.
4. Prior to Occupancy Permit issuance:
  - a. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval. (This includes all paving, striping, sidewalks, directional signage, etc.)

- b. All site improvements must be installed unless a performance guarantee amount is held in the amount of the remaining improvements.
5. 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
6. **The equipment storage and parking area located at the rear of the site shall be paved** in accordance with a traditional parking lot pavement section as approved of by the City.
7. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
8. Any construction within the Bridgton Rd ROW limited to hours of 9a – 3p and requires police presence. Any work requiring shut down of road required to be nighttime construction.
9. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance. 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 in accordance with Chapter 37 requirements.

## 7. 2021.03 - Amendment to the Land Use Ordinance - §335-1.5 Zoning Change – City of Westbrook

### **PUBLIC HEARING**

#### **Ordinance Description**

**A referral from the City Council through the Administration:** This proposed amendment revises the notification requirements for amendments to the Land Use Ordinance to more closely align with the processes of other municipalities while upholding standards set forth by State Statute. The proposed amendment does not alter or otherwise change the notifications requirements for Site Plan, Subdivision or Conditional Use review.

#### **Ordinance History**

January 4, 2021 – City Council Referral  
February 2, 2021 – Planning Board Workshop  
March 16, 2021 – Public Hearing

#### **Staff Comments**

The amendment to Section 335-1.5 is a repeal and replace. The current language was generated out of a land use process many years ago that did not go particularly well where zoning districts were changed without proper notification to property owners and ultimately ended with the City in a Court case that reversed rezoning actions of the City. As a response to that process, the current ordinance was then put forth with mailing notification requirements that do not just slightly exceed State Statutes but requires such a burdensome notification process that the City has avoided undertaking necessary ordinance amendments due to the excessive cost it places upon the City for mailing notices to every property owner in City for a “use or performance standard amendments”.

The City has wanted to look at modern uses (or updating our current use labels) that need to evolve with the times to include in our zoning land use tables. For Example, recent advances in Solar Energy has pushed staff to look at how to afford this use to our citizens, with performance standards. Currently, we can only place Solar Arrays in the Manufacturing District as we have to define Solar Arrays, from a land use perspective, as “light manufacturing”.

The City should have the ability to adjust land uses in zoning districts once vetted through a Planning Board and City Council Process and provided those uses are in line with our Comprehensive Plan. To take on the initiative to place Solar Arrays in all of the districts (again under specified standards), the notification cost to the City for this one initiative would cost roughly \$10,000 for the notices to be mailed to every property owner in the City for all the meetings. This is not the intent of the State Statute Notification requirements. The State requires posting of meetings in newspapers of regular circulation in the community you are in, plus posting in public locations. The requirement to mail notice for a “use or performance standard ordinance change” is exceptionally burdensome on the community, and is unlike any of our surrounding Maine Communities, namely South Portland, Gorham, Windham, Biddeford, Portland, Cumberland, to name a few. There have been many Planning initiatives we have wanted to conduct since I arrived 5 years ago but have not moved forward due to this issue.

A “Solar Array” is not the only land use we need to deal with from a City-Wide use perspective. “Utilities”, as a use, is missing from our ordinance as well, and we could not take on an initiative in a piece meal manner by adjusting the land use table as a zoning district have been under review because then we would cause nonconformance issues in other zones. These type of use amendments should be addressed on a City-Wide level, which is where our City leadership comes in.

The Planning Board and the City Council are the reviewing bodies for any process involving the ordinance. In the cases of altering uses or performance standards in zoning districts, it is the purview of these bodies to act on behalf of the community, while ensuring the uses being added or adjusted are compatible in those districts and compliant with the intent of the Comprehensive Plan.

In re-writing this section, we reviewed the State Statute as well as the ordinances of several of the communities listed above to take the best of what all do, and yet make it work for Westbrook. As the rezoning process was the point of contention years ago that drove these mailing notification requirements, we still have the provision in this proposal that if a “rezoning of property is to occur”, then the property or properties that are proposed for rezoning are mailed notices as well as 500’ around those properties to be rezoned. Additionally, we still retained the City Council notice process, which is not required by State Statute nor used by other municipalities, as an additional measure above traditional noticing requirements.

The additions above the minimum State Statute requirements (Mailings on rezoning, and the City Council notice process) would appear to address the local matters of concern, yet still affords the allowance by the City Leaders to move necessary amendments to the land use ordinance forward without the major financial implications to the City, while still in accordance with Maine State Statute and in line with our surrounding Maine communities.

In discussing the issues Staff have been dealing with due to the current ordinance, it was the recommendation of the Administration to move this item forward with a referral from the City Council for discussion and ultimately a recommendation by the Planning Board to provide to the City Council.

#### **Staff response to questions from the February 2, 2021 Workshop**

1. **Question from Joseph Marden: Where did the 1-year provision come from on the timeframe from a denial?**
  - a. **Answer: This provision is in the Contract Zoning section of our ordinance currently. The placement of this provision in the Contract Zoning section was felt to be out of place and was moved into the revised section regarding map amendments.**
2. **Question from Larry McWilliams: Is there an appeals process for a denial of a Zoning Amendment?**
  - a. **Answer: The process at the Planning Board level for any ordinance amendment is a recommendation to the City Council. Ultimately, the decision on any ordinance is a City Council decision. There is no appeal to the ZBA in this process, but to Court if the applicant finds there was a procedural issue with the process.**
3. **Question from Joseph Marden: Is there a catalog of amendment to the ordinance for the Administrative Corrections?**
  - a. **Yes, every amendment to the ordinance is documented in the new online database to ensure that all edits are shown for a history of edits to the document.**

#### **Motion:**

**Motion to recommend the amendment to the Land Use Ordinance §335-1.5 Zoning Change to City Council for adoption.**

8. **2021.04 - Amendment to the Land Use Ordinance - §335-1.6 Contract Zoning & §335-1.8 – Definitions – City of Westbrook**

**PUBLIC HEARING**

**Ordinance Description**

**A referral from the City Council through the Administration:** The proposed amendment incorporates the terminology of “Conditional” Zoning to the Contract Zoning process.

**Ordinance History**

- January 4, 2021 – City Council Referral
- February 2, 2021 – Planning Board Workshop
- March 16, 2021 – Public Hearing

**Staff Comments**

The proposed amendment to Section 335-1.6 Contract Zoning is to incorporate the terminology of “Conditional” Zoning vs a contract process. The two methods of zoning have been utilized in Westbrook in various “Contract zones” over the course of time, however the terminology of the process needs to be cleaned up as not all of our current “Contract Zones” have true contracts between the developer and the City. Many of our Contract Zones are in fact “Conditional Zoning” where there are only conditions placed upon a parcel, much like performance standards for a zoning district, instead of a formal contract with the City.

This amendment will not alter the processes but rather clarify procedures that have been done in the past as well as afford the City the correct terminology to utilize in this process for each future proposal that is submitted. Additionally, we are clarifying that all noticing fees must be paid by an applicant.

The notification process is not being altered, but it is referenced to follow the same procedures as the amendment in Section 335-1.5 with the necessary components required by State Law.

In discussing the issues Staff have been dealing with due to the current ordinance, it was the recommendation of the Administration to move this item forward with a referral from the City Council for discussion and ultimately a recommendation by the Planning Board to provide to the City Council.

**Staff response to questions from the February 2, 2021 Workshop**

1. **Question from Joseph Marden: Should we have a definition for Conditional Zoning? Do we define Contract zoning?**
  - a. **Yes, we have included a definition for Conditional Zoning in this revision for Public Hearing. There is already a definition for contract zoning.**

**Board Action:**

**Motion to recommend the amendment to the Land Use Ordinance §335-1.6 Contract Zoning and §335-1.8 Definitions to City Council for adoption.**

## 9. 2021.05 – Site Plan - 2 Chabot Street – Camp Commercial Real Estate, LLC

### **WORKSHOP**

Tax Map: 047 Lot: 201

Zone: Gateway Commercial District

Use: Automobile Repair Service

#### **Project Description:**

The applicant is proposing a new 17,466 commercial truck service facility affiliated with the existing automobile dealership, Rowe Ford, located at the intersection of Larrabee Road and Main Street.

#### **Project History:**

March , 2021 – Neighborhood Meeting

March 16, 2021 – Planning Board Workshop

#### **Staff Comments**

1. Knox box, fire alarm and sprinkler system required; Knox box location subject to approval by FD
2. Provide exterior door with a knox box for sprinkler room.
3. Final site lighting not yet determined. Provide photometric plan with final submission.
4. Stamped electrical drawings required with electrical permit application.
5. Structure includes bay where vehicles will be washed.
  - a. Wash bay to drain to sewer – CBs provide deep sumps to collect debris
  - b. Depending on loading, may require IPT permit
  - c. O/W separator required.
6. Parking standard for Auto Repair Service is 1.5 spaces/100 sf. Staff is in support of the waiver request from this standard
7. Boundary survey required with final submission
8. Provide clarity on the total number of employees and number of overhead bays
9. Landscaping plan with final application submission showing enhancements along Chabot St.
10. Final plan should show existing and post-construction conditions for space and bulk standards; although the current project does not meet the landscaping requirements of the district, this should demonstrate that the project improves existing conditions and brings the site closer to conformity.
11. Project does not meet the minimum landscaping requirements for the Gateway Commercial District. Within this district, there is a provision for the Planning Board to permit this reduction, provided a fee-in-lieu is provided with the intent to apply the funds to the beautification of the Main Street gateway corridor. Possibility of an agreement to landscape and maintain the grassed island located at the corner of Larrabee Rd and Main Street.
12. Final plan should show signage for all for one-way circulation (One way, Stop Bars at points of conflict, Do Not Enter sign on left side of building, etc.)
13. Provide color elevations of building with final application.
14. Provide documentation of neighborhood meeting to Planning office.
15. Site is within the Capisic Brook watershed, which could require enhanced stormwater features/MDEP permits.

#### **Board Action:**

1. Provide feedback to staff and applicant regarding site layout
2. Site walk? Staff can provide a virtual tour if necessary.
3. Schedule a public hearing

## 10. 2021.06 – Site Plan, Conditional Use - 90 Riverside Street – Atlantic Regional Federal Credit Union

### WORKSHOP

Tax Map: 042A Lot: 010B  
Zone: Gateway Commercial District  
Use: Bank Class 1

#### Project Description:

The applicant is proposing a new 3,000 square foot commercial structure with associated parking and drive-thru teller lanes on an existing vacant site.

#### Project History:

March , 2021 – Neighborhood Meeting  
March 16, 2021 – Planning Board Workshop

#### Staff Comments

1. Noticing Fees Due: \$9.45
2. Staff does not find the current configuration provides for safe site circulation. Consider the following modifications to the site-layout:
  - a. reduce the number of parking spaces provided (currently shown in excess of Ordinance requirements)
  - b. provide a one-way circulation around the building
  - c. relocate the teller lanes behind the structure to allow for a lane merger and better alignment at the internal intersection with the site exits to Riverside & Westbrook Crossing Plaza to have a single exiting lane from the teller area vs the 4-lane set up shown in the sketch plan.
  - d. See example of Cumberland County Federal Credit Union on Main Street for similar example.
3. Consider two-drive thru lanes (currently showing 3) to reduce overall impervious cover to the site.
4. Riverside Street and Larrabee Road are under DOT moratorium – concern for utility connection. More information on offsite utility connection point and DOT process for connection under a moratorium roadway
5. Provide dewatering plan with final submission
6. Provide sewer design with final submission
7. Landscaping plan & Color Elevations of structure and signage required with final submission.

As the building and parking is entirely within the boundary of Westbrook, Planning Board review by Portland is not required. However, as access to the site via Riverside Street is within Portland, site ingress/egress was reviewed by Portland Staff and the following comments provided:

1. Traffic control device needed at the intersection of Riverside to designate right-in/right-out maneuver.
2. Provide sidewalk from the Larrabee intersection into the site by way of the secondary access point (proposed to be closed to vehicles). A sidewalk waiver from Portland is needed since the project is not providing a sidewalk along the entirety of the 90 Riverside frontage.

#### Board Action:

1. Provide feedback to staff and applicant regarding site layout
2. Site walk? Staff can provide a virtual site walk if necessary.
3. Schedule a public hearing when applicant has submitted a full application.