



## PLANNING & CODE ENFORCEMENT



### Planning & Code Enforcement

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

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

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

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

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

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

**Webinar ID:** 817 0074 1385

### AGENDA

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

### REGULAR BUSINESS

3. **2019.20 – Site Plan Approval Extension Request - 959 Spring Street – A and C Builders, LLC:** The applicant is requesting an additional one-year extension on the December 3, 2019 approval for a combination self-serve/automatic car wash located at 959 Spring Street. A previous one-year extension was granted by the Planning Board on December 1, 2020. Tax Map: 002 Lot: 015 Zone: Highway Services

### NEW BUSINESS

4. **2021.28 – Subdivision – 313 Forest Street – Landsdowne Development Company, LLC – Public Hearing:** The applicant is proposing a duplex on a recently divided lot located at 313 Forest Street. The application requires subdivision review due to an additional residential unit that was added to the divided lot in 2020 resulting in the creation of 3 residential units within a 5-year period. Tax Map: 034 Lots: 128 and 128B Zone: Residential Growth Area 1 Use: Dwelling, Two-Family

### WORKSHOP

5. **2021.31 – Site Plan, Subdivision – Stroudwater Apartments - Westbrook Development Corporation – Stroudwater Apartments LP:** The applicant is proposing a 55-unit, affordable senior housing development located on a portion of the City-owned parcel easterly of the National Guard property on Stroudwater Street. Tax Map: 034 Lot: 221 Use: 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.



## Planning & Code Enforcement

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### PLANNING & CODE ENFORCEMENT

DATE: December 3, 2021

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

RE: December 7, 2021, Planning Board Meeting

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1. **2019.20 – Site Plan Approval Extension Request – 959 Spring Street – A and C Builders, LLC**
  2. **2021.28 – Subdivision – 313 Forest Street – Landsdowne Development Company, LLC**
  3. **2021.31 – Site Plan, Subdivision – Stroudwater Apartments – Westbrook Development Corporation – Stroudwater Apartments LP**

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#### 1. **2019.20 – Site Plan Approval Extension Request**

##### **REGULAR BUSINESS**

Tax Map: 002 Lot: 015  
Zone: Highway Services

##### **Project Description:**

The applicant is requesting an additional 1-year extension on the original December 3, 2019 approval for a combination self-serve/automatic car wash located at 959 Spring Street. **See letter from applicant.** (Plans for reference on Pg. 2)

##### **Project History:**

June 27, 2019 – Neighborhood Meeting  
July 2, 2019 – Planning Board Workshop  
November 5, 2019 – Public Hearing  
December 3, 2019 – Public Hearing (continued)  
December 1, 2020 – 1 year Extension Request  
December 7, 2021 – Second 1-year Extension Request

##### **Staff Comments:**

This is the second request for an extension on the Site Plan approval. The Planning Board previously approved a one-year extension on December 1, 2021. To grant the extension does not alter or change any of the previously approved conditions of approval, and no ordinance changes have occurred which would have altered this original approval.

##### **Motion:**

**Motion to grant an extension of one-year for A and C Builders, LLC to expire on December 3, 2022 for a combination self-serve/automatic car wash located at 959 Spring Street, Tax Map: 002 Lot: 015 Zone: Highway Services District is (approved with conditions/ denied). All previously approved findings of fact and conclusions and conditions are still applicable.**



**2. 2021.28 – Subdivision – 313 Forest Street – Landsdowne Development Company, LLC**

**PUBLIC HEARING**

Tax Map: 034 Lots: 128 and 128B  
 Zone: Residential Growth Area 1

**Project Description:**

The applicant is proposing a duplex on a recently divided lot located at 313 Forest Street. Due to an additional residential unit that was added to the original lot on 221 Rochester St (034/128) in 2020, the applicant for the 313 Forest St lot requires subdivision review as the addition of a duplex structure results in the creation of 3 residential units within a 5-year period.

**Project History:**

November 2, 2021 – Planning Board Workshop  
 December 7, 2021 – Public Hearing

**Staff Comments:**

1. Open Space Fees: \$1508.00 (to be paid prior to site disturbance/building permit)
2. Performance Guarantee Cost Estimate adjusted to \$45,000 to include the closing of the existing Forest Street driveway cut to the 221 Rochester St parcel (034/128).
3. Provide a boundary survey or include Surveyors Stamp on Subdivision Plan.
4. Copy of recorded utility easement over 221 Rochester St Parcel 034/128 required prior to issuance of building permit.
5. Concern noted for the width and condition of 221 Rochester St driveway – may require improvements or stabilization as part of the closing of the Forest St curb cut. Please provide sketch of proposed improvements.

**Motion:**

That the subdivision application for Landsdowne Development Company, LLC for a new duplex structure located at 313 Forest Street and the original parcel with a duplex structure at 221 Rochester Street Tax Map: 034 Lots: 128 and 128B Zone: Residential Growth Area 1 is (**approved with conditions/ denied**), and the following findings of fact, conclusions, and conditions as stated on pages **3 through 5** of this Staff Memo dated December 3, 2021 are adopted in support of that approval.

**Subdivision – Finding of Fact**

<b>Standard</b>	<b>Finding</b>
Pollution	Disposal of sewage will be via the public system. Sewer connection is available in the Forest Street right of way.
Sufficient Water	Water Services are available within the Forest Street right of way
Municipal Water Supply	Water Services are available within the Forest Street right of way
Erosion	Adequate erosions control is shown on the plan.
Traffic	As part of this project, the Forest Street curb cut for 221 Rochester Street will be closed and access to that lot will be via the Rochester Street curb cut. The new duplex located at 313 Forest Street will be accessed via a new driveway cut on Forest Street. Forest Street has adequate capacity to accept the traffic generated by this project.
Sewage Disposal	Disposal of sewage will be via the public system. Sewer connection is available in the Forest Street right of way.
Municipal Solid Waste Disposal	Waste management will be provided by public trash collection services.
Aesthetic, Cultural and Natural Values	None known.

Conformity with City Ordinances and Plans	Proposal is in conformance with the City Ordinance & the Comprehensive Plan.
Financial and Technical Capacity	The applicant has provided a letter from Saco & Biddeford Savings Institution dated June 23, 2021 that demonstrates financial capacity to complete the project. The applicant has rendered the services of Sebago Technics to show technical ability.
Surface Waters; Outstanding River Segments	Not applicable
Ground Water	Groundwater will not be adversely affected.
Flood Areas	Not applicable
Freshwater Wetlands	No wetlands have been identified on the site.
Farmland	No farmlands have been identified on the site.
River, Stream or Brook	No river, streams or brooks are present or have been identified on the site.
Stormwater	The project will be installing stormwater infrastructure to collect water from the site and pipe directly to the public system via the existing catch basin at the intersection of Rochester Street and Forest Street.
Spaghetti Lots Prohibited	The lot does not have shore frontage.
Lake Phosphorus Concentration	The subdivision is not located near or along a great pond.
Impact on Adjoining Municipality	The 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/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.

**Conditions :**

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated September 30, 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 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. Copy of recorded utility easement provided to Planning Department
  - 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. Inspection fee shall be 2% of the total amount of performance guarantee. **\$900.00**
  - 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. **\$45,000.00**
  - g. Payment of Open Space Fee - **\$1,508.00**
  - h. Coordinate with the E911 Coordinator on addressing of the building/units.
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. Sewer connection to be reviewed & approved of by the City's Wastewater Department.
  - b. Forest Street driveway cut for 221 Rochester Street shall be closed and sidewalk repaired to the satisfaction of Public Services. All access to 221 Rochester Street shall be via the existing driveway located on Rochester Street.
  - c. All Drainage infrastructure must be installed and functioning.
  - d. Driveway paved and sidewalks repaired and blended into new curb cut in accordance with the plan.
  - e. All other site improvements must be installed unless a performance guarantee amount is held for the full amount of any remaining improvements.
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, as well as all other conditions being addressed.
7. 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.
8. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.



### 3. 2021.32 – Site Plan, Subdivision – Stroudwater Apartments – Westbrook Development Corporation – Stroudwater Apartments LP

#### WORKSHOP

Part of Tax Map: 034 Lots: 221  
Zone: Residential Growth Area 1  
Location: Stroudwater St.

#### Project Description:

The applicant is proposing a 55-unit, affordable senior housing development located on a portion of the City-owned parcel easterly of the National Guard property on Stroudwater Street.

#### Project History

November 29, 2021 – Neighborhood Meeting  
December 7, 2021 - Workshop

#### Staff Comments

1. Provide Open Space Proposal to Planning Office to be placed on next Recreation and Conservation Commission Agenda. Review with Recreation and Conservation Commission is scheduled for December 16, 2021. Open Space Requirement – 16,500 sf
2. Application includes preliminary survey of just the portion of the property to be conveyed to WHA. Boundary survey of full parcel required with final submission to show division of land as well as building subdivision.
3. Pedestrian amenities
  - a. Provide sidewalk connection from driveway entrance westerly to the Hannaford path
    - i. Granite curb required for sidewalk.
  - b. RRFBs required at the H.S. parking lot/Hannaford crosswalk
  - c. Sidewalk design must address Stroudwater St drainage
4. Parking waiver required for reduced parking on site.
5. Fire Department Conditions
  - a. Building requires BDA testing
  - b. Rear Access Rd must be maintained during winter months
  - c. Size elevator appropriately to accommodate a stretcher
  - d. Final knox box location to be approved by Fire Department
6. Site plan – measurements of ADA spaces do not match the layout shown on plan.
7. Extend hammerhead at northerly end of parking lot to facilitate turnaround maneuver by emergency/snow removal vehicles.
8. Sewer connection into main should be at a 90-degree angle
9. DeepRoot Root Control barrier required on sidewalk side of all trees located within the Stroudwater Street right of way.
10. Stroudwater Moratorium
  - a. Stroudwater is currently under moratorium. Any work impacting pavement (including cuts required to install granite curbing associated with the sidewalk) will require a 1.5” mill and fill up to the centerline of Stroudwater and 25’ beyond the disturbed pavement.
  - b. All trenches must be combined.
11. Hours of work impacting Stroudwater Street limited to 8a – 3:30p. Week/School Day construction may need additional coordination with Public Safety to minimize traffic impacts.
12. Show existing conservation easement on plan
13. State materials on elevation views
14. Provide Stroudwater St grading/topo to demonstrate flow to CBs/drainage system

#### Board Action

1. Provide feedback on building elevations and site layout