



Planning & Code Enforcement

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

PLANNING & CODE ENFORCEMENT

WESTBROOK PLANNING BOARD

Tuesday, April 4, 2023, 7:00 P.M.

MINUTES

1. Call to Order

Rebecca Dillon Good evening. I would like to call to order the Westbrook planning board meeting for Tuesday, April 4th, 2023. held at Westbrook High School room 114, 125 Stroudwater Street.

I do want to mention that while people can watch us at home on TV. We are having some connection issues and cannot be reached via Zoom or Facebook. So, if anyone wants to participate in the public hearing they should come and join us here at the High School. Again, That Is room 114 at 125 Stroudwater Street.

With that, Can I have a roll call Linda?

Roll Call – Attendance

Karen Axelsen	Present
Robin Tannenbaum	<i>Absent</i>
Vice Chair - Larry McWilliams	<i>Absent</i>
Nancy Litrocapes	Present
John Turcotte	<i>Absent</i>
Jason Frazier	<i>Absent</i>
Kevin Price	Present
Susan Roma	Present
Chair - Rebecca Dillon	Present

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

2. Approval of Minutes

Karen Axelsen Move to approve minutes.

2ND by Kevin Price

Roll Call Vote

Karen Axelsen	Yes
Robin Tannenbaum	<i>Absent</i>
Larry McWilliams	<i>Absent</i>
Nancy Litrocapes	Yes
John Turcotte	<i>Absent</i>

Jason Frazier	<i>Absent</i>
Kevin Price	Yes
Susan Roma	Yes
Chair - Rebecca Dillon	Yes

The vote was unanimous. 5-0

NEW BUSINESS

Rebecca Dillon Rebecca, please read the next item into the record.

3. **Rebecca Spitella reads item into the record 2023.09 – Amendment to the Land Use Ordinance - §335-1.8 – Definitions, §335-Article V – Zoning Districts, §335-Attachment 1, Table 1 Land Use Table – Milestone Recovery: The applicant is requesting an amendment to the Land Use Ordinance to create and define a new use, Short-Term Care Facility, to allow as a permitted use within the Highway Services District. The amendment also revises the definition of Nursing Home to correct grammatical errors and update terminology, allows Nursing Homes as a permitted use in the Residential Growth Area 1, Prides Corner Smart Growth Area, Highway Services and Gateway Commercial Districts and removes Nursing Homes from the Residential Growth Area 3 District.**

Rebecca Dillon Thank you, with that the applicant presentation,

Applicant: Sam Heck & Tom Doherty

Presentation on file at the Westbrook Planning Department and on the Westbrook Website link shown below:

<https://vimeo.com/showcase/3075539/video/778681994>

Sam Heck Milestone Recovery. I am the Development Director with me our Tom Doherty our Executive Director and Mark Foster the Chair of our Board.

We spoke at the workshop at last month's meeting about the need for this amendment that the Planning Board and Planning Department Staff have come up with but wanted to just briefly review the background for why we are requesting the amendment.

Milestones is a nonprofit based in Portland that since 1967 has been serving Mainers who are struggling with substance use disorders and homelessness. I do want to repeat though that none of our homelessness services from our plant are coming to Westbrook. Those will all stay where they are currently located in Portland.

The program that we are particularly the programming question is our detox program. It is a short-term three-to-seven-day residential program where people withdraw from alcohol opioids and other addictive substances. It serves about 900 people each year.

The need for the program is pretty well documented over the last 10 years. Fatal overdoses in Maine have skyrocketed from just under 200 in 2013 to over 700 in 2022.

Meanwhile Milestones detox program, which is the first step in recovery from these substances for a lot of people is really taxed to its maximum capacity about 70% of the people that screen as needing the program and are presenting voluntarily for treatment about 70% have to be turned away currently because of a lack of capacity.

Westbrook has certainly not been immune from this as well. Over the last five years Westbrook has seen Westbrook Police and Emergency Responders responded to 304 overdoses 26 of them fatal, meanwhile there are about 355,000 Mainers who rely on Main care and another 77,000 who are uninsured and the Substance Abuse and Mental Health Administration estimates that one in 15 individuals in the country struggles with the substance use disorders. So, the estimated need for this sort of program is about 29,000 people in the State of Maine.

And the total number of beds available to people who are uninsured or underinsured is 26 Milestones, 16 and 10 more in Bangor at Wellspring.

So, our intention with this project one of the reasons that we are looking to relocate to Westbrook is so that we can expand the capacity of our program from 16 beds to 32 based on a study from the University of Southern Maine that would reduce the total number of people. We have to turn away from lack of capacity from 70% to just 3% and the project already has pretty substantial financial support from federal state and local sources.

We have gone under contract on a property at 290 Bridgton Road in Westbrook. The issue is that in talking with Planning Department Staff was identified that there really is no current land use in Westbrook that describes this sort of short-term in short-term inpatient medical program. So, I will let Jenny speak a little bit more about what the amendment is. But that is why we are seeking the sort of definition that would create a land use that would describe this sort of program.

Thank you.

Rebecca Dillon staff comments?

Jennie Franceschi presented Staff Comments.

To dovetail off of that presentation on the initial thoughts on a use we are trying to look at the nursing home definition, but unfortunately the nursing home definition is specific to the type of certification at the State that is necessary for Nursing Home.

So, the staff, Rebecca, and I looked at ways in which whether if we change that definition would we cause potential problems with Nursing Homes that already exists in our community, and we did not want to do that. So, it was suggested that we try to create a new definition for this particular type of use but also this is not just specific to the applicant's request, but any type of short-term care facility that would sort of fall within the window of that initial treatment program that is necessary to get somebody whether it is a substance abuse, whether it is initial physical rehabilitation that that these types of uses should be clarified and should have their own definition.

So, that is what we have proposed to you in the document before you with some minor changes to the nursing home definition were provided more just readability and upgrading of old language.

We have the new definition of short-term care facility and then in looking at where we would place this particular use at this time. We are just suggesting having the Highway Services where the property that is being discussed tonight is located have that be right.

Now the only Zone in which that we would allow this particular use it is on Route 302 or Spring Street. Those are your major corridors where high traffic zones would afford better contact for folks to have contact with the property versus going into a neighborhood where you would have more traffic coming into a neighborhood.

So that was sort of the initial thought about the placement of the use in the Highway Services District, but we also wanted to look at nursing homes in general because when we started researching it, it did not make sense as to why nursing homes were not permitted in certain zoning districts.

Where we already have nursing homes in RGA1 District we have Avesta that is already in RGA-1 district why that was not labeled as a permitted use before now. I don't know but we wanted to correct that additionally looking at a Nursing Home size being very similar to a multifamily type setup and where you really want to have those uses where you have water and sewer and you don't really want to have them on septic systems which would be a more intense use of the land and potentially, having a lot of septic going into the land so, it was stated in the current ordinance at RGA-3 allowed for Nursing Homes, which again, we don't allow for multifamily in that district and it's not a sewer district. So, we are suggesting having nursing homes removed from our RGA3.

We are putting Nursing Homes into RGA-1, we are putting Nursing Homes into Highway Services because again that just seemed to be a miss for what is currently allowed, and we also allowed for the Gateway Commercial District.

And then the last statement on the document that is before you is just to make sure that in the land use table, which is a spreadsheet at the very end of our ordinance. All of those changes that are noted in each district are incorporated.

Ordinance Description

Milestone Recovery is a nonprofit organization based in Portland which provides treatment for substance abuse disorders 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

April 4, 2023 – Public Hearing

Staff Comments

No changes have been made to the proposed Ordinance since the March 7th workshop, except for added clarifying wording for districts where use is contingent upon water and sewer access, and administrative notes to the Ordinance Revisor. The following are the comments that were provided to the Planning Board in the March 3rd Staff Memo outlining the rationale for the proposed language and Zoning Districts for the record.

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 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 provides 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.

Rebecca Dillon Thank you, Jennie, with that we will hold the Public Hearing. If there is anyone from the public that would like to Speak come up to the podium speak into the microphone.

- o Remember to state your name and address.
- o Public has one opportunity to provide comments.
- o All comments should be addressed to the Planning Board, who will address the applicant/Staff following the public hearing.
- o Each person will be limited to three minutes.

Open Public Hearing

- o **In Person**

Is there anyone here who care to speak? If not, then I will close the public hearing.

No comments

Close Public Hearing

Rebecca Dillon Do we have any Board comments, discussion, or questions?

Karen Axelsen I just have one question and it is mostly like a housekeeping thing, when Mercy Hospital did the recovery was that not in the proper zone? I am not sure what Zone. That is in RGA-2 zoning, but it was a hospital.

Jennie Franceschi That is what I wanted and so in the hospital. Yes, so the hospital category actually did allow for that use to utilize that building.

Karen Axelsen Thank you. I just want to clarify that so that is always an option.

Jennie Franceschi Yes, if we were in a Zoning District where there was hospital that could be a utilization for a short-term care in lieu of using the definition.
Yes, absolutely.

Rebecca Dillon any other questions or comments?

No comments

Rebecca Dillon Since we have none, there is a motion on page three of the memo.
May I have someone make a motion.

Nancy Litrocapes move to recommend the Land Use Ordinance amendment submitted to the Planning Board in the document titled “Land Use Ordinance Amendment Chapter 335” for specifically §335-1.8 – Definitions, §335-Article V – Zoning Districts, §335-Attachment 1, Table 1 Land Use Table to the City Council to create and define a new use, Short-Term Care Facility, and allow such use as a permitted use within the Highway Services District; and revise the definition of Nursing Home and allow this use as a permitted use in the Residential Growth Area 1, Prides Corner Smart Growth Area, Highway Services District and Gateway Commercial District while removing the Nursing Home use from the Residential Growth Area 3 District.

2nd by Karen Axelsen

Roll Call Vote

Karen Axelsen	Yes
Robin Tannenbaum	<i>Absent</i>
Larry McWilliams	<i>Absent</i>
Nancy Litrocapes	Yes
John Turcotte	<i>Absent</i>
Jason Frazier	<i>Absent</i>
Kevin Price	Yes
Susan Roma	Yes
Chair - Rebecca Dillon	Yes

The vote is unanimous. 5-0

Rebecca Dillon Rebecca, please read the next item into the record.

4. **Rebecca Spitella reads item into the record 2023.10 – Site Plan – 740 County Road – BD Solar Properties, LLC: The applicant is requesting a 40,000sf gravel laydown area to be utilized for the duration of construction of a solar array located on the abutting parcel. Tax Map: 001 Lot: 006 Zone: Industrial Park District**

Rebecca Dillon Thank you, with that the applicant presentation,

Applicant – Steve Bushey

Presentation on file at the Westbrook Planning Department and on the Westbrook Website link shown below:

<https://vimeo.com/showcase/3075539/video/778681994>

Steve Bushey Gorrill Palmer Here representing BD Solar Properties and their proposal requested an approval for 11 Acre Site off of County Road. The old Larson Auto Body area cleaned up site. Now it is going to be used as a staging area to build a solar farm on the Kimberly-Clark landfill over in Scarborough. And this is a convenient location. So, we are here given Westbrook standards relative to temporary use of this area.

I have to put down some gravel for the lay down area. It will be a construction trailer and that sort of thing.

Relatively straightforward staff has had some comments regards to repairs of culverts to get impacted or otherwise and posting of a performance guarantee to make sure that the sites restored following the completion of work.

So, it is hopefully a relatively straightforward consideration on your part, and we ask for your consideration tonight.

I am here to answer any other questions. I do have a representative of the solar team if you would like.

With that, I will turn it back to the board.

Rebecca Dillon Great. Thank you. Staff comments?

Jennie Franceschi presented Staff Comments.

Steve did a wonderful job summarizing this and the outstanding items that staff did. Relay to the applicants have been addressed to staff's satisfaction. And therefore, we have provided a motion on page four of your memo along with the findings of fact conclusions and conditions thereafter.

Tax Map: 001 Lot: 006
Zone: Industrial Park District

Project Description

The applicant is requesting a site plan approval for a 40,000sf gravel laydown area to be utilized for the duration of construction for the solar array project located on the abutting parcel in Scarborough (52 Larson Way). Following construction of the solar array, all gravel shall be removed from the site and all disturbed areas shall be regraded and stabilized with loam and seed.

Although the work is temporary in nature, site plan review and Planning Board approval is required as the area of disturbance/new impervious cover is greater than 3,000 sf.

Project History

April 4, 2023 – Public Hearing

Staff Comments:

1. No solid waste or recycling to be stored on the laydown area (with the exception of screen dumpsters associated with construction trailer for office-based wastes. No large-scale waste/packing materials/etc. is permitted. All construction waste to be hauled from site. If any changes to this procedure, the solid waste must be contained on the property/within a stabilized area and a plan will be required from the applicant for waste removal for the City to approve of and be filed with the application documentation.)
2. County Rd driveway culvert will need to be replaced if damaged during construction.
3. A performance guarantee shall be required to ensure the temporary parking area and laydown area is fully stabilized and returned to its original vegetative state following the construction of the solar array.
 - a. Pictures of the site prior to any soil disturbance will be required to use as comparison in post-conditions. Provide photos to City for file.

Rebecca Spitella I did have one question that was brought up by a Board Member who is not able to attend tonight. If we could just clarify the access driveway.

Steve Bushey that will continue to be utilizes access for the solar array following construction or will used as an access point for the solar farm and there will be a permanent easement attached to that piece of property for access to the landfill.

Rebecca Dillon - Introduction of Public Comment

Thank you with that we will open the public hearing if anyone is here to speak.

- Speak into the microphone. Remember to state your name and address.
- Public has one opportunity to provide comments.
- All comments should be addressed to the Planning Board, who will address the applicant/Staff following the public hearing.
- Time Limit of three minutes per person

Open Public Comment

- In-person

No comments

Close Public Hearing

Rebecca Dillon Board Do we have any board comment or discussion?

No comments

Rebecca Dillon I do not have any either. It is pretty straightforward. If there are no questions or comments from the board then we have a motion in the memo on page 4.

Kevin Price move That the Planning Board approves the Site Plan application for BD Solar Properties, LLC for a 40,000sf gravel laydown area to be utilized for the duration of construction related to the solar array project located in Scarborough (52 Larson Way) on the abutting parcel. Project is located at 740 County Road Tax Map: 001 Lot: 006 Zone: Industrial Park District. Approval includes the following findings of fact, conclusions, and conditions as stated on pages **4 through 6** of this Staff Memo dated March 31, 2023, which are adopted in support of this approval.

Site Plan – Finding of Fact

Standard	Finding
Utilization of the site	Meets the intent of the ordinance
Handicap Access	Site plan does not provide for public access and is not required to meet ADA standards.
Appearance Assessment	No new structures are proposed as part of the project. Site ingress/egress is provided at the existing point of access to the site. Following construction of the abutting solar array the site will be regraded and stabilized with loam and seed.
Landscape Plan	Following construction of the abutting solar array project, the site will be regraded and stabilized with loam and seed.
Odors	Laydown area will not be utilized for solid waste collection. No adverse impact is known or anticipated.
Noise	Construction work will following the permitted hours of construction for the Town of Scarborough. No residential uses are located within ~750’ of the construction laydown area. No adverse impact is known or anticipated
Technical and Financial Capacity	No permanent structures or site improvements are included as part of this approval. Not applicable.
Solid Waste	The construction laydown area shall not be utilized for the storage of solid waste. A small waste receptacle is located next to the construction trailer for waste collection, as needed.
Historic, Archaeological and Botanical Resources or Unique Features	None known
Hazardous Matter	Not applicable
Vibrations	No adverse impact anticipated by the installation/removal of laydown area.
Parking & Loading Design and Site Circulation	Site ingress/egress is via the existing curb cut on the site. A temporary construction trailer and parking area is located on the northerly portion of the site at a location that will not impede on access by construction equipment to the rear of the site.
Adequacy of Road System	Project will not cause an unreasonable increase of traffic

	demand to County Road. Additional signage is included on County Rd related to truck traffic utilization of 740 County Rd.
Vehicular Access	Site ingress/egress is via the existing curb cut on the site.
Pedestrian and Other Modes of Transportation	Not applicable
Utility Capacity	No utilities are required for the project.
Stormwater Management, Groundwater Pollution	Following construction of the abutting solar array project, the site will be regraded and stabilized with loam and seed.
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.

Conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application packet dated March 9, 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. No work shall occur on site or associated with the affiliated solar project until:
 - a. A performance guarantee is provided to the City of Westbrook in an amount agreed upon by the City - **\$120,500.00**
 - b. Larson Way Private Road sign needs to be installed at the intersection of County Rd (Blue Background with white lettering – Permaline vendor)
 - c. Preconstruction meeting (in conjunction with the Town of Scarborough)
3. Construction laydown shall not be utilized for the storage of construction waste. All solid waste shall be stored appropriately and contained.
4. Prior to the release of the performance guarantee
 - a. Temporary parking and construction laydown area shall be disassembled, with gravel removed from site and site stabilized with topsoil and seed & vegetation growth sufficient.
 - b. Driveway culvert at County Road inspected by City Staff. Performance guarantee may be utilized by the City of Westbrook for the repair or replacement of culvert if damage occurred during the construction.

2nd By Nancy Litrocapes

Roll Call Vote

Karen Axelsen	Yes
Robin Tannenbaum	<i>Absent</i>
Larry McWilliams	<i>Absent</i>
Nancy Litrocapes	Yes
John Turcotte	<i>Absent</i>
Jason Frazier	<i>Absent</i>
Kevin Price	Yes
Susan Roma	Yes
Chair - Rebecca Dillon	Yes

The vote is unanimous. 5-0

Rebecca Dillon With that we will enter into Workshop. Could I have a motion to move to go into Workshop, please?

Karen Axelsen so moved.

2nd by Susan Roma

Roll Call Vote

Karen Axelsen	Yes
Robin Tannenbaum	<i>Absent</i>
Larry McWilliams	<i>Absent</i>
Nancy Litrocapes	Yes
John Turcotte	<i>Absent</i>
Jason Frazier	<i>Absent</i>
Kevin Price	Yes

Susan Roma Yes
Chair - Rebecca Dillon Yes

The vote is unanimous. 5-0

WORKSHOP

Rebecca Dillon Rebecca, please read the next item into the record.

5. **Rebecca Spitella reads item into the record 2023.11 – Conditional Use – 587 Spring Street – Widad Zige: The applicant is requesting a Child Care Center located within an existing structure at 587 Spring Street: Tax Map: 005B Lot: 019 Zone: Manufacturing District Use: Child Care Center**

Rebecca Dillon Thank you, with that the applicant presentation,

Widad Zige presented a request for a Child Care Center at 587 Spring Street.

Presentation on file at the Westbrook Planning Department and on the Westbrook Website link shown below:

<https://vimeo.com/showcase/3075539/video/778681994>

Widad Zige Hello, my name is Widad Zige, I live in Westbrook at 10 Roy Avenue.

I am just going to apologize for my English. I am going to try maybe you will understand.

By the time I am going to move to 587 Spring Street I am going to have six employees and devices that I mean the State actually just approved for me for 49, but I am just in the next couple of years. I am going to go to a 60 capacity.

When I finish my classes, but then I just approved for me for 49. So, I write here 50 last time what I have a zooming when they start they tell me I have to increase it because I do not have to go back and forth. I have to say they can see how much parking they need, and I am going to have a fence and a fence around the trash.

I try to space I am going to have fence around it and then I will have a there is more the place have more detailed spots for the parking lot.

So, for the time being right now, I am running a childcare at home that has a 12 capacity right now in my house. So, I really want to increase the move from my house to daycare because of need of the childcare. We all

I am definitely going to follow the rules where you are going to tell me to follow.

So, I really do not have a lot to say and I am now working with the owner to fix the sewer is here too and I am going to put in a sprinkler, I am working to get that. People come to give me an estimate. I can follow what you tell me to do.

Rebecca Dillon staff comments?

Rebecca Spitella presented Staff Comments.

Staff has been working with the applicant in order to bring together the site layout and we have provided this rendering based off of information in our meetings. We have the player to the rear with parking to the front. There's a couple comments to be addressed as we did mention.

The site currently is not in compliance with sewer and is currently working with the sewer department in order to identify a resolution. That would be required prior to opening of the Child Care Center as well as the fencing for the play area and this sprinkler system installation, which has all been discussed and I think we'd always are just looking for initial comments back and then we'll return to the Board once a more finalized solution for the sprinkler and sewer system has been determined.

WORKSHOP

Tax Map: 005B Lot: 019
Zone: Manufacturing District
Use: Child Care Center

Project Description

The applicant is requesting a conditional use permit for a Child Care Center located within an existing structure at 587 Spring Street that was previously utilized as an engineering soils laboratory/office space.

Project History

March 7, 2023 – Planning Board Workshop

Staff Comments

1. Noticing Fees: \$22.20
2. Requirements of operations which must be installed prior to CO:
 - a. Full sprinkler and fire alarm system.
 - i. Work with Code Enforcement and State licensing to verify all internal requirements for Child Care Centers are met (adequate egress, toilet facilities on each floor, etc.)
 - b. Verify exterior lighting of parking lot – may need to supplement based on existing conditions with wall packs or single pole lights.
 - c. Current sewer connection is not legal and site has NOD for correction. Conditional use could not be approved until the a fix has been provided for the sewer which could include either a plan to install the sewer underground or a request for a waiver of the requirement to connect to public sewer and installation of a septic system on the site. As discussed during the staff review, the applicant is working with the property owner on identifying an appropriate solution.
 - d. Stabilized base (concrete) and screening required for dumpster.
 - e. Fencing for play yard
 - f. Sweeping/Striping of parking lot per striping plan
3. Verify number of parking spaces that will be required based on utilization.

- a. Parking striping layout plan will need to be provided showing the spaces that will be striped on the premise to function as parking and accessways.
- b. Handicap parking spaces will need to be signed and striped.
- c. No parking permitted in Fire Lane

Board Action

1. Provide feedback to applicant and Staff.

Rebecca Dillon - Introduction of Public Comment

With that I will open the Public Hearing.

- Speak into the microphone. Remember to state your name and address.
- Public has one opportunity to provide comment.
- All comments should be addressed to the Planning Board, who will address the applicant/Staff following the public hearing.
- Time Limit of three minutes per person

Open Public Comment

- In-person
-

Steven Broadhead I am the owner of 587 Spring Street, and I have owned the property for 37 years. Much to my surprise and in terms of the issue with the sewer system we had to do a small repair to an expansion joint. The sewer system that is in place now has been the same one. It has been there for the last 40 years.

So, we are in negotiations with the Sewer Department and Code Enforcement where we are finding them and at least my legal people have found them unresponsive.

Having said that we have put together a plan which I do not have on the website, but I can leave it and give you a copy of this. I can submit that, or do you have it we can take it.

Thank you.

So, at the moment that plan has been submitted as part of a permit application to change the issue of the sewer is that there is a brook at the back of my property.

I own both sides of the property of the Brook and I potential solution to this is to horizontally drill under this Brook and come up the other side of it. Because the existing line that goes across the Brook seems to be the bone of contention with the Sewer Department.

So, we are not sure if we are grandfathered, which we may be because we've it is the same sewer line that has been in existence since the building was built but that design is a plan to fix it and bring it up to what would be the issue for us. Obviously, it is extremely expensive to do that.

Well, I cannot go over \$65,000 of expense, so, as part of our negotiations with Code Enforcement and the Sewer Department, we are trying to come up with a reasonable alternative, but that is the worst-case scenario. If we have to do that. We will have to do that to allow the change of use.

I think there were two other questions that came to me through the realtor, one was whether or not the parking area is lit which it is. It is illuminated, very well. Actually, I think you can see it from space.

And then the other issue was whether or not the parking lot has striping which it does not at the moment.

So those are my comments.

Is there any questions about the design?

I will be here to answer.

Thank you.

Rebecca Dillon Thanks. Is there anyone else who would like to speak as part of the public comment?

If not, then I will close the public comment and go on to applicant and staff.

Jennie Franceschi just to clarify on the sewer issue. It is the change of use that is generating the need for a new sewer capacity letter. The current situation right now is the owner did relay is the pipe is exposed as it goes through the Brook that is behind the house. So, that is the situation right now that is currently there, and this would put a force main underneath the brook and get it out of the way of the water which is the preferred method as we do not normally like having pipes go through the middle of streams.

So that is where the situation is that we will follow up with the Engineering Department related to design.

Rebecca Dillon any Board comments or discussion?

Nancy Litrocapes I have some comments. Thank you for your presentation. When I look at the pictures here is there a kitchen required when there are 60 up to 60 children in an environment like this, I guess that is To the Chair to the Planner through the Chair. It is getting about that.

It looked like there was a kitchen in the pictures, but when I looked at the floor plan, it just looked like oh, I did not see anything called kitchen. I saw the lab and a few other things, so I wonder about that.

And when I look at the pictures of the building, it looks like a nice good-sized building for childcare. That would have up to 60 kids. Looks like it would need a lot of landscaping to be able to keep the kids safe for one thing looks like it is overgrown a bit wild. So, you will get to be creative with your landscaping and create some great spaces.

Other than that, looks like you have plenty of parking.

So those are my questions and comments.

Jennie Franceschi so, the applicant currently is working with the State, a department that deals with daycares and so those elements of the necessities of a kitchen area. Those would be dealt with through that permitting process.

Thank you.

Stephen Broadhead Just like to address the comment about the Landscaping. What I have been doing over the last couple of few years is rewilding the property and we have eliminated all user pesticides herbicides chemicals used on the property and we have planted clover and in natural habitat and mainly to bring back birds and insects and the type of vegetation that is now indigenous to this area. So yes, it looks a bit Wild.

Thanks for the compliment.

Nancy Litrocapes sounds like an outside educational opportunity for the children.

Karen Axelsen I just had a question. I was not sure looking at this trying to picture in my mind where this is on Spring Street, which I travel frequently, but I thought I read something, or I heard someone say something about a lab.

So is there and in one of the pictures it looks like some interesting suite in there. Is there any environmental things that needs to be done to the property to ensure that it is safe for children there?

Stephen Broadhead The lab business is no longer in use and has not been for the last 15 years. It was mainly for storage, and we also did some training areas in the downstairs part of the building.

So, there is a big training area there, and equipment rooms. But as far as environmental issues are concerned, there are not anything that will affect the occupants.

Karen Axelsen Thank you. I was simply curious.

Jennie Franceschi I was just going to ask for a follow-up. The laboratory was a soil laboratory, correct? It was what soils it was geotechnical library.

Stephen Broadhead It was an air analysis lab. In fact, I have sampled this building numerous times for various indoor air quality contaminants.

Rebecca Dillon Thank you, any other board questions, or comments?

Kevin Price briefly I drive by every day. And I saw that tenant relocating sign was wondering what was coming and I think it fits there. You know residential right across the street. You have a couple of other daycares not far away. Lots of development, so, I think it is great.

Glad to hear there is a plan for the sewer. I will say when I saw that in the packet. What is going on here, but that makes sense. So, I appreciate the explanation. I look forward to having it come back for approval.

Thank you.

Rebecca Dillon I will Echo Kevin. I think it is a great spot for a daycare. We definitely need more daycares, so hopefully these issues can get resolved and work through to keep it moving forward. Thank you.

Rebecca Dillon with that, may I have a motion to adjourn?

Kevin Price move to adjourn.

2nd by

Roll Call Vote

Karen Axelsen	Yes
Robin Tannenbaum	<i>Absent</i>
Larry McWilliams	<i>Absent</i>
Nancy Litrocapes	Yes
John Turcotte	<i>Absent</i>
Jason Frazier	<i>Absent</i>
Kevin Price	Yes
Susan Roma	Yes
Chair - Rebecca Dillon	Yes

The vote is unanimous. 5-0

ADJOURN

THANK YOU, respectfully submitted by Linda Gain lgain@westbrook.me.us

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 and lgain@westbrook.me.us

S:\Planning\Administration\Minutes\2023 PB Minutes\04.04.2023 PB Minutes.docx