



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, NOVEMBER 5, 2019, 7:00 P.M.
WESTBROOK HIGH SCHOOL, ROOM 114**

AGENDA

REGULAR MEETING

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

NEW BUSINESS

3. **2019.02 – Site Plan – 590 Bridgton Road – Coastal Road Repair – Public Hearing:** The applicant is proposing an approximate 11,575 sf commercial building with associated parking area and site improvements. Tax Map: 018 Lot: 001, 002A Zone: Prides Corner Smart Growth Area
4. **2019.20 – Site Plan - 959 Spring Street – A and C Builders, LLC – Public Hearing –** The applicant is proposing a combination self-serve/automatic car wash and associated site improvements. Tax Map: 002 Lot: 015 Zone: Highway Services
5. **2019.31 – Site Plan-Conditional Use – 150 Main Street – Cumberland County Federal Credit Union – Public Hearing:** The applicant is proposing to redevelop an existing building to accommodate a Bank Class 1 use. Tax Map: 042B Lot: 042E Zone: Gateway Commercial

WORKSHOP

6. **2019.33 – Site Plan, Conditional Use – 100 Larrabee Road – Maine Community Bancorp –** The applicant is proposing a new 3-story building to accommodate a business office and bank class 1 use. Tax Map: 042 Lot: 006 Zone: Gateway Commercial
7. **2019.34 – Site Plan – 34 Spring Street – Bath Savings Institution –** The applicant is proposing a 3,187 sf building, parking area and associated off-site improvements to accommodate a bank class 1 use. Tax Map: 033 Lot: 115 Zone: City Center District
8. **2019.35 – Site Plan – 185 Warren Avenue – Delta Realty, LLC –** The applicant is proposing to construct a 6,000 sf steel building for the storage of vehicles. Tax Map: 046 Lot: 001 Zone: Industrial Park 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.

9. **2019.26 – REFERRAL FROM CITY COUNCIL - Land Use Ordinance Amendment –Retail Class 4 Overlay District:** The proposed Ordinance establishes standards for Retail Class 4 establishments located within the City Center District.

10. **2019.36 – REFERRAL FROM CITY COUNCIL – Land Use Ordinance Amendment and Zoning Map Amendment – 301 City Center District, 403 Village Review Overlay Zone, 407 Downtown Housing Overlay District:** The proposed amendment extends and expands the standards of the existing Downtown Housing Overlay 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.



City of Westbrook

DEPARTMENT OF PLANNING & CODE ENFORCEMENT

2 York Street

Westbrook, Maine 04092 (207) 854-0638

Fax: 1-866-559-0642

DATE: November 1, 2019

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

RE: November 5, 2019 Planning Board Meeting

1. **2019.02 – Site Plan – 590 Bridgton Road – Coastal Road Repair**
 2. **2019.20 – Site Plan - 959 Spring Street – A and C Builders, LLC – Car Wash/Dog Wash**
 3. **2019.31 – Site Plan – 150 Main Street – Cumberland County Federal Credit Union**
 4. **2019.33 – Site Plan, Conditional Use – 100 Larrabee Road – Maine Community Bancorp**
 5. **2019.34 – Site Plan – 34 Spring Street – Bath Savings Institution**
 6. **2019.35 – Site Plan – 185 Warren Avenue – Delta Realty, LLC**
 7. **2019.26 – REFERRAL FROM CITY COUNCIL - Land Use Ordinance Amendment –Retail Class 4**
 8. **2019.36 – REFERRAL FROM CITY COUNCIL – Zoning Map Amendment – Downtown Housing Overlay District Expansion, (Amendments to City Center District and VROZ included)**
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1. **2019.02 – Site Plan – 590 Bridgton Road – Coastal Road Repair**

PUBLIC HEARING

Tax Map: 018 Lot: 001, 002A
Zone: Prides Corner Smart Growth Area

Project Description:

The applicant is proposing a new 11,575+/- sf commercial building with associated parking area and site improvements.

Project History:

March 5, 2019 – Planning Board Workshop
August 13, 2019 – Neighborhood Meeting
November 5, 2019 – Public Hearing

Staff Comments:

1. Provide clean outs with filter system
2. Smaller building shown and temporary (sheet 4) and proposed (sheet 5).
3. Provide clarity on the 1” water lint between the pond and the 1,400 sf building
4. What is the being stored within the storage shelter and gravel storage area?
5. Sign and landscaping area shown on abutting land (Sheet 6)

6. Address shown on sign at the Bridgton Road entrance to direct emergency vehicles.
7. Provide a blow up of proposed landscaping at site entrance. Possibility of additional landscaping on westerly side of driveway?
8. Underground utilities to the building required
9. Provide an erosion control plan
10. Provide cut sheets for lighting fixtures
11. Provide lighting along the driveway
12. Signature block on cover sheet
13. State required and proposed district standards on plan
14. Provide building elevations with color and materials stated
15. Narrative states site will be gated for security – show location of gate on site plan
16. Driveway width 20-feet is too narrow – widen to a minimum pavement width of 24'. If additional leased units are added to the site pavement width of 28-feet will be required.
17. ATS letter for PWD
18. Show dumpster location on the plan.
19. Revised cost estimate based on final site design.
20. Work requiring lane closures within the Bridgton Road ROW is limited to 9a – 3p
21. Noticing fees paid – Staff will follow up with amount due prior to the public hearing
22. Final edited plans with conditions stated on the signature sheet provided to the Planning Office on both paper and mylar form by end of day on Monday, November 4 (one full set paper, one full set mylar).

Motion:

The Site Plan application for Coastal Road Repair for a new 11,575+/- sf commercial building with associated parking and site improvements located at 590 Bridgton Road Tax Map: 018 Lots: 001, 002A Zone: Prides Corner Smart Growth Area is **(approved with conditions/ denied)** and the following findings of fact, conclusions and conditions as stated on pages 2 through 5 of this Staff Memo dated November 1, 2019 are adopted in support of that approval.

Site Plan – Finding of Fact

Standard	Finding
Utilization of the site	The plan meets the intent of the ordinance. Underground utilities required.
Handicap Access	Site is ADA compliant with accessways and parking spaces provided.
Appearance Assessment	The proposed project is utilizing an existing access point to the site. The building is set back and not visible from Bridgton Road. No additional street lighting is proposed. A landscaping plan has been provided. The project meets the criteria for items 1-5. Item 6 is not applicable as the project site is not located within the Village Review Overlay Zone.
Landscape Plan	A landscaping plan has been provided showing enhanced landscaping along Bridgton Road and along the entrance to the building.
Odors	The operations should create no odor issues, outside of proper maintenance of trash disposal.
Noise	No adverse impact known or anticipated.

Technical and Financial Capacity	The applicant has provided a letter from Bath Savings Institution dated September 19, 2019 to demonstrate proof of financial capacity. The applicant has retained the services of Sebago Technics which demonstrates technical capacity.
Solid Waste	A dumpster location needs to be shown on plan. Private waste removal is required.
Historic, Archaeological and Botanical Resources or Unique Features	None known.
Hazardous Matter	None known.
Vibrations	The operations should create no vibration issues.
Parking & Loading Design and Site Circulation	The site is accessed through a two-way driveway from Bridgton Road to a parking area accessible to the building. The site provides ample room for vehicular passage without conflict.
Adequacy of Road System	Adequate
Vehicular Access	Site ingress/egress is provided by way of an existing point of access on Bridgton Road.
Pedestrian and Other Modes of Transportation	A walkway around the perimeter of the front of the building is provided as a connection with the parking area and the building entrance.
Utility Capacity	An existing water main is located on Bridgton Road and is accessible to the project. An ability to serve has been requested and will be provided to the City upon receipt. The site is not served by public sewer. The plan includes a subsurface wastewater design that is adequate to serve the project.
Stormwater Management, Groundwater Pollution	Proposal has provided adequate measures on the plan.
Erosion and sedimentation Control	Adequate erosion and sedimentation 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.

Conditions

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated September 19, 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. 2% Inspection fee - \$15,714.70
 - 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. Cost estimate provided: \$785,735
 - 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. 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, striping, sidewalks, 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 applicant shall comply with the requirements of local and state authorities for life and safety requirements.

2. 2019.20 – Site Plan – 959 Spring Street – A and C Builders, LLC – Car Wash/Dog Wash

PUBLIC HEARING

Tax Map: 002 Lot: 015
Zone: Highway Services

Project Description:

The applicant is proposing a combination self-serve/automatic Car Wash, Dog Wash and associated site improvements.

Project History:

June 27, 2019 – Neighborhood Meeting
July 2, 2019 – Planning Board Workshop
November 5, 2019 – Public Hearing

Staff Comments:

1. Letter of Financial Capacity does not state that the applicant has the funds for the construction project.
2. Revised cost estimates based on final site design.
3. Noticing Fees Due - \$149.00 due prior to the public hearing
4. Remove extra leader line at the Spring Street clean out on the Utility Plan
5. Further clarity needed on how the water recovery tank is incorporated in the recovery process. Drainage from the dog wash to the recovery system is not shown. Connection from the recovery system to the recovery tank not shown.
6. Stop sign is located in the Spring Street right of way – pull back to be within the boundaries of the parcel
7. Include a plan note stating hours of operation. Current hours of operation are proposed to be 24/7. Due to the residential nature of the abutting properties – limited hours of operation may be appropriate.
8. The ambient sound levels determined by the sound study is based on a 30-minute period. Applicant should provide the time frame the study was conducted. Due to the broad hours of operation proposed by the applicant another sound study to determine ambient levels in business vs nonbusiness hours may be required. Sound studies should be conducted over a 60-minute period of time.
 - a. Clarification needed as sound generation study shows differing decibel values for the various vacuums.
9. Stormwater Pollution Prevention Plan
 - a. 4.1 Materials Inventory – Revise to read “The dumpster on site is covered and must remain plugged”
 - b. Throughout entire document, revise “hazardous material” to read “chemical or hazardous material”
 - c. 6.1 Preventative Maintenance – Include a statement stating any chemical or hazardous materials greater than 5-gallons requires secondary containment.
 - d. 7.1 Ongoing Monitoring – Monitoring of grounds for evidence of spills and leaks should occur on a daily basis. Monitoring of stormwater during measurable rain events or no less than weekly. Documentation of inspection dates and findings should be kept on site in a log.

- e. Provide a maintenance log with a schedule of all maintenance activities (trash removal, etc.) to be kept on site.

10. Sewer – Needs Action

- a. Staff is not in support of a proposed flow rate that exceeds ½ pipe capacity in a gravity sewer.
- b. The proposed system limits the sewer flow to 18gpm, approximately 30% of the total outflow from the car wash. The remaining 70% of the outflow is processed through the recycling system. The proposed 4” gravity line is sufficient to accept a flow rate of 18gpm, however, if the recycling system were malfunction, a full flow rate of approximately 60gpm would apply. This is in excess of the best practice capacity of the pipe (max 1/2 flow in gravity situations). Applicant will need to demonstrate how the sewer flow rate is limited to 18gpm. Additionally, Public Services will not accept any additional flow into the 4” line (i.e. a coffee shop) and recommends upgrading to a 6” line to avoid an unsustainable flow (see attached memo).
- c. Staff does not support stubbing the sewer service for possible future use as shown. Private sewer services require a means to differentiate between the lines. Plans should be revised to show a 6” line with manholes where clean outs are shown or provide a separate sewer service for each use.
- d. Further clarification may be required on the sewer calculations as provided

11. Stormwater – Needs Action

- a. Provide an updated stormwater analysis based on the regrading required to show connection between ponds and additional curbing to point location.
- b. Staff recommends curbing the perimeter of the southern area providing a point location for water to discharge to an approved sediment containing feature prior to entering the southerly detention pond. Forebays should include a concrete base for maintenance
- c. No connection provided to direct water from the southerly pond to the northerly discharge point. This could create overflow and flooding on the abutting property. Revise grading and drainage plan to show underdrain connection between ponds.
- d. The base of the trough behind the level lip spreader should be at grade with the level lip spreader rocks. A shallow trough will collect water and will prevent drainage to the forested buffer area. The detail provided is not the correct application.
- e. Maintenance Plan with a log for the stormwater features needs to be provided.

Board Action

1. Hold a public hearing and provide feedback based on public comment
2. Provide Staff and the applicant recommendations on the following items:
 - a. Hours of Operation
 - b. Stormwater Design
 - c. Sewer Design

3. 2019.31 – Site Plan – 150 Main Street – Cumberland County Federal Credit Union

PUBLIC HEARING

Tax Map: 042B Lot: 042E
Zone: Gateway Commercial

Project Description

The applicant is proposing to redevelop an existing building to accommodate a Bank Class 1 Use.

Project History

October 1, 2019 – Planning Board Workshop
October 23, 2019 – Neighborhood Meeting
November 5, 2019 – Public Hearing

Staff Comments

1. State required and proposed space and bulk standards on site plan
2. Signature block on site plan
3. Show PWD easement on site plan
4. ADA parking space requires access aisle located on the passenger side.
5. Revised cost estimate – remove building “demolition” and “excavate and subgrade” line items.
6. Show water and electrical feed to building on sheet 6
7. Beehive grate on catch basin along Main Street
8. Enhanced landscaping along Main Street. Verify the spacing of the cherry tree and rhododendron next to the generator are correct.
9. Staff recommends a vinyl coated chain link fence with privacy slats for the dumpster enclosure – maintenance concerns with vinyl enclosure. Privacy slats should be green or black in color to blend with surrounding landscaping.
10. Add arrows on the pavement to show movement around access drive
11. Add stop lines from parking space area
12. Add one-way sign at the southerly parking lot intersection to direct traffic to direction of the atm/teller lanes.
13. Site Plan stamped by P.E.
14. Noticing Fees Due – total amount due: \$95.00
15. Any construction requiring lane closures on Main Street may require night work.
16. Final edited plans with conditions stated on the signature sheet provided to the planning office on both paper and mylar by end of day on Monday, November 4 (one full set paper, one full set mylar)

Motion:

The Site Plan application for Cumberland County Federal Credit Union to redevelop an existing building to accommodate a Bank Class 1 use located at 150 Main Street Tax Map: 042B Lot: 042E Zone: Gateway Commercial is **(approved with conditions/ denied)** and the following findings of fact, conclusions and conditions as stated on pages 9 through 12 of this Staff Memo dated November 1, 2019 are adopted in support of that approval.

Site Plan – Finding of Fact

Standard	Finding
Utilization of the site	The proposed use is permitted as a conditional use in the Gateway Commercial District. The plan meets the intent of the Ordinance.
Handicap Access	An ADA parking space is provided on the plans.
Appearance Assessment	The proposed building will be located in the same footprint as the existing and is in scale with buildings located in the surrounding area. The project results in a net decrease of impervious area and a substantial increase in landscaping. The proposed lighting on-site will not create an adverse impact on surrounding properties. No street lighting is proposed. Signage is integrated to the site to support clear circulation. The project meets the criteria of items 1-5. Item 6 is not applicable as the project site is not located within the Village Review Overlay Zone
Landscape Plan	The applicant has provided a landscape plan that meets the intent of the Ordinance through providing landscaping along Main Street and throughout the site.
Odors	The operations should create no odor issues, outside of proper maintenance of trash disposal.
Noise	No adverse impact known or anticipated. The development should be in keeping with the ambient noise levels of the area.
Technical and Financial Capacity	The applicant has provided a letter from Northern Capital dated October 8, 2019 to demonstrate proof of financial capacity. The applicant has retained the services of Sebago Technics which demonstrates technical capacity.
Solid Waste	A dumpster with screening is provided on site. Waste removal is the responsibility of the commercial entity.
Historic, Archaeological and Botanical Resources or Unique Features	None known.
Hazardous Matter	None known.
Vibrations	None known or anticipated.
Parking & Loading Design and Site Circulation	Site circulation is proposed in a predominately one-way traffic pattern to minimize the points of conflict on site.
Adequacy of Road System	Adequate
Vehicular Access	Vehicular access is provided through an existing curb cut on Main Street.
Pedestrian and Other Modes of Transportation	The plan is providing an on-site sidewalk connecting the existing sidewalk along Main Street with a sidewalk along the length of the building to accommodate pedestrian site circulation.
Utility Capacity	The proposed Bank Class 1 use is a less intensive use than prior utilization of the site and will not increase the previously existing water or sewer needs of the site. Underground utility services are provided to the site.

Stormwater Management, Groundwater Pollution	The project does not create an increase in the site's impervious are. The existing stormwater infrastructure is adequate in supporting the proposed development.
Erosion and sedimentation Control	Adequate erosion and sedimentation 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.

Conditional Use – Finding of Fact

Standard	Finding
Landscape Environment and Enhancement	The project results in a decrease in impervious cover to the site and a substantial increase in on-site landscaping in a variety of plan species. Landscaping enhancements are provided along Main Street.
Surface Water Drainage	Adequate surface water drainage measures exist on the site to support the plan.
Water, Air, Soil Pollution	No unreasonable water, air or soil pollution are anticipated with a Bank Class 1 use.
Soil Integrity	Erosion and sedimentation control measures are provided on the plan.

Natural Environment	The project location has not known to be historic or include any irreplaceable natural areas.
Nuisance Factor	No unreasonable noise or odors are anticipated with a Bank Class 1 use.
Special Features	The dumpster and generator are located to the rear of the site, set back from Main Street.
Vehicular Access	Vehicular access is provided through an existing curb cut on Main Street.
Parking and Circulation	Site circulation is proposed in a predominately one-way traffic pattern to minimize the points of conflict on site. The plan provides for a total of 14 on-site parking spaces, including one ADA space.
Public Services	Minimal impact to city services will be created by this proposal.

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 October 4, 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. **\$2,572.48**
 - 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. **\$128,624.00**
 - g. Best management practices shall be adhered to during all ground disturbance operations.
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. (This includes all paving, striping, sidewalks, 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 applicant shall comply with the requirements of local and state authorities for life and safety requirements.
 7. Prior to any further development on the parcel, a site plan amendment needs to be submitted to the City for review and approval through either the City Planner or the Planning Board.

4. 2019.33 – Site Plan, Conditional Use – 100 Larrabee Road – Maine Community Bancorp

WORKSHOP

Tax Map 042 Lots 006

Zone: Gateway Commercial

Project Description

The applicant is proposing a new 3-story building to accommodate a business office and bank class 1 use.

Project History:

October 17, 2019: Neighborhood Meeting

November 5, 2019: Planning Board Workshop

Staff Comments

1. Include zone standards on the plan. Note actuals to demonstrate compliance
2. Provide signature block on the cover sheet
3. Survey of the site required with final submission
4. Include cost estimate with final submission
5. Coordination of work with work along Terminal and Larrabee may be required
6. Verification of condition, size and material of existing sewer is needed
7. Flooding is an issue at this location. Staff recommends on-site stormwater mitigation be included within the portion of the lot proposed to be redeveloped (tree filter, etc.)
8. Site Circulation
 - a. Provide sidewalk connection from sidewalk on Larrabee (currently being installed) to the building.
 - b. Provide arrows and stop bars at points of conflict within the parking lot (limited to the area proposed to be redeveloped)
9. Provide additional landscaping along Larrabee – lower level vegetation, complimentary to the new building
10. Stamped electrical drawings will be required prior to the issuance of an electrical permit
11. Provide documentation of the neighborhood meeting (sign-in sheet and minutes)
12. Verify dumpster location and enclosure material on the plan

Board Action:

1. Site Walk - The Staff can provide a virtual site walk for the Board at the meeting.
2. Public Hearing

5. 2019.34 – Site Plan – 34 Spring Street – Bath Savings Institution

WORKSHOP

Tax Map: 033 Lot: 115
Zone: City Center District

Project Description:

The applicant is proposing a 3,187 sf building, parking area and associated off-site improvements to accommodate a Bank Class 1 Use.

Project History:

October 24, 2019 – Neighborhood Meeting
November 5, 2019 – Planning Board Workshop

Staff Comments:

- 1) Review of intersection improvements to afford increased stacking on Spring St due to removal of queue length.
- 2) Underground power to the site is required
- 3) Pavement cut line in spring to be a clean line parallel to the roadway not at an angle.
- 4) Show sidewalk along Spring St to the driveway
- 5) Relocate the internal crosswalk and sidewalk connection to head towards spring street through the internal islands to spring St crosswalk.
- 6) Required/Proposed district standards to be stated on plans
- 7) Landscape Plan required with final application
- 8) Stormwater, etc to be provided on final plans.
- 9) Provide screening for headlights using teller/atm lanes
- 10) Provide documentation of neighborhood meeting (copy of invitation, sign in-sheet and minutes). Neighborhood meeting should be held prior to the 11/5 Planning Board workshop.
- 11) Dumpster enclosure required – recommend vinyl wrapped chain link fence with privacy slats (dark color)
- 12) Signage – include a Do Not Enter sign on the site where the drive-thru exists and intersects with the parking area and a One-Way arrow or sign at the entrance to the drive-thru lanes/parking area.
- 13) Concern on the impacts to traffic as a result of construction within the Spring Street ROW. Work requiring land closures may result in limited construction hours (9a – 3p) and possible night work.

Board Action:

1. Site Walk – The Staff can provide a virtual site walk for the Board at the meeting.
2. Public Hearing

6. 2019.35 – Site Plan – 185 Warren Ave – Delta Realty, LLC

WORKSHOP

Tax Map: 046 Lot: 001
Zone: Industrial Park District

Project Description

The applicant is proposing to construct a 6,000 sf steel building for the storage of vehicles.

Project History

October 28, 2019 – Neighborhood Meeting
November 5, 2019 – Planning Board Workshop

Staff Comments

- 1) Verify use of the building – storage for other materials in addition to dump trucks?
- 2) Power to the existing building cannot support power to proposed building. Provide a separate single-phase service from existing pole. Underground utilities required.
- 3) Additional site lighting may be required
- 4) Pavement needed where currently gravel
- 5) Provide access around building for FD
- 6) Show truck turning template (staff to email)
- 7) Provide a letter from the Geotech regarding the suitability of fill soils
- 8) Provide Stormwater calculations and design site to address the impact of the additional fill and structure using Chapter 500 standards for all development post 1990
- 9) Update Erosion and sediment control to be parallel to contours
- 10) Concern on tightness of site between structures – post no parking
- 11) Signage on structures for addressing. E-911 addressing for all buildings on site (Contact Linda Gain)
- 12) Clean up of site – all areas stabilized
- 13) Enhanced landscaping along Warren Ave
- 14) Clean up entrance (radii)
- 15) 165 Warren's entrance was placed on 185 Warren land
- 16) Provide District standards for lot on the plan
- 17) Provide documentation of neighborhood meeting (sign-in sheet and minutes) to Planning Office.

Board Action:

1. Site Walk - The Staff can provide a virtual site walk for the Board at the meeting.
2. Public Hearing

7. 2019.26 – REFERRAL FROM CITY COUNCIL – Land Use Ordinance Amendment – Retail Class 4

WORKSHOP

Ordinance Description

The proposed Ordinance establishes standards for Retail Class 4 establishments located within the City Center District

Ordinance History:

- July 1, 2019 – Referral from City Council
- September 3, 2019 – Planning Board Workshop
- November 5, 2019 – Planning Board Workshop

Staff Comments

There are currently four existing gas stations (defined as Retail Class 4 in the Ordinance) located in the City Center District. Retail Class 4 establishments are not a permitted use within the City Center District and therefore the existing gas stations are not permitted to expand per the Nonconforming Use Provisions, Section 203.

There have been discussions over time that some of these Gas Stations would like to re-invest in their properties, but it could only be done if there was the ability to re-organize their sites or potentially acquire adjacent parcels. Where the gas station use is non-conforming, they cannot expand or relocate the non-conforming use. The intent of the proposed Ordinance is to allow the existing businesses as permitted uses, thereby allowing for renovations and expansions, while maintaining the current character of the downtown.

This item was brought to the City Council to see if there was general support for allowing gas stations under limited circumstances to be permitted uses in the City Center District, as staff did not wish to bring a proposal to the Board if there was not going to be support for it at the Council. The Council's discussion did provide some reservations on allowing the use, but in general they felt this was a discussion worth having and provided a positive referral to the Planning Board.

At the direction of City Council through Legal review, Staff have drafted an "Overlay" proposed approach and is seeking direction from the Board on the proposed language and standards.

Retail Class 4 Overlay Zone

- Develop an overlay zone to be located over the parcels currently operating as a Retail Class 4 use.
 - This would limit the total number of establishments to those map/lot parcels stated in the overlay section of the ordinance which we are specifying as the current four (4) locations.
 - If any new or relocated establishments were proposed outside of the four (4) parcels stated in the ordinance, it would require a zoning map amendment and would therefore be under the consideration/discretion of the Planning Board and City Council.
 - Staff feel this approach provides the most control for the City while still allowing for existing stations to expand, renovate, and allow re-investment in these downtown properties.
 - The use of the Map/Lot parcel affords acquisition of adjacent parcels into the current gas station parcels.
 - The zoning map would have a reference to the Overlay with a statement "Refer to Ordinance for specified parcels"

- **Size Limitations/Landscape Factor**
 - **Based on feedback provided during the September 3rd workshop,** Staff has provided the Board with a revised Ordinance with performance standards to limit the extent of an expansion of a Retail Class 4 use.
 - The draft ordinance provides a maximum footprint of a principle structure of 3,500 sf (the largest currently existing is 3,060 sf) with no more than four fuel pump dispenser units, regardless of parcel size.
 - Further, the ordinance requires a higher landscape factor than the base City Center District as well as requires any new building to be brick.

Board Action

1. Provide feedback to Staff
2. Schedule a public hearing

8. 2019.36 – REFERREL FROM CITY COUNCIL – Zoning Map Amendment – Downtown Housing Overlay District:

WORKSHOP

Ordinance Description:

The proposed amendment extends and expands the existing Downtown Housing Overlay District

Ordinance History:

October 7, 2019 – Referral from City Council
November 5, 2019 – Planning Board Workshop

Staff Comments

Staff was approached by a Downtown Main St property owner if there would be support for reviewing the density standards to allow for increased residential units in our most urban district. Staff had been looking at expanding the Downtown Housing Overlay District (DHOD) further down Main St to provide incentives for our property owners to re-invest in our downtown properties, upgrade life safety, as well as provide additional housing which is desperately needed in this area to support the growth of the downtown businesses. The DHOD affords a density of 1 unit/500 sf of base site area and requires 1 parking space per unit.

Staff advised the property owner to approach several City Councilors to see if there was support to review the expansion of the DHOD and if there was, to request a referral to the Planning Board to have that discussion and provide the City Council with a recommendation.

Staff's initial recommendation was to carry the DHOD down Main Street for all Main Street fronting properties including the Cumberland Mills Triangle. All other standards would remain with the exception of requiring this overlay to not allow residential units on the first/street level, which is already a requirement in the Heart District.

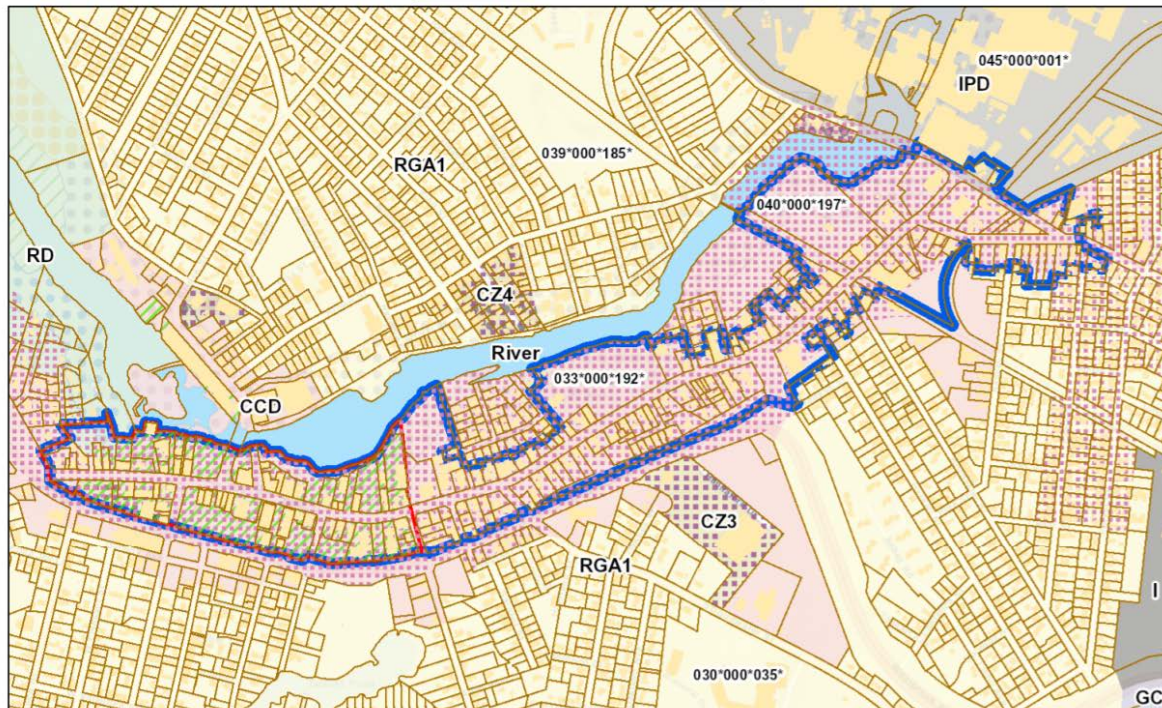
In Staff reviewing the ordinances and the current overlays that we have on our zoning map, a few issues arose as to how to proceed on this referral.

The Zoning map looks like the map below with the series of overlays currently:

- Zoning District: City Center District (Pink solid)
- Overlay Districts: Village Review Overlay (Pink Dotted)
- Heart District Designation (Red Line)
 - Downtown District Designation (Blue Line)
- Downtown Housing Overlay (Green Hatching)

Some of these overlays actually perform redundant measures and it became clearer that the direction we should be heading is to reduce the excessive amount of overlay zones and utilize the boundaries of established district lines that are already part of our map which will reduce the potential for missing an overlay during the course of a review process.

The DHOD language had provisions in the ordinance that were never enacted (Parking Lot impact fee) and provided a very specific option on parking waivers for only shuttle or shared car service which is not a feasible alternative, but rather the terminology should be changed to transportation management plan.



Therefore, we are proposing to use the Downtown District (Blue Line) as the limit for the area that would be afforded the increased density, providing the owner can address all other standards. To further encourage development in the urban core where we want development to occur, we have inserted an additional density criteria that, “For structures with 4 (four) or more stories, the residential density factor is negotiable during subdivision/site plan review.” This is similar language to the height standard for the CCD which would be reviewed as part of a Planning Board level project where the Board could determine if the applicant’s project provides a benefit to the City (additional housing) while still addressing items such as Parking. This could generate significant investment in the downtown by affording owners the incentive to have more units on their lands.

Therefore, document before you deletes the current DHOD overlay, and instead adds the DHOD density language into the CCD zoning requirements in the area of the Downtown District (Blue Line) only and the two lots across the River that are currently in the DHOD (Dana Warp Mill and the parking lot beside that parcel). There were also adjustments made to the landscape language as the language was confusing and conflicted with the coverage allowances.

Further, to ensure that there were ordinance ties between the CCD section and the VROZ district language, we added in the language you see in Section 403.

Benefits of the proposal:

- 1) Increased housing opportunities in our urban core
- 2) Incentives for owners to invest in their properties
- 3) With additional units and renovations, life safety measures are enhanced in older structures or are provided for in new construction.
- 4) Lessens the pressure on development in our more rural areas and thereby reducing sprawl
- 5) Reduces the cost to the City per resident for City Services by increasing population where you already deliver services and not expanding services into new areas.

Board Action:

1. Provide feedback to Staff
2. Public Hearing