



PLANNING & CODE ENFORCEMENT



Planning & Code Enforcement

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DATE: January 30, 2026

TO: Planning Board
FROM: Jennie P. Franceschi, City Planner & Rebecca Spitella, Senior Planner
Cc: Plan Review Team
RE: February 3, 2026 Planning Board Meeting

- 1. 24-000166 – Site Plan – Watt Samaki Buddhist Temple and Asian American Cultural Center – Cumberland St.**
- 2. 26-000056 – Site Plan – 70 Scott Drive – Prompto Oil Change**
- 3. 26-000067 – Amendment to the Land Use Ordinance - §335-1.8 Definitions; §335-2.14 – Home day care provider, day care center and child care center & §335 Article V Zoning Districts**

- 1. 24-000166 – Site Plan – Watt Samaki Buddhist Temple and Asian American Cultural Center – Cumberland St.**

Tax Map: 011 Lot: 005
Tax Map: 010 Lot: 018
Zone: Rural District

Project Description

The applicant is proposing an amendment to the phasing plan for a site plan approved on August 6, 2024.

Project History

May 7, 2024 – Planning Board workshop
August 6, 2024 – Public Hearing
September 2, 2025 – Approval Extension Request
February 3, 2026 – Amendment to the Phasing Plan

Staff Comments

The applicant approached Staff with the request to begin tree clearing & stump removal for the purpose of gaining visual access to the site. Typically, tree clearing is not something that requires City permits or approvals, however where the clearing is part of an approved and valid site plan, it is considered project commencement as the ground is being disturbed. The current approval includes clearing as part of the first phase of the development. Per the current conditions of approval commencement of Phase 1 would require several items including providing a performance guarantee in the full amount of the phase one cost estimate.

The proposed amendment to the phasing plan would allow the applicant to proceed with tree clearing and site stabilization with a performance guarantee that is equivalent to just that level of work. Included with the application is a pre-clearing erosion control plan that would need to be implemented and inspected by City Staff prior to any clearing activities along with a post clearing site stabilization plan.

Staff have provided amended Conditions of Approval to reflect the new phasing schedule that the Board would need to adopt with the approval. Applicant needs to include conditions of approval on Phasing Plan C-11 for signature.

Motion:

That the Planning Board approves the amended phasing and erosion control plans as shown on sheets C-11, EX.1 and EX.2 for the Watt Samaki Buddhist Temple and Asian American Cultural Center Site Plan Tax Map: 011 Lot: 005 and Tax Map: 010 Lot: 018 Zone: Rural District Approval includes the conditions as amended from the August 6, 2024 approval and stated on pages 2 through 3 of this Staff Memo dated January 30, 2026, which are adopted in support of this approval.

Conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated July 8, 2021 and amended on July 9, 2024 and December 17, 2025 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 plan has been approved by the Planning Board and a Mylar signed by the Planning Board.
3. **Prior to Phase 1 site disturbance**
 - a. A pre-construction meeting must be held with City Staff, project engineer and logging company or site work entity. Contact Planning Office to coordinate.
 - b. The applicant shall file a performance guarantee with the City of Westbrook for Phase 1 site improvements. 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. Estimated amount: \$67,500.00 Format of Performance guarantee to be approved by the City.
 - c. Installation of erosion control measures in compliance with approved Pre-Clearing Erosion Control Plan to be inspected by City Staff.
4. **Prior to Phase 2 site disturbance**
 - a. A pre-construction meeting for that phase must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate. Additional preconstruction meetings for Phase 3 and 4 may be required if phased construction is not continuous
5. **Prior to scheduling the preconstruction meeting for Phase 2:**
 - a. All Staff comments must be addressed.
 - b. ABS from PWD provided to Planning
 - c. Copy of all State permits provided to Planning
 - d. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
 - e. An inspection fee shall be made payable to the City of Westbrook for inspection of Phase 2 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. Estimated amount: \$48,538.70
 - f. The applicant shall file a performance guarantee with the City of Westbrook for Phase 2 site improvements. 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. Estimated amount: \$2,426,935.00 Format of Performance guarantee to be approved by the City.
6. **Prior to site disturbance for Phase 3 or Phase 4**

- a. An inspection fee shall be made payable to the City of Westbrook for inspection of Phase 3 & 4 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. Estimated amount: \$12,782.40 (Phase 3) \$6,813.40 (Phase 4)
- b. The applicant shall file a performance guarantee with the City of Westbrook for Phase 1 site improvements. 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. Estimated amount: \$639,120.00 (Phase 3) \$340,670.00 (Phase 4) Format of Performance guarantee to be approved by the City.

7. **Prior to building permit being issued for each phase:**

- a. Road system must be constructed to a vehicular passable standard for Codes, and Public Safety access. (Base gravel)
- b. Review of building elevations to be consistent with submitted documentation or testimony
- c. Street Sign installed for E911 purposes

8. **Prior to any combustible products being brought on-site,** Fire Hydrant shall be charged and tested within 800 feet of the staging location and/or location of a structure under construction.

- a. Required flow rate: 1,000 gal/minute
- b. Documentation provided to City's satisfaction. (Coordinate with Fire Department – Mike Corey)

9. **Prior to the issuance of an Occupancy Permit for each phase:**

- 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 sidewalks, lighting (installed & lit), striping, signage, stormwater management features, off-site improvements etc.
- b. All signage including Stop Signs, Driveway Name installed.
- c. All water fully tested and approved.
- d. All areas marked as paved shall be paved.
- e. All other site improvements must be installed unless a performance guarantee amount is held for the full amount of any remaining improvements.
- f. Documentation of maintenance contractor for Stormwater Best Management Practices.

10. **Prior to release of the performance guarantee for each phase:**

- a. The site will be inspected and deemed by City staff to be in compliance with the approved plan 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.

11. Utilization of the site shall be managed so operations may not block or impede access to the site for emergency vehicles.

12. Additional BMPs may be required to address erosion and sediment control during construction. Determination of the need for additional measures is at the sole discretion of City Staff.

13. Additional areas of loam and seed may be required for final site stabilization where erosion control mix is not sufficient at the discretion of City Staff

14. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

15. 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.

16. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance. A copy of the maintenance log for the previous year for the stormwater treatment features associated with this project needs to be provided to the Planning Office in accordance with Chapter 37 requirements.

17. Any requirements of the Portland Water District in their ability to serve letters are conditions of this approval.

2. 26-000056 – Site Plan – 70 Scott Drive – Prompto Oil Change

Tax Map: 002 Lot: 035
Zone: Industrial Park District

Project Description

The applicant is proposing a 50' x 50' building addition to an existing commercial structure and an expanded parking area.

Project History

February 3, 2026 – Planning Board workshop

Staff Comments

1. Noticing Fee: \$13.28
2. Verify if existing structure is fully sprinkled – sprinkler system will need to be upgraded/expanded into the building expansion.
3. Provide building renderings with final application
 - a. Building materials / colors to be compatible with existing structure
4. Provide clarification on use of building expansion
5. Stamped electrical drawings required with building permit
6. Review of existing stormwater BMP on site to verify functionality.
7. No additional sewer needs are anticipated with expansion (cold storage).
8. Plan shows multiple sewer lines into the site that do not align with City records – additional information on sewer lines will be necessary.
9. Site is located within the Long Creek Watershed Management District but is not required to contribute due to <1 acre impervious on the site. Final site plan should include post construction post density standards and notification of development sent to LCWMD.
10. If the project is seeking a variance due to side setback issues, variance would need to be granted by ZBA prior to a Planning Board approval. Documentation of variance approval should be included with a final application submission.

3. 26-000067 – Amendment to the Land Use Ordinance - §335-1.8 Definitions; §335-2.14 – Home day care provider, day care center and child care center & §335 Article V Zoning Districts

Ordinance Description

The proposed amendment revises the definitions and standards for child care facilities within Westbrook to better align with State standards and recent law changes.

Ordinance History

February 3, 2026 – Planning Board Workshop

Staff Comments

During the 2025 Legislative session, the State of Maine adopted LD 202 and LD 1428 which requires municipalities to comply with the following changes to childcare providers:

LD 202

- Increase the number of children a family provider can care for without being a licensed provider.
 - o Previous statute stated a Family Child Care Provider was an individual who cared for 3-12 children, who are not the children of the provider or reside in the provider's home. This meant that an individual could regularly care for 1-2 children other than a child who resides in their residence without requiring a license from the State. With the passing of LD 202 providers can now care for 1-3 children, or 4 if 2 of the children are siblings, without requiring a license. The proposed amendment revises the City's definition of Home Day Care Provider to be in line with this State threshold.

LD 1428

- Allow childcare facilities (centers and family providers) that are located in close proximity to public recreational spaces to operate without the requirement to provide outdoor play areas on the premise.
 - o Per local Ordinance, all child care facilities must have an outdoor play area that is a minimum of 50sf per child that the facility is permitted to care for. The proposed amendment would remove this requirement for any facility that is located within a quarter mile walking distance of a public recreational area.
- Allow childcare facilities (centers and family providers) as a permitted use in any area that is zoned for residential purposes.
 - o The proposed amendment revises the applicable zoning districts where these uses can operate

Staff Revisions

- Along with the State mandated amendments, Staff is proposing to rename and update definitions of the three tiers of childcare to be in line with State statute terminology and standards. Additionally, the amendment provides flexibility for the location of the outdoor play area and required parking, where appropriate. Lastly the amendment reorganizes §335-2.14 to be consistent with the ordinance structure of our LUO.