



WESTBROOK PLANNING BOARD  
TUESDAY, APRIL 6, 2021  
WESTBROOK MIDDLE SCHOOL



WESTBROOK PLANNING BOARD  
TUESDAY, APRIL 6, 2021, 7:00 P.M.  
MINUTES

**Present:** Rene Daniel (Chair) (At Large), Rebecca Dillon (Vice-Chair) (Ward 1), Jason Frazier (Ward 2), Joseph Marden (Ward 3), Robyn Tannenbaum (Ward 4), John Turcotte (At Large), Larry McWilliams (Alternate), Ed Reidman, (Ward 5) (Via Zoom)

**Absent:** Nancy Litrocapes (Alternate)

**Staff:** Jennie Franceschi, Planning & Code Director; Rebecca Spitella, Associate Planner; Linda Gain, Office Coordinator

MINUTES MAY NOT BE TRANSCRIBED VERBATIM. SECTIONS MAY BE PARAPHRASED FOR CLARITY. A COMPLETE RECORDING MAY BE OBTAINED BY CONTACTING PLANNING AND CODE ENFORCEMENT at 207-854-0638 ext. 1220 and [lgain@westbrook.me.us](mailto:lgain@westbrook.me.us).

**Rene Daniel called the April 6, 2021 Planning Board meeting to order.**

1. **Call to Order**
2. **Approval of March 16, 2021 Minutes**

**Rebecca Dillon move to approve March 16, 2021 minutes as presented**

**2<sup>nd</sup> by Joseph Marden**

**The vote is unanimous in favor 7-0**

**NEW BUSINESS**

- ~~3. **2021.10 – Conditional Use – 396 Cumberland Street – Vicki Gayton – Public Hearing:** The applicant is proposing a medical office use to provide mental health therapeutic services within an existing building located at 396 Cumberland Street. Tax Map: 043 Lot 044 Zone: Residential Growth Area 1 Use: Medical Office **Item removed at the applicant's request**~~

**Rebecca Spitella introduced item:**

4. **2020.30 – Site Plan / Subdivision Amendment – Mechanic Street Parking Garage & Subdivision – TDB, LLC; City of Westbrook – Public Hearing: The applicant is proposing an amendment to the approved site and subdivision plan to include 60-residential units and a +/-7,000 sf retail use within the footprint of the parking structure. Tax Map: 032 Lot: 007A Zone: City Center District; Village Review Overlay Zone Use: Horticulture, Dwelling, Multiple Family, Retail Class 1 and Parking Facility**

**Mark Burns** - Harriman Associates presented aspects of the project - Mechanic Street Parking Garage & Subdivision – TDB, LLC; City of Westbrook –We are proposing an amendment to the approved site and subdivision plan to include 60-residential units and a +/-7,000 sf retail use within the footprint of the parking structure. Tax Map: 032 Lot: 007A Zone: City Center District; Village Review Overlay Zone Use: Horticulture, Dwelling, Multiple Family, Retail Class 1 and Parking Facility

Presentation on file at the Westbrook Planning Department and on the Westbrook Website link shown below: <https://westbrooktv.viebit.com/player.php?hash=PcdqUzExYeJQ>

#### **Rene Daniel** Staff Comments

#### **Jennie Franceschi** presented Staff Comments

1. *ADA Standards*
  - a. *Stripe ADA van and ADA spaces in traditional striping pattern for ADA spaces.*
  - b. *Wording of VAN spaces is mirrored please correct.*
  - c. *City Staff will work with applicant on arrangement and placement in final striping plan.*
2. *First level layout*
  - a. *Remove parking spaces beside electrical room to afford access to room and avoid potential conflicts where these spaces are blocked from view of on-coming traffic.*
  - b. *City Staff will work with applicant on arrangement and placement of spaces in final striping plan to maximize parking spaces.*
  - c. *Need striped access from exterior ped door by vehicle entrance, across drive aisle going up to the next level and over to parking area on southern side of structure.*
  - d. *Need striped ped access from last spot on southeastern end of parking spaces to follow the side of the retail space leading peds to the elevators.*
  - e. *Retail space Northern room area needs to be configured to provide an accessible corridor to the public elevators and closed off space for the retail.*
  - f. *Signage in structure for one way circulation on the first level and stop bars and signs needed to control access.*
3. *Remove Registry block from cover sheet and site plan sheets.*
4. *How will Res/Retail garbage be screened from Vertical way?*
5. *As part of the amendment, the structure was adjusted to be able to provide for 4 additional feet to provide a sidewalk on the Vertical Way side of the project. The compressing of the structure was achieved by reducing the parking spaces from 18.5' long to 17.5' long. The Engineering Dept reviewed this plan and conducted field research at a similar parking structure and took no issues with this proposal as submitted. This will require a waiver of the parking space length standard which is included in the motion below.*
6. *Add waiver statement of standard §335-13.6. B (2), parking stall depth to 17.5" on site plan.*
7. *Title for L00-1: Remove "sketch" from title to read 'Open Space Plan'*
8. *An initial traffic assessment provided by Gorrill Palmer (memo dated 3/10/2021) indicates the increase in retail use on the site may trigger a Maine DOT Traffic Movement Permit (TMP). The applicant has begun the process of submitting a TMP application, however the application cannot be completed until traffic counts can be obtained, which per MDOT requirements cannot begin until after April 1, 2021. Staff finds the rights-of-way in the vicinity of the project have adequate capacity to accept the differential traffic generated through this minor retail amendment, including the Vertical Way driveway as designed. Staff is therefore recommending the Planning Board include the TMP submission and permits, if necessary, as a condition of approval, as any MDOT permits requirements likely would not alter the site design or parking layout proposed. (Most probable result of the TMP process would be for the applicant to look at traffic light timing plans and implementation of those plans into the existing traffic light system.)*

**Open Space:**

*The increase in open space square footage due to the 10-additional units is already provided for in the proposed open space plan which was previously supported by the Recreation and Conservation Commission.*

*Open Space Required: 18,000 sf*

*Open Space Provided: 18,155 sf*

***Village Review:***

*The façade alteration associated with the addition of the retail space for the WCD/Vertical Way facades are consistent with the previous recommendations provided by the VROZ committee to provide a more enhanced pedestrian experience and scaled streetscape.*

***Comments from FD:***

- 1. Final location of main panel, knox box locations (4 required) and areas of refuge to be reviewed/approved of by FD*
- 2. Ability to serve letters from both CMP and Water District*
- 3. Provide standpipes on every level of the parking garage*
- 4. BDA testing required by the contractor before, during and at the end of the project with reports to be forwarded to FD. If any of the test fail a full radio enhancement system required at the owner expense*
- 5. 3<sup>rd</sup> party consultant by a fire protection engineer to review the fire/sprinkler systems as part of building permit application.*
- 6. Provide exterior access to sprinkler rooms*
- 7. Exterior horn strobes installed on the building for fire alarm*
- 8. Fire alarm will be fully addressable with exterior annunciator location by FD and two other annunciators location by FD*

**Mark Burns** the parking does drop from 430 spaces to approximately 370 spaces.

**Rene Daniel** opened Public Hearing

No comments

**Rene Daniel** closed Public Hearing

Board comments?

**Larry McWilliams** we are talking about the location opposite from Vertical Harvest. Are they planning on using that space as a Vertical Harvest retail store? Are we sure what we are selling there yet?

**Mark Burns** we are not exactly sure to the target market. It hopes to be something like a specialty grocery and healthy foods. Something in a market that is a suitable fit for downtown Westbrook.

**Larry McWilliams** do you have anyone in mind to rent the space? If you do not receive a market rent, can someone else rent the space?

**Mark Burns** there is potential for other retail or use it for office. We have also talked to some out of state restaurants that are nice vegetarian restaurants. There is a multitude of potential uses. We are trying to activate the street scape as well in that area. You are doing great work in Westbrook Commons and will be nice connection.

**Rene Daniel** anyone else?

**Robin Tannenbaum** given that target and you and Gorrill Palmer to decide is there any opportunity to have a quick pull in, pull out parking seems important.

**Mark Burns** there is on the first floor a number of parking spaces that will have easy access. The plan is to have a door in addition an elevator and a garage associated with their store.

**Robin Tannenbaum** you are saying the spots are in the parking garage.

**Mark Burns** there are a number of spaces on the first level.

**Rene Daniel** anyone else? Ed do you have any comments?

**Ed Reidman** not at this time.

**Jason Frazier** I think the retail there will be great. So, you went from four hundred and thirty (430) parking spaces to three hundred and thirty (330) parking spaces, how many parking spaces are there currently?

**Mark Burns** approximately one hundred (100).

**Rene Daniel** any other Board Members?

**Larry McWilliams** with seven thousand (7,000) square feet of space, is it possible to have multi retail? It seems big to have one store. Are we looking at one place or multiple places?

**Mark Burns** we are looking at a single retail and hoping they will have food associated with that for takeout. We do a lot of Whole Foods, Hannaford and specialty stores in Vermont that has healthy living, and the larger ones are targeting twenty thousand (20,000) square foot stores. The seven thousand (7,000) will be big for the local specialty shops, like Rosemont or Loise's. When you add a food component you will lose about two to three thousand square feet with the kitchen and sit-down seating.

We do not plan on having the entire area be a restaurant as that will change the traffic count and the parking area requirements.

**Rene Daniel** can I entertain a motion?

No additional comments

**Robin Tannenbaum** move that the Site Plan and Subdivision amendment application for TDB, LLC and the City of Westbrook, including a waiver to allow 17.5' parking lengths within the structure, for a mixed-use development as shown on the approved plans consisting of a municipal parking facility, retail space, up to 60 residential units and a horticulture use, located adjacent to Mechanic Street and William Clarke Drive, Tax Map: 032 Lot: 007A Zone: City Center District, Village Review Overlay Zone is approved with conditions and the following findings of fact, conclusions and conditions as stated on pages 3 through 9 of this Staff Memo dated April 2, 2021 are adopted in support of that approval.

**Site Plan – Finding of Fact**

| <b>Standard</b>         | <b>Finding</b>   |
|-------------------------|--|
| Utilization of the site | Existing site is fully developed as a surface parking lot. Redevelopment of the site meets the intent of the Ordinance.      |
| Handicap Access         | Site is ADA compliant with sidewalk tip downs and accessible entry points. The parking garage provides sufficient accessible |

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|   | parking spaces, including van spaces, which is in excess of the minimum standard of 8 spaces.  |
| Appearance Assessment   | The project utilizes existing curb cuts to access the site. A landscaping plan has been provided to demonstrate the utilization of vegetated areas along the perimeter to transition from the sidewalk and public rights of way. Lighting is designed to be consistent with existing infrastructure on William Clark Drive and is in consideration of planning improvements on Main Street. A sign study will be conducted prior to project commencement. All new signs to the project will require a sign permit from the Code Enforcement Office. Review by the Village Review Overlay Committee was held as part of the application process and the project is consistent with the standards of the District. Criteria 1-6 are met. |
| Landscape Plan  | A landscape plan has been provided as part of the application demonstrating substantial revegetation along the public rights-of-way from existing conditions.  |
| Odors   | No odors known or anticipated outside of regular trash maintenance and collection. A dumpster and compost collection is located within the loading dock area for screening.  |
| Noise   | All proposed uses are consistent with the City Center District. No adverse impact is known or anticipated.   |
| Technical and Financial Capacity                                    | The applicant has provided a letter from Piper Sandler dated September 30, 2020 to demonstrate project viability. The applicant has retained the services of Harriman Associates which demonstrates technical capacity.  |
| Solid Waste   | Waste removal will be privately managed. Commercial waste will be stored in a dumpster located in the loading dock area which shall be screened appropriately. Residential waste will utilize a private trash rooms on each of the residential floors.   |
| Historic, Archaeological and Botanical Resources or Unique Features | None known   |
| Hazardous Matter  | None known.  |
| Vibrations  | No adverse impact known or anticipated.  |
| Parking & Loading Design and Site Circulation                       | Project includes a new parking structure that will facilitate parking for on-site commercial-residential use as well as public parking for the downtown. The site is accessed via two existing curb cuts along William Clarke Drive and Mechanic Street. The applicant has provided turning templates demonstrating adequate access for emergency vehicles as well as feasibility of delivery to the loading bay.  |
| Adequacy of Road System   | Adequate   |
| Vehicular Access  | Site ingress/egress is via two existing curb cuts along William Clarke Drive and Mechanic Street at points that have been reviewed and approved of by the City Engineer.   |
| Pedestrian and Other Modes of Transportation                        | An enhanced/widened sidewalk is proposed along William Clarke Drive and Mechanic Street to accommodate pedestrian movement. Cross walk connections have been made at all points of entry to the structure along Vertical Way. Bicycle racks are  |

|  |  |
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|  | proposed along the William Clarke Drive frontage of the building as part of the approved Open Space Plan.  |
| Utility Capacity                             | With consideration of the Conditions of Approval, Ability to Serve letters will be provided to the City upon receipt and before site disturbance to demonstrate adequate utility capacity.                               |
| Stormwater Management, Groundwater Pollution | The proposed development is a net decrease in impervious area to the site, and includes a vegetated green roof to improve existing stormwater treatment. An MDEP Stormwater Permit is required as part of this approval. |
| Erosion and sedimentation Control            | Adequate erosion and sedimentation control measures are shown on the plan.   |

**Conclusions**

1. The proposed site plan **will not** result in undue water or air pollution.
2. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed site plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land’s capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed site plan **will** provide for adequate sewage waste disposal.
7. The proposed site plan **will not** cause an unreasonable burden on the municipality’s ability to dispose of solid waste.
8. The proposed site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed site plan **conforms** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet standards of this section.
11. The proposed site plan **is not** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed site **is not** situated entirely or partially within a floodplain.
14. All freshwater wetlands **have** been shown on the site plan.
15. Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.
16. The proposed site plan **will** provide for adequate storm water management.
17. The proposed plan **will not** negatively impact the ability of the City to provide public safety services.

**Subdivision – Finding of Fact**

| Standard  | Finding   |
|-----------|---|
| Pollution | Disposal of sewage will be via the public system. Sewer connection is available in the vicinity of the development. Stormwater quality will |

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|  | increase with the development with an increase in vegetated area from existing conditions.  |
| Sufficient Water                           | Water Services are available within the Mechanic Street right-of-way. An ability to serve letter will be provided to the City upon receipt, prior to site disturbance.  |
| Municipal Water Supply                     | Water Services are available within the Mechanic Street right-of-way. An ability to serve letter will be provided to the City upon receipt, prior to site disturbance.  |
| Erosion                                    | Adequate erosion and sedimentation control measures are shown on the plan. On-site inspections will occur during construction to ensure compliance.   |
| Traffic                                    | William Clarke Drive and Mechanic Street have 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 vicinity of the development.   |
| Municipal Solid Waste Disposal             | All residential and commercial waste will be privately hauled   |
| Aesthetic, Cultural and Natural Values     | No applicable   |
| Conformity with City Ordinances and Plans  | Proposal is in conformance with City Ordinances & the Comprehensive Plan.   |
| Financial and Technical Capacity           | The applicant has provided a letter from Piper Sandler dated September 30, 2020 to demonstrate project viability. The applicant has retained the services of Harriman Associates which demonstrates technical capacity. |
| Surface Waters; Outstanding River Segments | Not applicable  |
| Ground Water                               | Ground water will not be adversely impacted by the project.   |
| 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 proposed development is a net decrease in impervious area to the site, and includes a vegetated green room to improve existing stormwater treatment. A Stormwater Permit is required as part of this approval.      |
| Spaghetti Lots Prohibited                  | No lots within the proposed subdivision have shore frontage. N/A  |
| Lake Phosphorus Concentration              | The proposed subdivision is not located near or along a great pond.   |
| Impact on Adjoining Municipality           | The proposed subdivision does not cross municipal boundaries  |
| Lands subject to Liquidation Harvesting    | Not applicable.   |

### Conclusions:

1. The proposed subdivision **will not** result in undue water or air pollution
2. The proposed subdivision **has** sufficient water available for the reasonably foreseeable needs of the subdivision
3. The proposed subdivision **will not** cause an unreasonable burden on an existing water supply

4. The proposed subdivision **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results
5. The proposed subdivision **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed subdivision **will** provide for adequate sewage waste disposal and **will not** cause an unreasonable burden on municipal services.
7. The proposed subdivision **will not** cause an unreasonable burden on the City's ability to dispose of solid waste.
8. The proposed subdivision **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed subdivision **conforms** with a duly adopted subdivision regulation or Ordinance, comprehensive plan, development plan or land use plan.
10. The subdivider **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed subdivision **will not** adversely affect the quality of any pond, lake, wetland, great pond or river, or unreasonably affect the shoreline of that body of water.
12. The proposed subdivision **will not**, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The subdivision **is not** located in a flood-prone area, as determined by the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps.
14. All freshwater wetlands within the proposed subdivision **have** been identified.
15. All farmland within the proposed subdivision **has not** been identified. – Not applicable
16. Any river, stream or brook within or abutting the proposed subdivision **has** been identified.
17. The proposed subdivision **will** provide for adequate stormwater management.
18. Lots in the proposed subdivision **do not have** shore frontage on a river, stream, brook, great pond or coastal wetland as defined in 38 M.R.S.A. Section 480-B.
19. The long-term cumulative effects of the proposed subdivision **will not** unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
20. The proposed subdivision **will not** cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
21. Timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to 12 M.R.S.A. Section 8869, subsection 14.

**Conditions:**

22. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated September 23, 2020 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.
1. 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.*
2. Prior to any site disturbance or building permits being issued for the project:
  - a. All Staff comments must be addressed.
  - b. Location and plan for trash removal for uses.
  - c. Copy of Recorded subdivision plan must be provided to the Planning Office.
  - d. Final utility design for Sewer and Storm to be approved by Public Services.
    - i. Review Stormwater connections/routing in WCD to east of site.



- ii. Stormwater routing internal to structure needs to be provided in building plan set
  - e. Final electrical design/cost to be coordinated between Fire Department and CMP and provided to the Planning Office.
    - i. Internal garage lighting plan provided with photometrics prior to issuance of building permit.
  - f. A fire protection engineer review must be provided as part of the building permit plan submission.
    - i. Confirm location of sprinkler room on plan.
  - g. ABS letters from Sewer, PWD & CMP to be provided to Planning Office
  - h. Landscaping Plan – Review of finalized plan by City Arborist & Planning Staff.
  - i. All necessary State permits, including but not limited to a MDOT TMP, provided to the Planning Office and all applicable conditions met in accordance with those permits.
  - j. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
  - k. Provide construction management plan including staging of material and parking plan for contractors to Planning Department
  - l. Provide a copy of all required state permits to Planning Office.
  - m. Review of building elevations to be consistent with submitted documentation or testimony.
  - n. Signage study of impacted signs on public lands to determine post condition sign replacement
  - o. Internal signage and striping plan for parking structure approved of by City Staff.
  - p. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
  - q. 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.
  - r. 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.
  - s. Coordinate with the E911 Coordinator on addressing of the building/units.
  - t. 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.
- 3. Prior to commencing any work in the City Right-of-Way, the applicant must obtain a road-opening permit from the Public Services Department.
- 4. Prior to the first Occupancy Permit issuance, for each use:
  - a. Verify final USPS locations and mail/package delivery parking/drop off area
  - b. Garage internal striping plan approved by City Public Services and implemented.
  - c. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval. (This includes all paving, lighting, striping, crosswalk, signage, sidewalks, off-site associated improvements, benches etc.)
    - i. All necessary sewer testing and sign off from Wastewater Department.
  - d. All site improvements must be installed, unless a performance guarantee amount is held in the amount of the remaining improvements.
  - e. Radio testing to be conducted to ensure adequate ability of public safety to communicate into the building.
  - f. Provide documentation of agreement with Metro for removal/replacement/relocation of bus shelter - Coordinate with Metro for future of Bus Rapid Transit expansion.
  - g. Finalized trash removal plans and agreements with providers.

- h. Provide to City Council recommendations on ordinance amendment for no parking along Vertical Way, Loading zone designation, and parking lot language adjustments due to new parking garage.
- 5. Prior to release of the performance guarantee:
  - a. The site will be inspected and signed off by City Staff to assure compliance with the approved plan and as-built plan provided in City approved format for the GIS system
- 6. Any work resulting in complete shutdown of either Mechanic or William Clarke Drive will require night work.
  - a. At the discretion of Police, work resulting in lane closures may require night work depending on level of impact.
- 7. Fencing construction site is necessary to prevent conflict with pedestrian traffic. Provide a protected walkway around credit union and along perimeter as necessary to keep pedestrian flow available during construction as well as provide signage along William Clarke Dr to close crossings as needed.
- 8. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
- 9. All signage located within the public right of way to be approved by the Public Services Director or their designee for style, material, and color.
- 10. City to take possession of any existing City property (signs, lights, etc.) that it wishes to keep prior to start of construction.
- 11. Safety Plan to be reviewed by Public Safety regarding signage, lighting and security internal to the parking garage.
- 12. Coordination with Public Services in determining the lighting fixtures/electrical design are in line with the Main Street lighting project. Lighting shown as “existing/relocation” are to be new poles of the same style as the downtown lighting project. Existing lighting along Vertical Way and Mechanic Street are considered part of the coordination area between the two projects. **Placement of lighting to reviewed and approved of prior to execution of lighting work.**
- 13. Coordination with METRO on bus pull out area for bus stop on William Clarke Drive.

**2<sup>nd</sup> by Jason Frazier**

**The Vote is unanimous in favor 7-0**

**Mark Burns** I meant to tell you that we are expecting to start construction to begin mid to late August.

**Rene Daniel** may I have a motion to move to workshop?

**John Turcotte** move to workshop

**2<sup>nd</sup> by Rebecca Dillon**

**The vote is unanimous in favor 7-0**

**WORKSHOP**

**Rebecca Spitella** introduced items 5 & 6:

- 5. **2021.07 – Site Plan – Rocky Hill Solar Project – C2 Energy Capital: The applicant is proposing a ground mounted solar array to offset costs associated with municipal power use. Tax Map: 020 Lot: 014 Zone: Rural District Use: Municipal Facility**

**6. 2021.08 - Site Plan – Sandy Hill Solar Project – C2 Energy Capital: The applicant is proposing a ground mounted solar array to offset costs associated with municipal power use. Tax Map: 001 Lot: 003B Zone: Industrial Park District Use: Municipal Facility**

**Chris Byers presented aspects of the Site Plan – Rocky Hill Solar Project and Sandy Hill Solar Project – C2 Energy Capital:** The applicant is proposing a ground mounted solar array to offset costs associated with municipal power use. Tax Map: 020 Lot: 014 Zone: Rural District Use: Municipal Facility.

Presentation on file at the Westbrook Planning Department and on the Westbrook Website link shown below: <https://westbrooktv.viebit.com/player.php?hash=PcdqUzExYeJQ>

**Jennie Franceschi** asked Lynn Leavitt, Sustainably Coordinator to speak to some of the components of the solar offering that we have here and what it is providing to the City.

**Lynn Leavitt** with this project we did place an RFP and had several responders. I think there were many great projects suggested in the process and working with this group we have been able to not just get the environmental benefits of a solar project which as a sustainably person I get very excited about we will be saving money on our electricity in the City.

So often we see is it is good for the environment it is bad for the budget, if it is good for the environment, it is ad for business. Well, not always. This is a great example of that.

Outside the technical bits of the actual installation we had some great talks with the School District and the folks representing C2 Energy that are working on this. They plan to be fairly involved in the Schools, there will be a lot of education going on. Curriculum has been built for teachers to use which is great because of the Stemm diploma we offer at the High School. This will relate to that. The School is pretty excited about it.

We are getting a financial gain and environmental gain and should offset all Municipal and School electricity use as well as the education out of it which will put Westbrook in a great spot.

**Jennie Franceschi Staff Comments**

1. *Pave 20-foot apron off Methodist*
2. *Possibility to provide accommodations for snowmobile access on/over the site*
3. *Minimum of 18-feet access road. City is in support of the gravel road past the paved apron*
4. *Knox box at gate*
5. *Provide a sign with address and contact information on fence. Coordinate with Linda Gain on site addressing.*
6. *Winter maintenance within the fenced area is responsibility of C2*
7. *Application to be reviewed at the March 16 Planning Board meeting*
8. *Provide boundary survey with final application*
9. *Final site plan to include space and bulk standards and include post construction*

**Board Action:**

1. *Provide feedback to applicant*

**Rene Daniel** opened Public Comment period

No comments

**Rene Daniel** closed Public Comment period

Board comments?

**Larry McWilliams** congratulations, this is a great concept. I just purchased 45,000 kilowatts myself in my business and used for my electricity bills in my business which is great. So all this power to be used by Municipal City, is that correct?

**Chris Byers** yes that is correct. We have target kilowatt hours that were provided to us, conception we are close to 100 %. It is a great project to meet the Municipal needs.

**Larry McWilliams** with that what percentage of savings to the City with the Solar looking at the percentage you are selling to CMP, on the price range of the buyers' market and I am curious on how much of the percentage is going to be saved to the City verses what we are paying now.

**Chris Byers** I am not sure about that. We were charged with the permitting work and I know that C2 has other personnel assigned to the power purchase agreement negotiations. Lynn is that something you can answer?

**Lynn Leavitt** I do not have a solid answer for you yet as we are still working on the power purchase agreement. It is our expectation that we will save isn't a huge amount on our energy right now, it will be a few cents lower and because we are locking it in for twenty (20) years that savings should grow over time.

**Larry McWilliams** do you know what that rate is that you are locking in?

**Lynn Leavitt** it is not finalized yet. We are meeting with the business group on Friday and that will be something we will discuss then. We do not have the final answers yet but it will be a great surprise to me and others if we do not save a few cents per kilowatt hour.

**Larry McWilliams** a few cents is a significant amount of money. I know what the State is charging now for energy costs versus what the Solar Companies are receiving from CMP which is a significant amount. I now that Solar Companies are receiving credits, is that what you are doing? Is that how this is working?

**Lynn Leavitt** the credits will stay with C2 we will not receive those which is why we get the discounted rate as they can cash in those credits.

**Larry McWilliams** we pay C2, is that how it works? C2 gets a credit from CMP. Right now it is at .14 cents per kilowatt that the Solar Energy Power Companies are receiving from CMP but the discount rate right now as far as what CMP is putting out is only .06 something cents per kilowatt. That is a huge difference. When you look at .06 cents to .14 cents, where is our savings?

**Lynn Leavitt** I do not have that number yet. We will not be paying C2, we will be paying CMP. We do not have that number finalized yet. In every meeting we have had so far assured it will be a savings. We will get a discount from the standard rate and this will be more stable but we do not have the numbers yet. It is in process and we may have more information after Friday.

**Larry McWilliams** one other question for the Solar guys, I think this is a great way to go and the new wave coming, I know there are ways to save money. I read in the packet about the process for the de-commission. How long is the solar field usually in commission for?

**Chris Byers** the project needs to be as long as the lease is, it is usually twenty (20) or twenty-five (25) years. The solar panels themselves perform to thirty (30) plus years. The decommissioning plan is there to protect everyone's interests.

**Rene Daniel** anyone else?

**Robin Tannenbaum** I think it is great, I am thrilled and am happy that the City is taking this step. We have a different solar project come to the City years ago (closer to South Portland) and I remember talk about air craft tax overhead and glare. Is that anything you will have to deal with?

**Chris Byers** that is a great question and that came up in our meeting. A due diligence check would be good to get a no hazard determination from the FAA on this. But in light of that we know how it will turn out. – The City of Sanford has also done project next to the airport runway. To put into scale this is a four (4) megawatt project for Sandy Hill, in Sanford it is a fifty (50) megawatt project next to the runway, the FAA does not see these as a navigation hazard to pilots. Solar panels are designed to be non-reflective. And they have an anti-glare coating on them. If you see any panels installed on hoes, it is the same technology, just bigger and more of them. We do not expect that to be an issue. But we will get FAA determination as we are so close to the jetport.

**Rene Daniel** any other comments?

No comments

**Rene Daniel** Mr. Reidman do you have any comments?

**Ed Reidman** no thank you.

**Rene Daniel** as a reminder, please remember to have Larry McWilliams questions answered the next time you come before the Board.

**Jennie Franceschi** as it relates to final contracts the one thing the applicant is doing now is due diligence. Going through the Planning Board process is part of their due diligence and they need to be assured that they can get the appropriate permitting.

The actual contract piece is a component that will be dealt with by the City Council.

**Rebecca Spitella introduced item:**

**7. 2021.09 – Site Plan, Subdivision – Cottages at Berkshire – HTM Partners, LLC: The applicant is proposing 20-single family house lots and an approximately 75-unit condominium complex with access from Brook Street and Berkshire Way. Tax Map: 019 Lots: 030A, 031, 033, 034 036 & 037; Tax Map 022 Lot: 010 Tax Map 059 Lot: 042 Zone: Residential Growth Area 2 Use: Dwelling Single-Family, Dwelling Two-Family.**

**Nancy St. Clair St Clair Associates** on behalf of HTM Partners LLC presented aspects of the - Site Plan, Subdivision – Cottages at Berkshire – HTM Partners, LLC: The applicant is proposing 20-single family house lots and an approximately 75-unit condominium complex with access from Brook Street and Berkshire Way. Tax Map: 019 Lots: 030A, 031, 033, 034 036 & 037; Tax Map 022 Lot: 010 Tax Map 059 Lot: 042 Zone: Residential Growth Area 2 Use: Dwelling Single-Family, Dwelling Two-Family.

Presentation on file at the Westbrook Planning Department and on the Westbrook Website link shown: <https://westbrooktv.viebit.com/player.php?hash=PcdqUzExYeJQ>

On our cover letter we had a couple of specific items that we wanted to talk to you about. The revolves around the City's expectation with regard to offsite responsibilities. Comment number 16 in the Staff memoranda that speaks to the same question.

*16. Brook Street – There is substantial growth proposed on Brook Street with multiple projects. Improvements to Brook Street to safely provide vehicular and pedestrian mobility are required as part of all development. The required participation of this development will need to be finalized as*

*part of the final application submission and review and may need to address elements relating to the following:*

- a. The construction of a sidewalk to connect with the existing infrastructure on Route 302*
- b. Improvements to Brook Street to upgrade road from 'unbuilt' status*
- c. Participation in the intersection MPI project*

There is a DOT project that is already funded but there is a \$250,000-dollar Municipal share that is the City's responsibility.

Talking to the Staff there is a concern that Brook Street is not in the "built" status and unable to funding because it is "unbuilt".

The question that we have been posing to Staff and would like to get more of a feel from you as to what our obligation is and how is it calculated and what is the exposure for any off-site improvements on Brook Street. We have acquired land to gain a second access to Brook Street and according to our analysis we are a very small percentage of traffic that is already on that 2,000 feet of Brook Road. The unbuilt portion of Brook Street happened decades ago of not being built and we are willing to participate and correct any deficit that is a result of our project but unfortunately this project and any other cannot sustain any wholesale large rebuild of approximately 2,000 feet. where we access Brook Street. We understand that the Staff is trying to hash all this out and would like to have the Board comments in hopes that we will be able to move this project in a feasible manner. We would like to hear your comments.

**Rene Daniel** Staff comments?

**Jennie Franceschi - Staff Comments**

17. *Open Space Requirement – 57,515 sf; Fee in lieu: \$96,386.*
  - a. *Single Family Lots:*
    - i. *Average lot size for 21 single-family lots: 25,652sf*
    - ii. *Total Area of single-family lots: 538,686 \* 6.5% (Ordinance Requirement) = 35,015 sf*
  - b. *Condo Units:*
    - i. *75 \* 300sf (Ordinance Requirement) = 22,500*
18. *Verify adequate water pressure is available for hydrants. Hydrants required internal to development where structures are not located within 800-feet of an existing hydrant.*
19. *Provide detail on lighting with final application. Street lighting required at all intersection points. Coordination with City required for sight lighting within proposed public ROW. Provide cut sheets for lighting internal to the condo development.*
20. *State net residential density for condominium lot on final subdivision plan*
21. *Provide stamped boundary survey with final submission – provide clarity on areas of uncertain boundary lines*
22. *Final application should include nitrate study with plume analysis to demonstrate reduced sf home lots and communal systems. Nitrate levels of 10ml required at the property line and setback of Minnow Brook.*
23. *Provide net residential acreage calculations for condo parcel.*
24. *Intersection of new road and Brook St should be 90-degree – show sight distances on final plan set.*
25. *Existing structure adjacent to Brook Street shown within the setback from the proposed ROW.*
26. *Provide sidewalks internal to the project*

27. *One side of road/driveway should be posted as no parking for emergency access. Recommend the no-parking side of the road correlate with hydrant placement.*
28. *Provide proposed names for public streets (2) and driveway (3) for E-911 verification.*
29. *Per Ordinance Requirement – a multi-disciplinary team including a landscape architect is required for subdivision of 5 or more lots/units.*
30. *Driveway off hammerhead turnaround not permitted as designed. Driveway should come off the westerly side of the hammerhead so as to also not interfere with the turnaround location*
31. *Provide documentation of neighborhood meeting to Planning Office*
32. *Brook Street – There is substantial growth proposed on Brook Street with multiple projects. Improvements to Brook Street to safely provide vehicular and pedestrian mobility are required as part of all development. The required participation of this development will need to be finalized as part of the final application submission and review and may need to address elements relating to the following:*
  - a. *The construction of a sidewalk to connect with the existing infrastructure on Route 302*
  - b. *Improvements to Brook Street to upgrade road from 'unbuilt' status*
  - c. *Participation in the intersection MPI project*

**Board Action:**

1. *Provide feedback to applicant.*
2. *Site walk*

**Jennie Franceschi** I will discuss the traffic on Brook Street issue as that is one of the more pertinent items of her discussion.

There has been discussion with the City Engineer and Staff about the status of Brook Street where currently it is in unbuilt status. The road is in such a state with the amount of development that is projected on Brook Street, reconstruction is something that does need to be done.

Looking at the two major projects that happen to be across the street from one another, there is definitely going to be a level of contribution from the projects to participate towards the three biggest items. The Brook Street intersection, the sidewalk along Brook Street and the re-construction of the last section of Brook Street.

With the development we can not let the reconstruction fall on the taxpayers. We will continue conversations with the developers and applicants. We feel with these larger developments that they participate into the City infrastructure.

We are excited about this project as it has great components, and we look forward to the Boards comments at this time.

**Rene Daniel Opened Public Comment**

**Dawn & Peter Lounsbury** 79 Wildwood Circle expressed concerns of runoff. The Berkshire culvert goes under the road and then drains to our front yard.

Second concern is traffic, and the sidewalks are not plowed in the winter and with the new Berkshire community more families have moved in with young children that end up walking on the street in the wintertime. With this new development you are looking at about (200) two hundred cars, (2) two cars per household, increasing traffic.

Suggested speed bumps to deter the traffic use as a cut through.

**Peter Lounsbury** 79 Wildwood Circle is there a drainage plan showing the north west boundary drainage and a plan showing that it will not drain to our area.

**Rene Daniel Closed Public comment**

Nancy could you speak to the runoff in particular to the northwest corner?

**Nancy St Clair** 79 Wildwood is quite a way to the west of this property and between this project either Berkshire Way or Wildwood is Minnow Brook which provides a very defined water shed divide. Nothing from this project will affect Wildwood or even Berkshire. With DEP standards we have a requirement to provide peak runoff as part of the review with DEP peak and post run off from this site and contain that to our site. That will be on our design of the project but Minnow Brook itself provides the natural divide so there is no impact to the neighbors in Wildwood or Berkshire.

**Rene Daniel** next concern is the traffic count. What do you think the generation will be?

**Nancy St Clair** we have Bill Bray as our traffic engineer, and he will do a full anticipated number am and pm peak hour trips associated with both the single-family homes as well as the condominiums. To address the comment about traffic calming we will certainly take that up with Mr. Bray and see if he has any recommendations for that and we will work with Staff if there are recommendations to be made there.

**Rene Daniel** normally where the sidewalks are plowed are near schools. I am total agreement that all sidewalks should be plowed, and it would be beneficial to have them all plowed, however that is not reality today.

**Jennie Franceschi** plowing the sidewalks is clearly generated by services and we only have so many employees at Public Services Department, so at this time we are only able to plow sidewalks in the heart of the community.

**Rene Daniel** as far as speed bumps that is public works realm.

**Jennie Franceschi** looking at speed bumps or speed tables you really need to look at the generation of the traffic and what we are trying address. We can look at how the project will evolve but you do not want to utilize those unless it is an absolute necessity. We have only installed them on Pierce Street as that was a significant cut through. Looking at the street, it does not look like it could be a cut through, but we will review this as the project moves forward.

**Rene Daniel** Board comments or suggestions?

**Ed Reidman** as I read the project there are twenty (20) single family and seventy-five (75) condominiums in the complex and the single-family show garages. Who will dictate the architecture of the single-family homes?

**Nancy St Clair** on the single-family house lots there will not be ...  
The designs shown are for the condominiums so the single-family homes will be in keeping to the homes that are on Berkshire.

**Ed Reidman** is it the intention of the developer to sell individual lots and have the buyers hire their own contractors or will the GC do the whole thing?

**Nancy St Clair** I believe three is an option to do either.

**Anthony DeRice** the single-family house lots will be sold as standalone to a buyer to build what type of house that they want. There most likely will be some subdivision covenants of minimum requirements or



restrictions so it will fit into the area like Berkshire Way. When you get into the Condominium portion those will be built using a couple of designs shown here to choose from on one large property that will be maintained by the Association.

**Ed Reidman** do we have an estimate on what it will cost to build the single-family house and the condo units?

**Anthony DeRice** the best estimate will be market rate what similar sized homes go for in this area in Westbrook. It is hard to project as we are so far away for the project's build out.

**Larry McWilliams** looking at the condos they look like single family and I am not seeing duplexes, my concern is buying or renting the Condos. I like the cottage style. I see you are building in phases; my concern is how they will line up in phased construction and the difference of buying or renting the units.

**Anthony DeRice** the duplexes will essentially be two of the cottages joined together. It is not going to be a type of building built for rental purposes, they will be purchased individually. Once the person purchases it what they do after is totally up to them. In some associations there is a statement as to how many rental properties there can be. We do not anticipate this being an investment project we see all owner-occupied homes for the most part.

**Rene Daniel** anyone else?

**Robin Tannenbaum** I know this is a concept plan, but what are your plans for sidewalks internally? And in the private area will you be plowing the sidewalks?

**Nancy St Clair** we do anticipate a sidewalk network both on the public street as well as in the condominium area. The sidewalks will be maintained in the Condominium area throughout the winter.

**John Turcotte** the condominium section has a lot housing up there and there will be a lot of foot traffic there and I also would like to see what the sidewalk will look like in that section. I know that we will have a sidewalk along Route 302 and another project mentioned the concern that other abutters had fences and landscaping and we had a discussion of that. They appear to tie into Berkshire such as they are. I like what I have seen, and I love what the condos look like. I would like to see what they look like together. If there is going to be a subdivision restriction on rentals I would like to see it.

**Rene Daniel** anyone else?

**No comments**

**Rene Daniel** I concur with everything that has been said. I am very much in favor of sidewalks. Going all the way back to the beginning Nancy, I understand what you are saying in regard to the intersection. This is the third project that has come before us. I also agree that area of Brook Street is in poor condition. It does not reflect the City's fault.

Nancy, your entrance to the homes can you give me a relative idea how close to the bridge that goes over the brook are you on the Falmouth side of the cul-de-sac or on the Westbrook side of the cul-de-sac?

**Nancy St Clair** we are in the Falmouth side of the culvert of Minnow Brook and on the furthest point to the Falmouth side on our property.

**Rene Daniel** on all the previous projects the Bridge always came up. That will be the hard piece and the intersection will be just as difficult. There will have to have turning lanes and to make out a lot safer than it is now. You have a few hurtles to cross with this project.  
What is your timetable to come before us?

**Nancy St Clair** we would like to come back as soon as possible but there are a lot of feasibility questions that we need to look at because the three items highlighted in the Staff memorandum are contribution obligation of a \$250,000 dollar share to the City and we do not know what the percentage is that will be obligated to the project.

The two other projects that were before you in various levels of review had an obligation to provide a sidewalk along the frontage of their site. The first was approved and the second had a commentary to provide a sidewalk Brook Street but we have one hundred and fifty feet of frontage and to provide that is totally understandable. Then you talk about a sidewalk from the project to the intersection to Route 302, that is two thousand (2,000) feet. Then the reconstruction of the culvert and conversion of Brook Street from an unbuilt status to a built status gives us a whole host of expensive unknowns. I do not think any project could fully sustain for two thousand (2000) feet of road when we are proposing to build two thousand (2000) feet of roadway in our project, so you are effectively doubling the street requirements just to have access to Brook Street. We have a split access and not one hundred (100) percent of our traffic will not be coming out there.

So, we really need to understand before my client invests money on design costs that may not even be able to be built on the site because of offsite requirements.

I know the City is grappling with this and I understand it is early in the process, but we would like to come to you soon with a plan that has more information that meets the project needs and addresses whatever the City needs may require. We cannot correct everything.

The list since October has grown exponentially, we want to get the dialog going and to move forward.

**Rene Daniel** it is not often that I can say a young person has taught me more about planning and has been a gigantic asset to the Westbrook Planning Board. I need to announce that this will be Joseph Marden's last meeting as he is moving closer to his work. It is sad that we are losing a tremendous asset that you have been to the Planning Board. Thank you for all you have brought to the Board and I wish you the best of luck and do not be afraid to come back and make yourself heard and seen. We wish you the best of luck, enjoy your family but be aware that we will miss you and so will Westbrook.

**Joseph Marden** thank you very much. I will say quickly, that when I joined the Board early in 2012. It is crazy as it has been over nine years. I have learned a lot and I remember my first meeting, and someone pointed out Roberts Rules of Order, I thought this is way over my head and I do not know what I am going to do. Then I get here, and it is a much more relaxed environment and has been a tremendous experience and wherever I do move to, I want to be involved in some sort of Planning or Recreation as I see it as a tremendous learning opportunity for me. I think it is great to be involved with a City or municipality, so Thank you all.

**Rene Daniel** it is nice to see my mentor on television tonight.  
I need a motion to adjourn.

**Ed Reidman so moved**

**2<sup>nd</sup> by Joseph Marden**

**The Vote is unanimous in favor 7-0**

**ADJOURN**

*THANK YOU, respectfully submitted by Linda Gain [lgain@westbrook.me.us](mailto:lgain@westbrook.me.us)*