



Planning & Code Enforcement

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PLANNING & CODE ENFORCEMENT

WESTBROOK PLANNING BOARD

Tuesday, March 7, 2023, 7:00 P.M.

Westbrook High School – Room 114

125 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**
3. **2022 Chair Report**
4. **Election of Officers**

REGULAR BUSINESS

5. **2022.32 – Site Plan, Subdivision, Conditional Use, Private Way, Paper Street – 40 Bell Stret - MTR Development:** The applicant is proposing improvements to an existing paper street/private way, Christie Way, to provide access and frontage for a 10-unit subdivision comprising of an 8-unit multi-family structure and a duplex. Tax Map: 010 Lot: 001 Zone: Residential Growth Area 1 Use: Dwelling, Multiple-Family, Dwelling, Two-Family

NEW BUSINESS

6. **2023.01 – Site Plan, Subdivision – 185 Park Road - Landbank, LLC:** The applicant is requesting an 11-unit subdivision located on Park Road. Tax Map: 048 Lot: 083 Zone: Highway Services Use: Dwelling, Multiple-Family

WORKSHOP

7. **2023.07 – Site Plan, Conditional Use - Rock Row – Dirigo Center Developers, LLC c/o Waterstone Properties Group:** The applicant is requesting a Restaurant Class 3 use located within the gravel parking area of the Rock Row North Campus. Tax Map: 042B Lot: 011 Zone: Contract Zone 12 – Rock Row Contract Zone Use: Restaurant Class 3
8. **2023.08 – Site Plan, Subdivision, Village Review - 16 Spring St – Greg Boulette:** The applicant is requesting a 7-unit townhouse style multifamily structure located at the corner of Spring Street and William Clarke Drive. Tax Map: 033 Lot: 114 Zone: City Center District – Downtown District, Village Review Overlay Zone Use: Dwelling, Multiple-Family
9. **2023.09 – Amendment to the Land Use Ordinance - §335-5.7 Highway Services District, §335-Attachment 1, Table 1 Land Use Table – Milestone Recovery:** The applicant is requesting and amendment to the Land Use Ordinance to allow a Nursing Home Use as a permitted use within the Highway Services District.



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PLANNING & CODE ENFORCEMENT

DATE: March 3, 2023

TO: Planning Board

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

Cc: Plan Review Team

RE: March 7, 2023, Planning Board Meeting

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1. **2022.32 - Site Plan, Subdivision, Conditional Use, Private Way, Paper Street – 40 Bell Street - MTR Development – 8 Unit and Duplex**
 2. **2023.01 - Site Plan, Subdivision – 185 Park Road - Landbank, LLC – 11 Unit**
 3. **2023.07 - Site Plan, Conditional Use - Rock Row – Dirigo Center Developers, LLC c/o Waterstone Properties Group – Beer Garden**
 4. **2023.08 - Site Plan, Subdivision, Village Review - 16 Spring St – Greg Boulette – 7 Unit**
 5. **2023.09 - Amendment to the Land Use Ordinance - §335-5.7 Highway Services District – Milestone Recovery**

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1. **2022.27 – Site Plan, Subdivision, Conditional Use, Private Way, Paper Street – 40 Bell Street - MTR Development**

REGULAR BUSINESS – CONTINUANCE OF BOARD DISCUSSION

Tax Map: 010 Lot: 001

Zone: Residential Growth Area 1

Use: Dwelling, Multiple-Family, Dwelling, Two-Family

Project Description

The applicant is proposing improvements to an existing paper street/private way, Christie Way, to provide access and frontage for a 10-unit subdivision comprised of an 8-unit multi-family structure and a duplex on a separate lot.

Project History

September 27, 2022 – Neighborhood Meeting

October 4, 2022 – Planning Board Workshop

October 15, 2022 – Site Walk

December 6, 2022 – Public Hearing (8-unit multi-family)

February 7, 2023 – Public Hearing (8-unit multi-family & duplex)

March 7, 2023 – Regular Business (Continued from 2/7 meeting)

Remaining Staff Comments on project:

Site Plan/Subdivision/Conditional Use Review

1. Noticing Fees for 3/7 meeting: \$226.24
2. Open Space Subdivision Fee-in-lieu: \$5,028.00 (10 units); Fee due prior to site commencement
3. Provide draft easement language for utility and drainage easements over lot 2 to benefit lot 1.
 - (a) Show drainage easement on SB-1 (utility easement shown)
4. Ability to serve from Wastewater Services has been provided.
5. Lot 1 – driveway-Christie Way – provide radii at intersection with paved road edge.

Private Way/Paper St review

1. Open Space fee for Paper Street review: \$4,500 (300’ private way; \$1,500/50’ of private way constructed, excluding the first 150’)
2. Waiver required for Private Way standard to provide 1’ gravel shoulder on non-curbed side. State waiver on Private Way Plan PP-1
 - a. §335-13.3.G(3) Private Way Road Standards

Comments provided by the Planning Board during the February 7, 2023 meeting:

Elevations for Duplex

In response to comments provided by the Planning Board the applicant has provided revised elevations for the duplex that include the following enhancements:

1. Addition of gable roof on front façade provide a more ‘forward facing’ look.
2. Variation of front façade
 - a. Color variation provided with a darker gable and lighter base.
 - b. Variation of materials; horizontal siding panels on base with shingle siding at gable
3. Front covered porch expanded to extend the full length of the building façade conducive with the appearance of a single-family residence by the single staircase design.
4. Additional windows provided on both side facades.

Staff finds the changes provided adequately address the concerns brought forward by the Planning Board at the previous meeting, in enhancing the visual interest of the structure and providing the look of a single-family building style while maintain the functionality of a duplex structure.

Right, Title & Interest in Christie Way

Part of the responsibility of the Planning Board is to ensure all submission materials have been provided as required by the Ordinance. To demonstrate right, title and interest, the applicant provided the Planning Board with a recorded deed and boundary survey, and later with a corrective deed by the previous landowner. Although it is not typical for the City to engage with deed disputes as that is a civil matter between property owners, in response to concerns over the documentation that was provided, City Staff requested a legal review of the documentation provided by the applicant prior to the December 6, 2022 public hearing.

Staff was previously advised by the City’s legal counsel that the deed and survey provided by the applicant met the threshold required by the Ordinance to demonstrate right, title and interest in both the property and the Christie Way right of way. A copy of the recorded corrective deed and survey is included with the Final Subdivision Plan Application that was provided to the Planning Board with their packet materials for the February 7th Planning Board meeting.

Included in your current packet, the applicant has provided a detailed legal opinion from their attorney, Andrew Broaddus, on the applicant's rights to develop on the parcel and the ownership of the Christie Way right of way and in response to other concerns raised during the February 7th public hearing.

Therefore, Staff finds that right, title, and interest by MTR Development has been provided in both the property and the Christie Way right of way to the standard required by the Ordinance. As requested by the Planning Board, the City Solicitor will be in attendance at the March 7th Planning Board meeting for review of this item and to answer any further questions the Planning Board may have.

Landscape Buffer for Abutters Along Southerly Side of Christie Way

On February 16th, City Staff met with the project engineer and the 10 Christie Way abutter to discuss the proposed landscaping. During that meeting it was identified that the abutter's preference for the site is to (1) maintain the gravel area currently utilized as part of Christie Way that is located on their property as a parking space; (2) have a fence installed along the portion of the property line beyond the limits of the gravel parking area southerly as an additional buffer to the multi-family dwelling; (3) relocate the proposed vegetation along Christie Way to the edge of the parking lot.

Through email communications with the 40 Emery Street abutter, it was identified that the proposed additional vegetation along their property line was not desired as it could result in required leaf clearing maintenance on their property and potentially create issues with pests. Because of these concerns, a fence was requested along the 40 Emery Street property line as well.

It was communicated to both abutters that a fence, considered a structure, would be required to be located on private property (along the property line) rather than within the right of way and all maintenance would be the responsibility of the private property owner in perpetuity. It was discussed with Staff that all fencing be installed prior to the construction of the multi-family so buffering can be provided during construction. However, Staff is recommending the installation be contingent on the occupancy permit to ensure all site grading is completed which could otherwise have the potential to compromise the integrity of the fence.

The applicant has revised the landscaping plan to reflect the requested changes and provided the plan to the two abutters via email on February 28th for review and comment. At the time of this memo, no further comment has been provided from the abutters.

In summary, Staff find the application is compliant with the City of Westbrook Land Use Ordinance and is in order for consideration of approval by the Planning Board with the conditions as stated in this memo.

Motion:

That the Planning Board approve the Site Plan/Subdivision/Conditional Use/Private Way/Paper Street application for MTR Development, LLC's for improvements to an existing paper street/private way, Christie Way, to provide access and frontage for a 10-unit subdivision comprised of an 8-unit multi-family structure and a duplex on a separated lot. Tax Map: 010 Lot: 001 Zone: Residential Growth Area 1 and the following findings of fact, conclusions, and conditions as stated on pages 3 through 11 of this Staff Memo dated March 3, 2023, which are adopted in support of this approval. Included with this approval is a waiver of §335-13-.3G(3) Private Way Road Standards to allow 1' gravel shoulder on the southerly side of Christie Way.

Site Plan – Finding of Fact

Standard	Finding
Utilization of the site	The proposed development is located within the allowable setbacks and within the allowable building footprints and gross

	<p>density as permitted in the RGA1 District. Adequate on-site parking is provided for both lots in excess of the minimum ordinance requirements. Stormwater management is provided on site with improvements in the Emery Street right of way to collect the runoff from the easterly portion of the improved Christie Way to the public system. A landscape plan is provided to demonstrate additional landscaping along Christie Way in compliance with Ordinance standards. Fencing is provided along the property lines of 10 Christie Way and 48 Emery Street as additional buffering. The building height of both structures is within the allowable limits of the RGA 1 District.</p> <p>The project meets the intent of the Ordinance.</p>
Handicap Access	<p>The site provides one ADA accessible parking space at a location that is accessible to the entrance. Tipdowns are provided to access the walkway to the structure. Site is compliant with ADA standards.</p>
Appearance Assessment	<ul style="list-style-type: none"> (b) Lot 1 and Lot 2 site ingress/egress is provided at locations that have been reviewed and approved by the City Engineer. The intersection of Christie Way and Emery St. is aligned with the centerline of the existing Christie Way right-of-way. The building height of both structures is within the allowable limits of the RGA 1 District. (c) The multi-family structure is located to the rear of the site to provide a greater distance from existing structures to minimize scale. Landscaping is provided along the property lines of 10 Christie Way and 48 Emery Street to provide additional buffering between the proposed development and existing structures. (d) A landscape plan is provided to demonstrate additional landscaping along Christie Way in compliance with Ordinance standards. Fencing is provided along the property lines of 10 Christie Way and 48 Emery Street as additional buffering. (e) Two light poles are provided for safety within the Lot 2 parking area. A cutsheet and photometric spread has been provided to demonstrate light is contained within the site and does not trespass over a property line. Wall packs are provided on the multi-family residential unit along the pedestrian path for safety. The duplex will have typical front door residential style lighting. (f) No signage is proposed
Landscape Plan	<p>A landscape plan is provided to demonstrate additional landscaping along Christie Way in compliance with Ordinance standards. Fencing is provided along the property lines of 10 Christie Way and 48 Emery Street as additional buffering.</p>
Odors	<p>The residential use is consistent with the abutting residential uses. A dumpster is located on the 40 Bell Street parcel Lot 2 to service both structures and will be emptied on a sufficient schedule to avoid overflowing onto the property. No adverse impact is known or anticipated.</p>
Noise	<p>The residential use is consistent with the abutting residential uses. No adverse impact is known or anticipated.</p>

Technical and Financial Capacity	The applicant has provided a letter from Biddeford Savings dated October 5, 2022 to demonstrate financial capacity. The applicant has retained the services of DM Roma Consulting Engineers which demonstrates technical capacity.
Solid Waste	The residential use is consistent with the abutting residential uses. A dumpster is located on the 40 Bell Street parcel Lot 2 to service both structures and will be emptied on a sufficient schedule to avoid overflowing onto the property.
Historic, Archaeological and Botanical Resources or Unique Features	No historic, archaeological/botanical resources have been identified on the site.
Hazardous Matter	Project does not propose the handling, storage, or use of hazardous materials. No adverse impact known or anticipated.
Vibrations	The proposed residential use is compatible with the abutting residential use. No adverse impact known or anticipated.
Parking & Loading Design and Site Circulation	Two individual driveways provide access and parking for 2 cars associated with the duplex structure. One driveway off of Christie Way and 16 parking spaces are provided adjacent to the multi-family structure which is in excess of Ordinance requirements. Adequate on-site parking has been provided as part of the project.
Adequacy of Road System	With consideration of the improvements to Christie Way, Christie Way and Emery Street have adequate capacity to accept the additional traffic generated by the development.
Vehicular Access	Lot 1 and Lot 2 site ingress/egress is provided at locations that have been reviewed and approved by the City Engineer. The intersection of Christie Way and Emery St. is aligned with the centerline of the existing Christie Way right-of-way.
Pedestrian and Other Modes of Transportation	A stabilized path provides access to each residential structure from their respective designated parking areas.
Utility Capacity	Water services are available within the Emery Street right of way. An ability to serve letter from PWD has been provided in support of the design to provide individual lateral and fire services from the Emery Street water main to serve the residential structures. Sewer services are available within the Nicklaus Lane right of way. The applicant has provided a P&S for Lot 9 of the Rivermeadow Residential Subdivision which provides frontage on Nicklaus Lane to access sewer. An ability to serve letter from wastewater services has been provided.
Stormwater Management, Groundwater Pollution	Stormwater management is provided on site with improvements in the Emery Street right of way to collect the runoff from the easterly portion of the improved Christie Way to the public system.
Erosion and sedimentation Control	Adequate erosion and control measures are provided on the plan. Double erosion/control measures are shown in areas adjacent to the natural resource.

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	Sewer services are available within the Nicklaus Lane right of way. The applicant has provided a P&S for Lot 9 of the Rivermeadow Residential Subdivision which provides frontage on Nicklaus Lane to access sewer. An ability to serve letter from wastewater services has been provided.
Sufficient Water	Water services are available within the Emery Street right of way. An ability to serve letter from PWD has been provided in support of the design to provide individual lateral and fire services from the Emery Street water main to serve the residential structures.
Municipal Water Supply	Water services are available within the Emery Street right of way. An ability to serve letter from PWD has been provided in support of the design to provide individual lateral and fire services from the Emery Street water main to serve the residential structures.
Erosion	Adequate erosion and control measures are provided on the plan. Double erosion/control measures are shown in areas adjacent to the natural resource.
Traffic	With consideration of the improvements to Christie Way, Christie Way and Emery Street have adequate capacity to accept the additional traffic generated by the development.
Sewage Disposal	Sewer services are available within the Nicklaus Lane right of way. The applicant has provided a P&S for Lot 9 of the Rivermeadow Residential Subdivision which provides frontage on Nicklaus Lane to access sewer. An ability to serve letter from wastewater services has been provided.

Municipal Solid Waste Disposal	The residential use is consistent with the abutting residential uses. A dumpster is located on the 40 Bell Street parcel Lot 2 to service both structures and will be emptied on a sufficient schedule to avoid overflowing onto the property.
Aesthetic, Cultural and Natural Values	The proposed development is located within a growth area as identified in the City's comprehensive plan and is not encumbered by any easements or restrictions on tree removal or development. The project meets the standards of the district in which it is located. Site disturbance is limited to what is required for the construction and the project provides a landscape plan to provide buffering for directly abutting parcels. The project does not have an undue adverse impact on the aesthetic, cultural and natural values of the site.
Conformity with City Ordinances and Plans	The proposed development conforms with City Ordinances and the Comprehensive Plan.
Financial and Technical Capacity	The applicant has provided a letter from Biddeford Savings dated October 5, 2022 to demonstrate financial capacity. The applicant has retained the services of DM Roma Consulting Engineers which demonstrates technical capacity.
Surface Waters; Outstanding River Segments	The project site is not located within the watershed of any pond or lake, or within 250' of a protected resource. The 75' MDEP NRPA Stream Setback is identified on the plan and the application has obtained a permit-by-rule from MDEP for the grading/drainage work within the NPRA setback.
Ground Water	Groundwater is not anticipated to be negatively impacted by the development.
Flood Areas	All flood zones
Freshwater Wetlands	All wetlands have been identified on the subdivision plan.
Farmland	No farmlands have been identified on the site.
River, Stream or Brook	The 75' MDEP NRPA Stream Setback is identified on the plan and the application has obtained a permit-by-rule from MDEP for the grading/drainage work within the setback.
Stormwater	Stormwater management is provided on site with improvements in the Emery Street right of way to collect the runoff from the easterly portion of the improved Christie Way to the public system.
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 a municipal boundary.
Lands subject to Liquidation Harvesting	Not applicable.

Conclusions:

1. The proposed subdivision **will not** result in undue water or air pollution.
2. The proposed subdivision **has** sufficient water available for the reasonably foreseeable needs of the subdivision.
3. The proposed subdivision **will not** cause an unreasonable burden on an existing water supply.
4. The proposed subdivision **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

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

Conditional Use – Finding of Fact

Standard	Finding
Landscape Environment and Enhancement	Site disturbance is limited to what is required for the construction and the project provides a landscape plan to provide buffering for directly abutting parcels. The 75’ MDEP NRPA Stream Setback is identified on the plan and the application has obtained a permit-by-rule from MDEP for the grading/drainage work within the setback.
Surface Water Drainage	Stormwater management is provided on site with improvements in the Emery Street right of way to collect the runoff from the easterly portion of the improved Christie Way to the public system. A stormwater analysis demonstrates no impact is known or anticipated to the drainage of abutting properties.
Water, Air, Soil Pollution	The development is a residential development within the RGA1 district and will not cause unreasonable water, air, or soil pollution.
Soil Integrity	Adequate erosion and control measures are provided on the plan. Double erosion/control measures are shown in areas adjacent to the natural resource. The development will not cause unreasonable soil erosion or reduction in the capacity of the soil to hold water.
Natural Environment	The proposed development is located within a growth area as identified in the City’s comprehensive plan and is not encumbered by any easements or restrictions on tree removal or development. The project meets the standards of the district in which it is located. Site

	disturbance is limited to what is required for the construction and the project provides a landscape plan to provide buffering for directly abutting parcels. The project does not have an undue adverse impact on the aesthetic, cultural and natural values of the site.
Nuisance Factor	The proposed residential use is compatible with the abutting residential uses. No adverse impact is known or anticipated.
Special Features	No exposed storage areas, machinery installation or loading areas are included with the proposed development.
Vehicular Access	Lot 1 and Lot 2 site ingress/egress is provided at locations that have been reviewed and approved by the City Engineer. The intersection of Christie Way and Emery St. is aligned with the centerline of the existing Christie Way right-of-way.
Parking and Circulation	Two individual driveways each provide parking for 2 cars associated with the duplex structure. One driveway off of Christie Way and 16 parking spaces are provided adjacent to the multi-family structure which is in excess of Ordinance requirements. Adequate on-site parking has been provided as part of the project.
Public Services	The proposed development will not create an unreasonable burden on public services.

Conclusions

1. The landscape **is** preserved in its natural state insofar as practicable and **is** designed so as to stabilize the slopes and buffer the site, where necessary.
2. Surface water drainage **does not** have an adverse effect on surrounding properties, downstream water quality, soil stability or the storm drainage system.
3. The development **will not** cause unreasonable water, air, or soil pollution.
4. The development **will not** cause unreasonable soil erosion or reduction in the capacity of the soil to hold water.
5. The development **does not** have an unreasonably adverse effect on a historic site or irreplaceable natural areas.
6. The development **does not** cause unreasonable noise, odors, dust, gas, fumes, smoke, light, or other annoying or dangerous emissions.
7. Exposed storage areas, machinery installation, service and loading areas and similar facilities **are** set back, screened, or buffered so as to minimize any possible adverse effect on the surrounding uses.
8. The site layout **does** provide for safe vehicular access and egress, including that for emergency vehicles.
9. The layout of vehicular and pedestrian traffic patterns **does** provide for safe interior circulation, separation of pedestrian and vehicular traffic and storage of plowed snow. Parking **does** comply with the parking requirements set forth in the Ordinance.
10. The development **does not** impose an unreasonable burden on the water supply and sewage disposal systems, fire or police services, public ways, schools, recreational facilities and other public services or facilities.

Conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application packet dated January 30, 2023 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 §335-13.5.D, the Code Enforcement Officer shall not issue any permits until a site-subdivision 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. Provide draft deeds for Lot 1 and Lot 2 including the trash arrangement/access easements between Lot 1 and Lot 2. (Condition #8)
 - d. Field Verification of building corner locations per plan by surveyor. Mark property perimeter to ensure contractors stay on project land. Mark/flag limits of disturbance around property to be in compliance with approved plan.
 - e. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate. Additional Pre-construction meetings may be necessary if phased construction is not continuous.
 - f. Review of building elevations to be consistent with submitted documentation or testimony.
 - g. The applicant shall provide the digital data as required by §335-13 – verification with GIS coordinator.
 - h. Payment of Open Space Fee: **\$5,028.00 + \$4,500.00** (Subdivision & Paper Street)
 - i. An inspection fee shall be made payable to the City of Westbrook for inspection of site improvements made by the Code Enforcement Officer and/or other appropriate City staff. Inspection fee shall be 2% of the total amount of performance guarantee. **\$5,229.38**
 - j. 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. Performance guarantees may be provided together or individually.
 - i. Christie Way: **\$95,454.00**
 - ii. Reece Commons Apartments: **\$166,014.81**
 - k. Documentation of recorded utility easements over lot 9 of the Rivermeadow Residential subdivision to benefit Christie Way Lots 1 and 2.
 - i. Easements need to be separated for each lot's services.
 - ii. Easements need to clearly provide access and maintenance, but also requirement to for Christie Way lot owners 1 & 2 to address land condition of Lot 9 to return to a state incompatible with the premise at the time of disturbance.
 - l. Coordinate with the E911 Coordinator on addressing 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 Services Department.
5. **Prior to the issuance of the First Occupancy Permit:**
 - a. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval (to include but not limited to lighting (installed & lit), base paving, sidewalks, striping, dumpster, signage, stormwater features, etc.)
 - b. All Sewer & Water lines fully tested and approved.
 - c. All other site improvements, as shown or stated on plans or in conditions, must be installed unless a performance guarantee amount is held for the full amount of any remaining improvements to be completed after issuance of an Occupancy Permit.
 - d. Documentation (signed contracts), for private trash removal & snow plowing provided to the Planning Department. Provide recorded documents on trash arrangement between Lot 1 and Lot 2.
 - e. Copy of recorded Christie Way road association documents provided to the Planning Department.
 - f. Verify final USPS locations for mailbox for 8 Unit and Duplex.
 - g. Fence installed along the 10 Christie Way and 40 Emery Street properties as per approved plan.
6. **Prior to the issuance of the Final Certificate of Occupancy:**
 - a. All areas shown as pavement shall be final paved & striped, as necessary.

7. **Prior to release of the performance guarantee:**
 - a. The site will be inspected and deemed by City staff to be in compliance with the approved plans, monuments placed, and as-built plan provided in City approved format for the GIS system. Applicant to provide as-builts to City in paper copy, dwg file and pdf.
 - b. Documentation of maintenance contractor for Stormwater Best Management Practices.
 - c. BDA testing required for both the duplex and multi-family structures.
8. If Duplex Lot is sold, owner needs to be a member of the road association.
9. The owner of Lot 1 (duplex) shall have their trash disposal addressed by the owner of Lot 2 (multifamily structure). Lot 1 residents are permitted to cross Lot 2 to access the trash receptacle on Lot 2 for the purposes of trash disposal. All trash/solid waste, from Lot 1 that is brought onto the Lot 2 site, must be placed inside the trash receptacle provided by Lot 2 owner and not on the ground of Lot 2. This arrangement is to be included in the deeds for both lots.
10. Christie Way shall remain a private way and shall not be accepted by the City of Westbrook as a public street, unless the road is brought into compliance with the Local Street standards which include but are not limited to sidewalks, water main infrastructure, and road width.
11. 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. Additional BMPs may be required to address erosion and sediment control during construction. Determination of the need for additional measures are at the sole discretion of City Staff.
12. Access to the existing residences must be maintained to the greatest extent practical with access disruption are limited to deep utility installation and paving. Coordination with property owners on any disruptions to access must be conveyed at least 24 hours in advance.
13. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
14. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance and maintain the Maintenance Log for the stormwater feature on the premise.

2. 2023.01 – Site Plan, Subdivision – 185 Park Road - Landbank, LLC

PUBLIC HEARING

Tax Map: 048 Lot: 083
Zone: Highway Services District

Project Description

The applicant is requesting an 11-unit subdivision in 3 buildings, located on Park Road.

Project History

December 21, 2022 – Neighborhood Meeting
January 17, 2023 – Planning Board Workshop
March 7, 2023 – Public Hearing

Staff Comments:

1. Noticing Fees: \$254.72
2. Open space fee-in-lieu: \$5,530.30 required to be paid prior to project commencement.
3. Signage
 - a. Driveways to be named.
 - i. Two driveway names required – proposed driveway names currently under E-911 review.
4. Elevations provide additional elements to rear facade – Understanding the application is requesting a variable roof (maintaining the building footprint and site grading) dependent on end user preference, recommend the Park Road elevations maintain the style that will be shown to the Planning Board with dormered units as end caps.
5. Fire Comments
 - a. No parking to be permitted along driveway to maintain emergency access.
 - b. Fire alarm system to monitor sprinkler system. House panel to control fire alarm.
 - c. All buildings are required to be fully sprinkled with full fire alarm system.
6. Surface treatments – 2’ strips in front of porches are not feasible for grass strips – please review an alternative permeable treatment that is maintainable.
7. Surface under trash totes needs to be a stable surface – grass is not acceptable.

Motion:

That the Planning Board approve the Site Plan/Subdivision application for Landbank, LLC for a n 11-unit subdivision located at 185 Park Road Tax Map: 048 Lot: 083 Zone: Highway Services District and the following findings of fact, conclusions, and conditions as stated on pages 12 through 17 of this Staff Memo dated March 3, 2023, which are adopted in support of this approval.

Site Plan – Finding of Fact

Standard	Finding
Utilization of the site	The proposed development complies with the district standards for Highway Services District which include but are not limited to building footprint, gross density, residential density and lot setbacks. The development provides 2 on-site parking spaces per unit which meets the Ordinance standard. Adequate stormwater management is provided on site. A landscape plan has been provided which demonstrates additional landscaping along Park

	Road as well as buffering along the northerly property line and residential landscaping along each individual unit. The project meets the intent of the Ordinance.
Handicap Access	The site is compliant with the ADA requirements for a new residential development. Review by the State Fire Marshall is required prior to building permit issuance.
Appearance Assessment	<ul style="list-style-type: none"> (a) The location for site ingress/egress has been reviewed and approved by the City Engineer. The proposed structures are 1-2 stories high which is compliant with the district standard (maximum 40' or three stories). This standard has been met. (b) All proposed structures are within the building envelope and do not intrude on any front, side, or rear setbacks. Landscaping and a fence is proposed along the northerly property line as buffering/screening to the direct abutter. This standard has been met. (c) A landscape plan has been provided which demonstrates additional landscaping along Park Road as well as buffering along the northerly property line and residential landscaping along each individual unit. This standard has been met. (d) Lighting is provided along the building entrances consistent with residential units. Due to the closeness of the structures additional light poles are not necessary for the safety of the site. This standard has been met. (e) All signage is identified on the plan. This standard has been met. (f) The site is not located within the Village Review Overlay District. This standard does not apply.
Landscape Plan	A landscape plan has been provided which demonstrates additional landscaping along Park Road as well as buffering along the northerly property line and residential landscaping along each individual unit.
Odors	The residential use is consistent with surrounding residential structures. No adverse impact is known or anticipated.
Noise	The residential use is consistent with surrounding residential structures. No adverse impact is known or anticipated.
Technical and Financial Capacity	The applicant has provided a letter from Gorham Savings Bank dated February 17, 2022 to demonstrate financial capacity. The applicant has retained the services of Sebago Technics which demonstrates technical capacity.
Solid Waste	Solid waste will be privately managed via internal collection of individual totes. No toter storage or collection is permitted along the Park Road right of way.
Historic, Archaeological and Botanical Resources or Unique Features	No historic, archaeological/botanical resources have been identified on the site.
Hazardous Matter	Project does not propose the handling, storage, or use of hazardous materials. No adverse impact known or anticipated.
Vibrations	The proposed residential use is compatible with the abutting residential use. No adverse impact known or anticipated.

Parking & Loading Design and Site Circulation	The development provides 2 on-site parking spaces per unit which meets the Ordinance standard. A turning template has been provided to demonstrate adequate access for emergency vehicles.
Adequacy of Road System	Park Road has adequate capacity to accept the traffic generated by this project.
Vehicular Access	The location for site ingress/egress has been reviewed and approved by the City Engineer.
Pedestrian and Other Modes of Transportation	A pedestrian walkway is provided internal to the site and along the project frontage to provide a connection to the residents to the public infrastructure on Park Road. Additionally, the project is responsible for the installation of a crosswalk and two pedestrian crossing signs on Park Road.
Utility Capacity	Utility services are available within the Park Road right of way.
Stormwater Management, Groundwater Pollution	Stormwater management is provided on site.
Erosion and sedimentation Control	Adequate erosion 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	Sewer services are available within the Park Road right of way. An ability to serve letter has been provided by Wastewater Services
Sufficient Water	Water services are available within the Park Road right of way. An ability to serve letter has been provided by PWD
Municipal Water Supply	Water services are available within the Park Road right of way. An ability to serve letter has been provided by PWD
Erosion	Adequate erosion control measures are provided on the plan.
Traffic	Park Road has adequate capacity to accept the additional traffic generated by the project.
Sewage Disposal	Sewer services are available within the Park Road right of way. An ability to serve letter has been provided by Wastewater Services
Municipal Solid Waste Disposal	Solid waste will be privately managed via internal collection of individual toters. No toter storage or collection is permitted along the Park Road right of way.
Aesthetic, Cultural and Natural Values	None known
Conformity with City Ordinances and Plans	The proposed development complies with the district standards for Highway Services District which include but are not limited to building footprint, gross density, residential density and lot setbacks. The plan is in conformance with City ordinances and the comprehensive plan.
Financial and Technical Capacity	The applicant has provided a letter from Gorham Savings Bank dated February 17, 2022 to demonstrate financial capacity. The applicant has retained the services of Sebago Technics which demonstrates technical capacity.
Surface Waters; Outstanding River Segments	Standard is not applicable
Ground Water	Groundwater is not anticipated to be negatively impacted by the development.
Flood Areas	No flood zones have been identified on the site.
Freshwater Wetlands	No wetlands have been identified on the site.
Farmland	No farmlands have been identified on the site.
River, Stream or Brook	No rivers, streams or brooks have been identified on the site.
Stormwater	Stormwater management is provided on site.
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 a municipal boundary.
Lands subject to Liquidation Harvesting	This standard is 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:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated February 8, 2023 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 §335-13.5.D, the Code Enforcement Officer shall not issue any permits until a site-subdivision 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 the sale of any units for the project:**
 - a. Provide a copy to Planning Office of recorded Homeowners association by laws & Declaration of Covenants and Restrictions for the lot included in that association.
 - b. Copy of the recorded subdivision plan must be provided to the Planning Office.
4. **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. Additional Pre-construction meetings may be necessary if phased construction is not continuous.

- d. Review of building elevations to be consistent with submitted documentation or testimony.
 - e. The applicant shall provide the digital data as required by §335-13 – verification with GIS coordinator.
 - f. Payment of Open Space Fee: **\$5,530.30**
 - g. An inspection fee shall be made payable to the City of Westbrook for inspection of site improvements made by the Code Enforcement Officer and/or other appropriate City staff. Inspection fee shall be 2% of the total amount of performance guarantee. **\$5,172.00**
 - h. The applicant shall file a performance guarantee with the City of Westbrook. The amount of the guarantee shall be agreed upon in advance with the City of Westbrook and shall be of an amount to ensure completion of all on- and off-site improvements necessary to support the proposed project. **\$258,600.000**
 - i. Coordinate with the E911 Coordinator on addressing the buildings/units.
5. **Prior to commencing any work in the City Right-of-Way**, the applicant must obtain a road-opening permit from the Public Works Department.
 6. **Prior to the issuance of the first Occupancy Permit:**
 - a. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval (to include but not limited to base paving, signage, etc.)
 - b. All water lines fully tested and approved.
 - c. All other site improvements must be installed unless a performance guarantee amount is held for the full amount of any remaining improvements to be completed after issuance of an Occupancy Permit.
 - d. Documentation (signed contracts), for private curbside trash removal & snow plowing for the Homeowners Association, provided to the Planning Department.
 - e. Copy of recorded Condo Association Docs provided to Planning Department, if not already provided.
 - f. Verify final USPS locations for mailbox.
 7. **Prior to the issuance of the final certificate of occupancy:**
 - a. All areas shown as pavement shall be final coat paved.
 - b. Documentation of maintenance contractor for Stormwater Best Management Practices.
 8. **Prior to release of the performance guarantee:**
 - a. The site will be inspected and deemed by City staff to be in compliance with the approved plans, and as-built plan provided in City approved format for the GIS system. Applicant to provide as-builts to City in paper copy, dwg file and pdf.
 9. Waste management shall be internal to the site (curbside to the units) – Toter storage and collection is prohibited along Park Road.
 10. Best management practices shall be adhered to during all ground disturbance operations.
 11. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
 12. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance and maintain the Maintenance Log for the stormwater feature on the premise.

3. 2023.07 – Site Plan, Conditional Use - Rock Row – Dirigo Center Developers, LLC c/o Waterstone Properties Group

WORKSHOP

Tax Map: 042B Lot: 011
Zone: Contract Zone 12 – Rock Row Contract Zone
Use: Restaurant Class 3

Project Description

The applicant is requesting a Restaurant Class 3 use located within the gravel parking area of the Rock Row North Campus as shown on the application plans. A delineated & fenced off parking lot will be created adjacent to the use for customers.

Project History

March 7, 2023 – Planning Board Workshop

Staff Comments

1. Noticing Fees: \$20.72
2. Stabilized path does not lead to location of ramp entrance, based on project renderings, or bathroom area.
3. Type in note 20 – construction should be consumption.
4. Adequate wayfinding signage will be required (for directional purposes – cannot be utilized as additional advertising along Larrabee)
5. Further review of lighting the platform and gravel parking area will be required. Provide a photometric of the area.
6. All food trucks will be required to be licensed by the City.
7. Fire Comments:
 - a. Knox box required at emergency entrance gate.
 - b. Final occupant load dependent on FD review – occupant load cannot exceed 2x capacity of main entrance to the platform.
 - c. FD to review locations for extinguishers ensure compliance fire code.
 - d. Additional measures may be required and are dependent on what is stored within boxes.
8. Final plan to provide detail for dumpster enclosure.
9. More information needed on electrical connections to Conex boxes.
10. Sewer connection pending review by Wastewater Services
11. Code Requirements with/prior to building permits
 - a. State fire marshal permit approval
 - b. Engineered stamped plan,
 - i. Review for frost protection, anchoring and structural capability.
 - c. Stamped engineered electrical plan

4. 2023.08 - Site Plan, Subdivision, Village Review - 16 Spring St – Greg Boulette

WORKSHOP

Tax Map: 033 Lot: 114

Zone: City Center District – Downtown District, village Review Overlay Zone

Use: Dwelling, Multiple-Family

Project Description

The applicant is requesting a 7-unit townhouse style multifamily structure located at the corner of Spring Street and William Clarke Drive, to replace an existing Two-family structure and provide additional dwelling units in the Downtown area.

Project History

March 2, 2023 – Neighborhood Meeting

March 7, 2023 – Planning Board Workshop

Village Review

James Gauthier, project architect, presented the architectural design to the VROZ committee on March 2, 2023.

- Contemporary building design
- Siding Material: LP Smart Siding with 8” panels on the first floor and 6” panels on the upper floors for variation
- Noted the William Clarke Drive elevation does not show the heat pumps or the proposed fence.
- Colors shown in the renderings do not accurately represent the chosen colors.
 - o Door color has not been chosen.
 - o Building colors
 - Siding: Sea Foam Gray
 - Trim: Light Charcoal
 - Accents: Dark Charcoal

The applicant is requesting a waiver of §335-7.1.G(1)(k) to provide less than 70% of the façade facing streets be articulated with windows, transoms, signs, cornices, and other coordinated architectural features. The applicant noted this standard is applied primarily to structures that also require a commercial presence on the first floor. Where this structure does not require a commercial element, this standard would not be appropriate for this project with the contemporary design of the building. Further, the project provides a stepped façade along William Clarke Drive to break up the massing and provide a townhouse style look to the structure.

Comments from the VROZ Committee:

Southerly (William Clarke Drive) Facade

- Discussion on the location of the mechanical room along the William Clarke Drive façade: The VROZ Committee felt the mechanical room was out of place on the WCD façade and discussed the possibility of relocating it. The applicant noted that the mechanical room would not be feasible on the easterly façade due to lack of access by the fire department.
- Rhythm of windows: VROZ Committee commented that the mirroring of the windows results in a lack of variation for the structure. The architect responded the oversized windows were utilized to allow more light into the units where windows are only on the northerly and southerly façades. The VROZ Committee acknowledged this, but noted the offset of the first-floor doorway creates an imbalance in the structure, unlike the northerly façade where the mirroring/balance carries through from the garage – 3rd floor. The architect did express the blank portion shown of the first-floor wall would have a heat pump attached to that area. The VROZ committee requested the architect examine opportunities to create more

of a relationship between the first and upper floors where this façade is visible from William Clarke Drive, but understood the practical constraints of needing the heating system components.

- **Fence:** The VROZ Committee was initially not in favor of the fence along William Clarke Drive and noted that the William Clarke Drive façade gives the appearance of a front-facing building, and that the fence detracts from this experience. The applicant clarified that the fence was not intended as a complete privacy fence for full screening, but rather a visual delineation of private vs. public land (ex. split rail fence). The VROZ Committee was more in favor of this proposal and requested a building elevation that showed this for accurate representation of the façade from the right of way.

Easterly (Spring Street) Façade

- **Waiver Request:** The VROZ Committee was not in favor of the waiver request for the Spring Street façade based on the initially proposed elevations. The committee expressed concerns with the visibility of the façade and felt the intent of that ordinance was to reduce/eliminate large blank walls, as is currently showing. The Committee/applicant held a discussion on possible additions to the façade, including additional windows and/or relocation of the mechanical room to the easterly façade with a mirrored roofline to create a “front door” look. The applicant agreed to work with their design team to address concerns raised.
- **Waste Removal:** Clarification was made that the totor storage will be internal to the garages and will not be visible from either the William Clake Drive or Spring Street rights-of-way.

Summary

The VROZ Committee noted this will be a highly visible structure at a prominent intersection. While the Committee spoke generally positively about the direction of the architecture, concerns were raised regarding the balance of the 1st floor of the William Clarke Drive façade with the upper floors as well as the Spring Street façade. The VROZ Committee stated they were not in favor of supporting the waiver requested by the applicant for the Spring St side design as currently presented. The architect agreed to work on revised elevations in response to the comments provided by the Committee in advance of a final application submission.

Staff Comments

1. Noticing Fees: \$84.36
2. Open Space: 2,100sf (Fee-in-lieu: \$3,519.28)
3. VROZ Review scheduled for February 22
 - a. Review standards for VROZ in the Downtown District – Will need to present elevations to Committee and review any required waivers of the standards. Building material and colors will need to be specified with the VROZ review.
4. Spring St DOT moratorium scheduled for late spring/early summer. Any work within the Spring St ROW will need to be completed prior to enactment of moratorium.
5. Show mailbox location on plan – Final mailbox location subject to review/approval by USPS.
6. Project is planned as a condominium complex – final application will require draft association docs.
7. Named driveway required for addressing to meet E-911 standards.
 - a. Provide 2-3 proposed driveway names for E-911 review.
 - b. Final plan to show location of driveway “street” sign at intersection with Spring Street. Blue signway required to comply with private roadway standards.
8. P.E. stamp on final site plan required.
9. Plan show fence along WCD property line – consider leaving open to allow access from units to public sidewalk system.
10. Plan is showing 4’ separation between end of driveway and abutting 13 Pleasant St. property. Provide protection (ex: wooden guardrail) at end of driveway and show on plan.

11. Parking requirement for Downtown District is 1 space/unit. Revise on plan to show appropriate standard.
12. Spring Street sidewalk repair/restoration along project frontage as part of the relocated curb cut.
 - a. Granite curbing required.
13. Fire Comments
 - a. Building required sprinkler and full fire alarm systems
 - b. Provide a turning template to demonstrate adequate access to the site is provided for emergency vehicles (pumper truck template only. Ladder truck will access via WCD).
 - c. No parking permitted along driveway to maintain emergency access.
 - d. Provide stabilized path to mechanical room from driveway. Winter maintenance of pathway required.
14. Recommend early coordination with CMP re: utility design – projects are seeing a significant delay in obtaining pad mounted transformers. Site design may want to explore alternative designs (i.e., pole mounted transformers) where feasible.
15. Sewer
 - a. Recommend lateral connection at top half of pipe. Spring Street sewer is a large pipe and runs full.
 - b. All disconnected services to be capped at main.
16. Street Trees:
 - a. Project includes the removal of several trees that, while are private property, add to the tree line of William Clarke Drive. Staff is supportive of project proposal to install trees within the right of way to continue tree line. Recommend the project be consistent with the tree spacing of existing easterly street trees. Final location and species of trees to be approved by the City Arborist.
 - b. Deep root control barrier required on sidewalk side of all street trees. Provide detail with final plan.
 - c. Based on current design, it does not appear 48” tree will be maintained
17. Waste removal – private toter collection internal to the site. No toter storage or collection is permitted within the Spring Street or William Clarke Drive rights-of-way.

5. 2023.09 – Amendment to the Land Use Ordinance - §335-5.7 Highway Services District, §335-Attachment 1, Table 1 Land Use Table – Milestone Recovery

WORKSHOP

Ordinance Description – Please read applicant summary letter (attached) first for background information and a more detailed explanation of the request. (Proposed Ordinance Document Attached)

Milestone Recovery is a nonprofit organization based in Portland which provides treatment for substance abuse disorder and support services for the homeless. Among the programs provided by the agency, Milestone Recovery is currently operating a Medically Monitored Withdrawal Program (MMWP) and an overnight shelter within a single building on India Street. The existing MMWP facility provides 3–7-day care for individuals who have voluntarily entered the program to safely withdraw from a substance with a maximum capacity of 16 beds. Due to the extensive need for both these services, the agency is seeking a new location for just the MMWP (the overnight shelter to remain at its current location on India Street, Portland) to allow both programs the ability to expand operations. Milestone Recovery has identified a property at 290 Bridgton Road as a potential site and has held several meetings with City Staff to discuss code requirements and building upgrades to utilize this building in this manner.

During these meetings, it was identified that the closest definition within the City’s Land Use Ordinance for this type of use is a “Nursing Home” which is currently only permitted within the Residential Growth Area 2 and Residential Growth Area 3 Districts. Further, the Nursing Home definition specifically states that it only applies to facilities that are licensed as a Skilled Nursing Facility or an Intermediate Care Facility, where Milestone Recovery is licensed as a Substance Use Treatment Facility. Therefore, Milestone Recovery provided the City with a request to:

1. Amend the Highway Services district to allow Nursing Home as a permitted use; and
2. Amend the definition of Nursing Home to allow facilities beyond a Skilled Nursing Facility or Intermediate Care Facility.

A purchase and sale agreement has been provided by Milestone Recovery to demonstrate Right Title & Interest in the property which demonstrates standing for the agency to submit a request to the City to amend the Highway Services Zoning District.

Ordinance History

March 7, 2023 – Planning Board Workshop

Staff Comments

In researching other communities for definitions of nursing homes, communities have created a distinction in these types of care facilities. Most communities define these care facilities based on either (1) the size of the facility or (2) the length of service. Staff initially looked at the applicant’s request to amend the Nursing Home definition to accommodate not only the proposed Substance Use Treatment Facility, but also any type of facility where care/rehabilitation with boarding is provided and where care may be provided for any length of time. Staff struggled to identify appropriate zoning districts to permit both a short- and long-care facilities due to the needs of each use and the nature of the districts we were looking to include the use in.

Through much research, Staff felt that our current nursing home definition should remain essentially as is to avoid any unintended consequences to our existing nursing homes, which would continue to provide the long-term Skilled Nursing/Intermediate Care services. Therefore, Staff proposes to add a new definition to allow for a

“Short-Term Care Facility” that would address the needs of the applicant but also the future needs of our community in a variety of patient care-related fields.

Before we started looking into the addition of the Short-Term Care Facility as a new use, Staff took a step back and reviewed our overall zoning districts to see if “Nursing Home” as a use was missing in other districts that either already have these uses or it makes sense to allow into the future.

Nursing Homes:

To start, Nursing Homes are currently permitted within the RGA 2 and RGA 3 districts, which are two lower intensity districts, based on density requirements and land use, where the allowable uses in these districts are primarily residential with limited commercial uses permitted. Staff would find it to be appropriate to allow a facility providing long-term residential care, which effectively is providing a longer-term residency for patients, within residential districts. Additionally, Staff considered those districts that allowed for multifamily as a basis of comparison, as a Nursing Home could be comparable to a multifamily structure. Staff sees Nursing Home use within the RGA 3 District as actually being non-compatible to the district where the district does not currently have sewer services available and does not support other similar uses like multifamily.

A. Based on the reasoning stated above, Staff would recommend the following amendments related to Nursing Homes to be incorporated into this amendment:

1. Remove Nursing Home from the RGA3 District
2. Insert the Nursing Home use as a permitted use within the RGA1 (where we have many facilities already), Prides Corner Smart Growth Area, Highway Services District (**where sewer services are available) and Gateway Commercial District.
3. Staff is recommending a minor adjustment to the definition of Nursing home to update language and correct grammatical errors.

Short Term Care Facility:

Staff then turned our attention to the request at hand to incorporate Short-Term Care Facility in the Highway Services District. The Highway Services Districts run along portions of our major corridors where high traffic is expected and will not overly burden the local street system. The expectation of a facility providing short-term care could include a higher rate of patient turnover and/or higher staff to patient ratio, which would be conducive to these primarily commercial districts, along with providing improved access to these uses by being on major roads. We would not be proposing to add this use to any other district at this time.

Staff is proposing a Short-Term Care Facility be defined in a manner that is consistent with the existing Nursing Home definition with the following distinctions:

1. A short-term care facility shall be licensed with the State of Maine, however the definition as proposed does not prescribe which licensed facility is/is not permitted. The intent of this is to ensure all facilities are professionally licensed and staffed without unintentionally limiting a facility from operating within the community.
2. Short-term care facilities shall be limited to a 45-day consecutive day care.

Based upon the rationale stated above, Staff are supportive of the applicant’s request to add the Short-Term Care Facility use as a permitted use within the Highway Services District. The Highway Services District is primarily located along the corridors where access is high and is a use that is compatible with the other commercial uses permitted within the district.

B. Staff would recommend the following amendments related to Short-Term Care Facilities:

1. Add a new definition Short-Term Care Facility to the Definition section of the LUO
2. Add the use Short-Term Care Facility to the Highway Services District.