



City of Westbrook

DEPARTMENT OF PLANNING & CODE ENFORCEMENT

2 York Street

Westbrook, Maine 04092

(207) 854-0638

Fax: 1-866-559-0642

**WESTBROOK PLANNING BOARD
TUESDAY, JUNE 4, 2019, 7:00 P.M.
WESTBROOK HIGH SCHOOL, ROOM 114**

AGENDA

PUBLIC HEARING

1. **2019.08 – Site Plan, Subdivision, Village Review – 50 Pleasant Street – RMC Properties LLC:** The applicant is proposing a lot split and a new 3-unit multi-family with associated parking and site improvements. Tax Map: 033 Lot: 097 Zone: City Center District, Village Review Overlay Zone
2. **2019.10 – Site Plan – 2 Eisenhower Drive – 2 Eisenhower Drive, LLC:** The applicant is proposing a 16,060sf expansion to an existing 30,000sf commercial building to include new walkways, loading docks and an amended parking layout. Tax Map 05B Lot: 001 Zone: Manufacturing
3. **2016.45 – Final Site Plan – Saccarappa School Expansion – 110 Huntress Avenue:** The applicant is returning to the Planning Board as per their condition of approval to provide the playground plan associated with the Saccarappa Elementary School Additions and Renovations project (swings, an open sand area, mud kitchen, water pump and other natural play features). Tax Map: 007 Lots: 019 & 020A Zone: Residential Growth Area 1

REGULAR MEETING

4. **Call to Order.**
5. **Approval of Minutes.**
6. **UNFINISHED BUSINESS**
 - a. **ITEM ON THE TABLE - 2018.59 – Subdivision Plan – 138 Hardy Road – Michael Pednault:** The applicant is proposing a 7-lot subdivision located at 138 Hardy Road. Tax Map: 020 Lot: 005 Zone: Rural District

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

- b. **2018.48 – Site Plan, Subdivision & Conditional Use - Cumberland Woods – Graiver Family Holdings, LLC** - The applicant is proposing to develop a 72-unit multifamily subdivision on an existing vacant lot located at 425 Cumberland Street. Tax Map: 010 Lot: 028B Zone: Residential Growth Area 1

NEW BUSINESS

7. **2019.08 – Site Plan, Subdivision, Village Review – 50 Pleasant Street – RMC Properties LLC:** The applicant is proposing a lot split and a new 3-unit multi-family with associated parking and site improvements. Tax Map: 033 Lot: 097 Zone: City Center District, Village Review Overlay Zone
8. **2019.10 – Site Plan – 2 Eisenhower Drive – 2 Eisenhower Drive, LLC:** The applicant is proposing a 16,060sf expansion to an existing 30,000sf commercial building to include new walkways, loading docks and a revised parking layout. Tax Map 05B Lot: 001 Zone: Manufacturing
9. **2016.45 – Final Site Plan – Saccarappa School Expansion – 110 Huntress Avenue:** The applicant is returning to the Planning Board as per their condition of approval to provide the playground plan associated with the Saccarappa Elementary School Additions and Renovations project (swings, an open sand area, mud kitchen, water pump and other natural play features). Tax Map: 007 Lots: 019 & 020A Zone: Residential Growth Area 1
10. **2017.05 – Conditional Use & Shoreland Zoning - 907 Main Street (Theater Use) – Transformation Project:** The applicant is requesting a one year extension on project completion, originally approved June 6th 2017, for a theater use to host events in a 651 +/- square foot venue space on the first floor of the building. Tax Map: 032 Lot: 111 Zone: City Center District/Village Review Overlay Zone/Shoreland Zoning – General Development.
11. **2017.18 – Conditional Use & Shoreland Zoning – 907 Main Street (CBRF Use) – Transformation Project:** The applicant is requesting a one year extension on project completion, originally approved July 18, 2017, for a residential unit on the second floor for a Community-Based Residential Facility to provide transitional housing for juvenile and adult offenders. Tax Map: 032 Lot: 111 Zone: City Center District/Village Review Overlay Zone – General Development.

WORKSHOP

12. **2019.12 - 380 Main Street – Zoning Map Amendment – H.A. Mapes, Inc:** The applicant is requesting an amendment to the Zoning Map to rezone the parcel located at the corner of Main Street and Lamb Street from Residential Growth Area 1 to City Center District. Tax Map: 040 Lot: 089 Zone: Residential Growth Area 1
13. **2019.13 - 511 Bridge Street – Site Plan & Conditional Use – Chase Custom Homes & Finance, Inc.:** The applicant is proposing a 100-child daycare facility within the existing structure and associated playground and parking lots site components. Tax Map: 048 Lot: 046 Zone: Residential Growth Area 2

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



City of Westbrook

DEPARTMENT OF PLANNING & CODE ENFORCEMENT

2 York Street

Westbrook, Maine 04092 (207) 854-0638

Fax: 1-866-559-0642

DATE: May 31, 2019

TO: Planning Board

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

Cc: Plan Review Team

RE: June 4, 2019 Planning Board Meeting

1. **2019.08 – Site Plan, Subdivision, Village Review – 50 Pleasant Street – RMC Properties LLC**
 2. **2019.10 – Site Plan – 2 Eisenhower Drive – 2 Eisenhower Drive, LLC**
 3. **2016.45 – Final Site Plan – Saccarappa School Expansion – 110 Huntress Avenue**
 4. **2018.59 – Subdivision Plan – 138 Hardy Road – Michael Pednault**
 5. **2018.48 – Site Plan, Subdivision & Conditional Use - Cumberland Woods – Graiver Family Holdings, LLC**
 6. **2017.05 – Conditional Use & Shoreland Zoning - 907 Main Street (Theater Use) – Transformation Project**
 7. **2017.18 – Conditional Use & Shoreland Zoning – 907 Main Street (CBRF Use) – Transformation Project**
 8. **2019.12 - 380 Main Street – Zoning Map Amendment – H.A. Mapes, Inc**
 9. **2019.13 - 511 Bridge Street – Site Plan & Conditional Use – Chase Custom Homes & Finance, Inc**
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1. **2019.08 – Site Plan, Subdivision, Village Review – 50 Pleasant Street – RMC Properties LLC**

Tax Map 033 Lots 097

Zone: City Center District, Village Review Overlay Zone

PUBLIC HEARING

Project Description

The applicant is proposing a lot split and a new 3-unit multi-family with associated parking and site improvements.

Project History

March 13, 2019- Village Review Overlay Committee

April 9, 2019 – Village Review Overlay Committee

May 1, 2019 – Neighborhood Meeting

May 7, 2019 – Planning Board Workshop

June 4, 2019 – Public Hearing

Staff Comments

1. All outstanding fees have been paid.
2. Provide a latched access gate to William Clarke Drive to discourage trespassing
3. Rear patios – extend brick pavers to be in line with the paved parking area, removing the crushed stone notching. Pavement should be extended to be in line with the edge of the westerly brick patio.
4. Letter of Capacity for Portland water district required
5. The applicant is requesting to pay the in-lieu-of fee (\$1,508) to meet the open space requirement.
6. Toter location conflicts with the vehicular driveway access. Revise plan to show toter storage on the rear patios associated with each unit (next to bulkheads)
7. Show water dissipation at the base of the roof drain to avoid erosion control
8. Notification required prior to the connection between sewer and the catch basin in Pleasant St – Condition of Approval
9. Due to the size constrictions of the site, snow removal plan required – Condition of Approval
10. Waivers stated as a plan note rather than condition of approval
11. Final edited, revised plans with conditions stated on the signature sheet provided to the planning office in both paper and mylar form by Monday June 3. (One full set of paper, one full set of mylars, one additional paper and mylar of the subdivision plant Sheet C-101)

Motion.

The Subdivision - Site Plan application for RMC Properties, LLC for a lot split and a new 3-unit multi-family with associated parking and site improvements located at 50 Pleasant Street Tax Map: 033 Lot: 097 Zone: City Center District and Village Review Overlay Zone is **(approved with conditions/ denied)** and the following findings of fact, conclusions and conditions as stated on pages 2 through 4 of this Staff Memo dated May 31, 2019 are adopted in support of that approval.

Site Plan – Finding of Fact:

Utilization of the Site – *Adequate.*

Adequacy of Road System - *Adequate.*

Access to the Site – *Adequate.*

Internal Vehicular Circulation - *Adequate.*

Pedestrian and Other Modes of Transportation - *Adequate.*

Stormwater Management – *Adequate.*

Erosion Control - *Adequate.*

Utilities – *Adequate.*

Hazardous, Special and Radioactive Materials – *N/A*

Financial and Technical Capacity – *Adequate. The applicant has provided a letter of financial capacity from Total Mortgage dated May 2, 2019. Applicant has retained the services of Blais Civil Engineers which demonstrates technical capacity.*

Solid Waste – *Adequate.*

Historic, Archaeological and Botanical Resources – *Adequate*

Landscape Plan – *Adequate.*

Subdivision – Finding of Fact:

Pollution and Sewer Disposal – *Adequate. Disposal of the Sewage from the project will be via the City Public Sewer system, and therefore will not cause a pollution issue.*

Water - *Adequate.*

Soil Erosion - *Adequate.*

Traffic – *Adequate.*

Sewage - *Adequate. The applicant has received an ability to serve from the Westbrook Sewer Department.*

Solid Waste – *Adequate.*

Aesthetics

1. *Project to Site – Adequate.*
2. *Project to Surrounding Property – Adequate.*
3. *Landscape Design – Adequate.*
4. *Lighting – Adequate.*
5. *Signs – Adequate.*

Conformity with Local Plans and Ordinances – *Adequate.*

1. *The proposal is in conformance with the Comprehensive Plan.*
2. *Subdivision Plan meets requirements of the Land Use Ordinance*

Financial and Technical Capacity – *Adequate. The applicant has provided a letter of financial capacity from **Total Mortgage dated May 2, 2019.** Applicant has retained the services of Blais Civil Engineers which demonstrates technical capacity.*

River, Stream or Brook Impacts – *Adequate.*

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** to the 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 the 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.

Conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated May 8, 2019 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.
 - b. Review of building elevations to be consistent with submitted documentation or testimony.
 - c. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
 - d. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
 - e. 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. This fee is required per Section 500.8 of the Land Use Ordinances in order to cover the costs of inspection of site improvements - **\$1,032**
 - f. The applicant shall file a performance guarantee with the City of Westbrook. The amount of the guarantee shall be agreed upon in advance with the City of Westbrook and shall be of an amount to ensure completion of all on- and off-site improvements necessary to support the proposed project. A performance guarantee in the amount of **\$51,640** is required.
 - g. Coordinate with the E911 Coordinator on addressing of the buildings.
 - h. Best management practices shall be adhered to during all ground disturbance operations.
4. Notification to the City required prior to making the connection between storm sewer and the catch basin in Pleasant St.
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.
 - b. All site improvements must be installed, unless a performance guarantee amount is held in the amount of the remaining improvements.
 - c. Due to the size constrictions of the site, snow removal plan is required. (Plan to be provided to the City for the file.)
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
7. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

2. 2019.10 – Site Plan – 2 Eisenhower Drive – 2 Eisenhower Drive, LLC

Tax Map 005B Lots 001
Zone: Manufacturing District

PUBLIC HEARING

Project Description

Applicant is proposing multiple expansions around the existing structure at 2 Eisenhower Drive. The 5 expansions total approximately 16,060 sq. ft. Please see application materials and plans for more details on this project. Current use is Commercial Service Business.

Project History

May 3, 2019 – Neighborhood Meeting
May 7, 2019 – Planning Board Workshop
June 4, 2019 – Public Hearing

Staff Comments

1. All outstanding fees have been paid.
2. Lighting Plan pending review and approval by FD
3. Sheet 3 – Include a leader line to the structure on the westerly edge of parking area indicating ‘to be removed’
4. All existing non-conforming flags will need to be removed. (feather flags on site, if any)
5. All new buildings must be fully sprinkled
6. Additional knox boxes needed – obtain from Fire Dept. – included as a plan note
7. Fire lane must be striped and include ‘no parking’ signs along building
8. Ability to serve from Portland Water District required for sprinkler system
9. Existing sewer and water lines not shown on plan and must be included with the as-built plans following construction. (Condition of Approval)
10. Sheet 11 – recommend use of chain link fence with slats vs cedar for long term maintenance
11. Stormwater comments
 - o Demonstrate that the culvert under the Spring St Driveway will handle the 100 year storm event without overtopping
 - o Provide a hydrocad watershed plan to clearly see the watershed delineations
12. Final edited, revised plans with conditions stated on the signature sheet provided to the planning office in both paper and mylar form by Monday June 3. (One set of paper, one set of mylars)

Motion

The Site Plan application for 2 Eisenhower Drive, LLC for a 16,060 sf expansion of an existing structure located at 2 Eisenhower Drive Tax Map: 005B Lot: 001 Zone: Manufacturing District is **(approved with conditions/ denied)** and the following findings of fact, conclusions and conditions as stated on pages 5 through 7 of this Staff Memo dated May 31, 2019 are adopted in support of that approval.

Site Plan – Finding of Fact:

Utilization of the Site – *Adequate.*
Adequacy of Road System - *Adequate.*
Access to the Site – *Adequate.*
Internal Vehicular Circulation - *Adequate.*
Pedestrian and Other Modes of Transportation - *Adequate.*

Stormwater Management – Adequate.

Erosion Control - Adequate.

Utilities – Adequate.

Hazardous, Special and Radioactive Materials – N/A

Financial and Technical Capacity – Adequate. *The applicant has provided a letter of financial capacity from **Biddeford Savings dated April 5, 2019**. Applicant has retained the services of Sebago Technics which demonstrates technical capacity.*

Solid Waste – Adequate.

Historic, Archaeological and Botanical Resources – Adequate

Landscape Plan – Adequate.

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** to the 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 the 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.

Conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated May 8, 2019 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.
 - b. Review of building elevations to be consistent with submitted documentation or testimony.
 - c. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
 - d. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
 - e. 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. This fee is required per Section 500.8 of the Land Use Ordinances in order to cover the costs of inspection of site improvements - **\$9,815**
 - f. The applicant shall file a performance guarantee with the City of Westbrook. The amount of the guarantee shall be agreed upon in advance with the City of Westbrook and shall be of an amount to ensure completion of all on- and off-site improvements necessary to support the proposed project. A performance guarantee in the amount of **\$490,752.50** is required.
 - g. Coordinate with the E911 Coordinator on addressing of the buildings.
 - h. Best management practices shall be adhered to during all ground disturbance operations.
 - i. Addressing/Plan of Action regarding NOV with Portland Water District
4. 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.
 - 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
 - b. All utilities shown on as-built plans
6. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

3. 2016.45 – Final Site Plan – Saccarappa School Expansion – 110 Huntress Avenue

Tax Map: 007 Lots: 019 & 020A
Zone: Residential Growth Area 1

PUBLIC HEARING

Project Description:

The applicant is returning to the Planning Board as per their condition of approval to provide the detailed playground plan associated with the Saccarappa Elementary School Additions and Renovations project (swings, an open sand area, mud kitchen, water pump and other natural play features).

Project History:

June 21, 2016 – Sketch Site Plan Review
March 7, 2017 – Sketch Site Plan Review
March 18, 2017 – Site Walk
March 23, 2017 – Neighborhood Meeting
May 2, 2017 – Final Site Plan Review
June 4, 2019 – Playground Plan Review

Staff Comments:

At their meeting of May 2, 2017, the Westbrook Planning Board approved the site plan application for the expansion of Saccarappa Elementary School. Per condition of approval 4, the applicant is required to return to the Planning Board with the final design of the playground and courtyard spaces prior to any work commencing in those area.

Motion:

The Site Plan application for Westbrook School Department for the final playground design as part of the expanded elementary school, at 110 Huntress Avenue, Tax Map: 7 Lot: 19 & 20A Zone: Residential Growth Area 1 is to be **(approved with conditions/ denied)** and the following finding of fact, conclusions and conditions as stated on pages 8 through 10 of this Staff Memo dated May 31, 2019 are adopted in support of that approval. All previous conditions of attached to the projects May 2, 2017 approval are still in full effect.

Site Plan – Finding of Fact:

Utilization of the Site – *Adequate. Site features meet dimensional requirements of the ordinance.*

Adequacy of Road System - *Adequate.*

Access to the Site – *Adequate. The applicant has 2 access points which allow for diffusion of traffic on to Bernadette St. and Huntress Ave. Additionally, emergency vehicles can circulate through the site.*

Internal Vehicular Circulation - *Adequate. The applicant has provided a one-way bus drop off near the main entrance, a parent drop off near the play area and two way circulation exiting on to Bernadette St.*

Pedestrian and Other Modes of Transportation - *Adequate. A school bus stop is being constructed as a part of phase 1 as well as improvements to the pedestrian sidewalk system throughout the site.*

Stormwater Management – *Adequate*

Erosion Control - *Adequate. Applicant has provided an erosion and sediment control plan for the project.*

Utilities – *Adequate.*

Hazardous, Special and Radioactive Materials – *N/A*

Technical and Financial Capacity - *Adequate.*

Solid Waste – *Adequate.*

Historic, Archaeological and Botanical Resources – *None Known*

Landscape Plan – *Adequate.*

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** to the 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 the 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.

Conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated April 25, 2017 and revised May 9, 2019 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 ground disturbance or permits being issued for the project:
 - a. All Staff comments must be addressed.
 - b. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator
 - c. Final Phasing Plan for construction to be reviewed by City Staff and schedule provided.
4. Due to design of filter bed system in parking, use of sand during winter operation is not allowed.
5. Prior to a final CO for the complete project:
 - a. The site will be in compliance with the approved plan
 - b. As-built plan will be provided

- c. Provide documentation of maintenance contractor for Stormwater Best Management Practices.
 - d. Signs and E911 requirements shall be addressed to the satisfaction of the Codes Department.
- 6. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance. On January 15th every year, a copy of the maintenance log for the previous year for the stormwater treatment features associated with this project needs to be provided to the Planning Office.
- 7. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
- 8. This approval makes reference to the following staff letters:
 - a. Fire Department letter dated March 28, 2017
 - b. Police Department letter dated March 29, 2017
 - c. Public Service Department letter dated March 10, 2017

4. 2018.59 – Subdivision Plan – 138 Hardy Road – Michael Pednault

Tax Map 020 Lots 005

Zone: Manufacturing and Industrial Park District

PUBLIC HEARING

Project Description:

The applicant is proposing a 7-lot subdivision located at 138 Hardy Road. The land is part of two family trusts with the Gowan Family. The first plan shows the entire limits of the land and the subsequent plans show the two trust parcels separately. The two trust parcels had previously cut off 1 lot from each parcel within the last five years and are proposing to cut each of the remain trust lands into 3 parcels thus we are reviewing this project as required by state law as a subdivision.

Project History:

January 15, 2019 – Planning Board Workshop

February 28, 2019 – Recreation and Conservation Commission

April 2, 2019 – Public Hearing

May 7, 2019 – Item removed from the table; Waiver request denied; Item placed on the table

Staff Comments

Staff informed the applicant of the denied waiver request following the vote of the Planning Board at their 5/7/2019 meeting. The applicant has informed Staff they are withdrawing their subdivision application.

At the last meeting, based upon the information staff had at the time, it was recommended to table the item as it appeared the applicant would be returning to the board within a months time. As this is no longer the case, per parliamentary procedure, if an item is not to be voted on at the next meeting after an item is tabled, it should be “postponed”. Therefore, we are recommending the Board remove the item from the table, then to make a motion to indefinitely postpone the item.

Action for the Board’s consideration:

- 1. Motion to remove the item from the table**
- 2. Motion to postpone the subdivision application for 138 Hardy Road indefinitely**

5. 2018.48 – Site Plan, Subdivision & Conditional Use - Cumberland Woods – Graiver Family Holdings, LLC

Tax Map 010 Lots 028B
Zone: Residential Growth Area 1

Unfinished Business

Project Description

The applicant is proposing to develop a 72-unit multifamily subdivision on an existing vacant lot located at 425 Cumberland Street.

Project History

November 1, 2018 – Neighborhood Meeting
November 6, 2018 – Planning Board Workshop
December 1, 2018 – Site Walk
May 7, 2019 – Public Hearing

Staff Comments:

At the request of the Board, Staff investigated the ability to provide safe pedestrian access to the project site as a crosswalk at the project site drive was not a viable option. Upon further review, staff reviewed the existing conditions of the roadway and provided an option for the Board’s consideration of installing a sidewalk along the northern side of Cumberland St up to the Congin School access drive where there is a crosswalk and a pedestrian crossing light.

Staff asked for the Board’s input on this option and a majority of the members were in concurrence for a sidewalk to be included in the project’s offsite improvements.

In relaying this information to the applicant, we asked if they would like an opportunity to be further discuss this request of the Board, and the applicant requested that they be placed on this agenda to discuss this matter further with the Board.

Below is the email staff provided to the applicant:

Post meeting, it was asked of staff to continue to review the pedestrian concern that was raised at the meeting regarding safe pedestrian access to the Cumberland Street neighborhood.

In reviewing the area, a crosswalk in this vicinity is not a safe way to transfer pedestrians to the sidewalk across the street, however, affording safe access for pedestrians could be made on the east side of Cumberland Street by installing a sidewalk from the project site to the Congin School access drive on Cumberland, which has a crosswalk and connects to the community center. This view had not been noticed in the past but is the direction the ordinance requires on making safe pedestrian access to the neighborhoods around project sites as this project is a significantly large project to be completely isolated in its current layout.

Unlike most situations we see, the wide shoulder on Cumberland St already has subsurface drainage that a curbed sidewalk could work with.

To avoid you having to receive this information at the final meeting, we sent out an email to the Board members to ask for their input on this as they had been the ones to ask staff to look into the matter.

In polling the board members individually, the majority of the members were in favor of requesting a sidewalk from the project site to the Congin access drive to address the requirement for safe pedestrian access to the neighborhood. Staff wanted to get you this information as soon as possible to allow you time to incorporate this item into your final plans. If you wished to alter your open space plan based upon this requested change in sidewalk construction, you can revise and resubmit to the Rec & Con for their June meeting.

*If you do not agree with the direction the Board has provided, you can return to the Board for discussion on this matter at **its June 4th** meeting where we will place you under unfinished business. Please let us know if you would like to attend the June 4th meeting for the purpose of discussing the sidewalk **by Noon on this FRIDAY May 17.***

If you accept the direction the Board has provided and would just like to proceed on the next meeting when you have received your DEP approval, you can just keep us posted on when that approval is issued.

Board Action:

If the Board wished to take a straw poll on whether or not a majority of the Board feel the sidewalk connection along Cumberland Street from the site driveway to the Congin School access drive should be included in the project work to address the findings of fact for safe pedestrian connections to existing neighborhoods, the Board can provide that feedback at this time.

6. 2017.05 – Conditional Use & Shoreland Zoning - 907 Main Street (Theater Use) – Transformation Project

Tax Map: 32 Lot: 111

Zone: City Center District/Village Review Overlay Zone & SZ-GD

Project Description:

The applicant is seeking a one-year extension for the project completion at this location. See attached letter from the applicant's agent.

On the first Floor, the applicant is constructing a small theater space which is a conditional use.

Staff Comments: (Previous for reference)

1. Parking on Dana St. may be eliminated due to width of street to allow for improved access.
2. Area along Dana St will be striped/signed as no parking for pedestrians.
3. Prior to the occupancy permit being issued for the theater space, a 5' hatched sidewalk area (no parking) from the existing Main Street sidewalk all along the Dana Street side of the building shall be painted by the applicant and maintained into the future.

Staff take no issues with the one-year extension of this project to allow the applicant additional time for completion.

Motion:

- 1) Motion to grant an extension of one-year for the completion of the Conditional Use and GD Shoreland zoning application for the Transformation Project to operate a theater use at 907 Main Street, Tax Map: 32 Lot: 111 Zone: City Center District/VROZ is **(approved with conditions/ denied)**. All previously approved findings of fact and conclusions and conditions are still applicable.

7. 2017.18 – Conditional Use & Shoreland Zoning (GD) – 907 Main (Community Based Residential Facility) – Transformation Project

Tax Map: 32 Lot: 111

Zone: City Center District/Village Review Overlay Zone & SZ-GD

Project Description:

The applicant is seeking a one-year extension for the project completion at this location. See attached letter from the applicant's agent.

The applicant is proposing a Residential Unit on the second floor of the 907 Main Street property which will provide transitional housing for juvenile and adult offenders.

Staff Comments: (Previous for reference)

1. Parking Standard waiver is requested by the applicant for the 2 space requirement.
2. Parking on Dana St. may be eliminated due to width of street to allow for improved access.
3. Area along Dana St will be striped/signed as no parking for pedestrians (As was stated in the theater use)
4. Applicant has provided a summary on the program as well as how they will address the performance standards for Community-Based Residential Facility
5. A site walk was held on June 24, 2017 which also served as a neighborhood meeting.

Staff take no issues with the one-year extension of these two projects to allow the applicant additional time for completion.

Motion:

- 1) Motion to grant an extension of one-year for the completion of the Conditional Use and GD Shoreland zoning application for the Transformation Project to operate a Community Based Residential Facility at 907 Main Street, Tax Map: 32 Lot: 111 Zone: City Center District/VROZ is **(approved with conditions/ denied)**. All previously approved findings of fact and conclusions and conditions are still applicable.

8. 2019.12 - 380 Main Street – Zoning Map Amendment – H.A. Mapes, Inc

WORKSHOP

Tax Map: 040 Lot: 089

Zone: Residential Growth Area 1

Ordinance Description

The applicant is requesting an amendment to the Zoning Map to rezone the parcel located at the corner of Main Street and Lamb Street from Residential Growth Area 1 to City Center District

Ordinance History

June 4, 2019 – Planning Board Workshop

Staff Comments

At the meeting on December 4th, 2018 the Planning Board approved a site plan for a self-service gas station and neighborhood grocery store located at 380 Main Street. Following the approval the development was determined to be too costly and the applicant has informed Staff of a decision not to proceed in the direction of the approved plan. After reviewing the list of permitted and conditional uses within the current RGA1 Zone, the applicant is requesting an amendment to the zoning map to extend the City Center Zone to cover the 380 Main Street parcel. This amendment would allow the property additional uses which would make the property more marketable.

Attached to the applicant's letter and application are two maps of the subject area. The first map shows the area with the current zoning showing the limits of the Residential Growth Area 1 and the City Center District. The second map shows the surrounding 2 or more unit-multifamily commercial units within the vicinity of the subject parcel.

Action for the Board's Consideration

1. Consider public comments provided during the workshop
2. Schedule a public hearing

9. 2019.13 - 511 Bridge Street – Site Plan & Conditional Use – Chase Custom Homes & Finance, Inc

WORKSHOP

Tax Map: 048 Lot: 046
Zone: Residential Growth Area 2

Project Description

The applicant is proposing a 100-child daycare facility within the existing structure and associated playground and parking lot site components.

Project History

May 28, 2019 - Neighborhood Meeting
June 4, 2019 – Planning Board Workshop

Staff Comments

1. Provide ADA tip down ramp at sidewalk/crosswalk on the opposite side of Bridge Street
2. Sidewalk along Bridge Street must continue within the Right-of-way to the driveway entrance
3. Fire Lane/No Parking striping/signage required along driveway and secondary parking lot
4. Provide auto-turn with final submission
5. Provide Landscaping plan with final submission
6. Outdoor covered areas may require sprinklers – more detailed required.
7. Building must be fully sprinkled and updated fire alarm system
8. Lighting/Photometric plan required with final submission
9. Electrical brought up to current standards for educational facility. Stamped electrical plans will be required prior to obtaining an electrical permit
10. Provide any signage proposed with final application
11. Ability to serve letters for water and sewer required with final submission
12. Access to the shed to the rear of the parking area may be difficult. Consider alternate locations.

Action for the Board's Consideration

1. Consider public comments provided during the workshop
2. Schedule a public hearing