



CITY OF WESTBROOK, MAINE
IN CITY COUNCIL

Date: February 5, 2024
Order: 2024-03

Amending the Land Use Ordinance §335-5.7 and §335-13.6 Regarding Driveway Entrance Standards

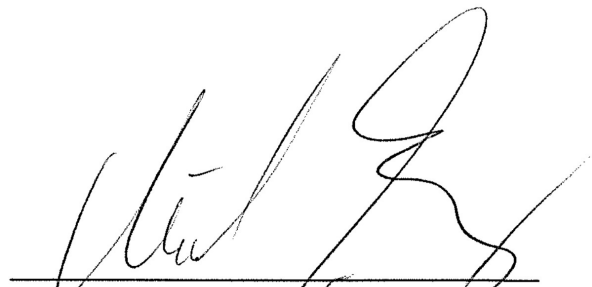
That the Westbrook City Council hereby amends the Westbrook Code of Ordinances Land Use Ordinance to remove driveway standards for parcels located within the Highway Services District, §335-5.7, *Highway Services District*, and expand site access requirements within Site Plan Review to clarify compliance with Maine Department of Transportation standards, §335-13.6, *Site Plan Design and Performance Standards*, as outlined in the attached exhibit entitled "NLM Enterprises, LLC Highway Services District".

First Reading: January 8, 2024
Second & Final Reading: February 5, 2024

Attest:



City Clerk



Mayor



CITY OF WESTBROOK, MAINE

IN CITY COUNCIL

REQUEST FOR COUNCIL ACTION

PROPOSED TITLE: Amending the Land Use Ordinance §335-5.7 and §335-13.6 Regarding Driveway Entrance Standards

REQUESTED BY: Jennie Franceschi

DATE: 2/5/2024

SUMMARY:

Amendment Description

The amendment removes driveway standards for parcels located within the Highway Services District and expands site access requirements within Site Plan Review to clarify compliance with MDOT Standards.

History:

November 7, 2023 – Planning Board Workshop

December 5, 2023 – Planning Board Public Hearing

January 8, 2024 - City Council First Reading

February 5, 2024 - City Council Public Hearing; Second and Final Reading

Recommendation:

The Planning Board provided a unanimous recommendation on December 5, 2023 to forward this amendment to the City Council for adoption.

Staff Comments:

The City received a request to amend the Highway Services District (HSD) standard regarding Traffic Impact (§335-5.7.C(12)) which prohibits driveways located within the HSD from being located 150' from another intersection or curb cut. The applicant is the owner of the parcel located at 368 Bridgton Road (058/003B). The subject parcel is currently vacant (split from 058-003 in 2020) and the Planning and Public Services Departments were approached with a request to review a preliminary concept plan for development. Upon initial review, it was noted that there is no location along the parcel frontage where a driveway could be located so that the driveway is at least 150' from a neighboring curb cut. As this standard is located in the Zoning District, rather than a Site Plan standard, it cannot be waived by the reviewing authority during an application review process.

When reviewing any site ingress/egress to a parcel, Staff will look to MDOT standards for driveway entrances, which are determined by the speed and classification of the roadway the site gain access to. Utilizing a set requirement for distance between driveway entrances does not take into consideration the individual attributes of each parcel or the roadway system that parcel is located on. Further, this requirement does not appear feasible with the minimum lot frontage standard of the district (100') as lots with that frontage could not each have their own site access while maintaining the 150' requirement. It appears the intent of the standard was to encourage shared driveway access within parcels; however, the City cannot *require* a private

property owner to provide access to an abutting property. In the instance of the 368 Bridgton parcel, for example, if neither of the abutting properties agree to a shared driveway access, then the 368 Bridgton parcel is denied access and is therefore unbuildable.

Staff supports the requested amendment to the Site Plan Review Standards to clarify that new or expanded driveways are required to meet the MDOT standard for driveways as this is a standard that is applied to all driveway/curb cuts. Therefore, Staff finds this standard to be more appropriately located within Site Plan Review standards for Vehicular Access (§335-13.6.C(2)) rather than within a singular zoning district. Its current place in the ordinance gives the impression this is a standard that *only* applies to parcels within the Highway Services District, which is not the case.

Any potential development on the 368 Bridgton Road will still need to demonstrate that driveway access can meet MDOT driveway standards and all other applicable requirements of the Ordinance.

The requested amendment to the ordinance does not guarantee or approve access to the subject site.

Article V Zoning Districts
§335-5.7 Highway Services District

C. Performance Standards. The following performance standards apply to the Highway Services District:

~~(12) Traffic impact. The traffic pattern from a change or expansion in use must be designed so as to maintain the existing traffic operations levels of service and pedestrian safety within a reasonable determined distance from its point of ingress or egress. In addition, the following applies:~~

~~(a) No point of any ingress or egress may be located within 150 feet from any recognized intersection or other curb cut.~~

~~(b) One point of ingress and egress is permitted per lot. All other frontage must be curbed and landscaped so as to prevent its use as a point of ingress or egress.~~

~~(c) Any point of ingress or egress must be from 12 feet to 15 feet in width per lane. Said point shall intersect the main arterial at 90° and shall have a minimum twenty-five-foot curb radius at the intersection.~~

~~(d) Driveways shall be shared with neighboring businesses whenever possible to reduce the number of curb cuts.~~

(123) Storage of materials. All materials must be stored within an enclosed structure so as to be screened from view.

(134) Installation of utilities. All electric, telephone, and similar lines must be placed underground from the street connection to the building, where possible. In the case of commercial park developments, the use of underground utilities is also encouraged for streets within the development.

(145) Multiple-family dwelling design requirements.

Article XIII §335-13.6 Site Plan Review Design and Performance Standards

C. Transportation network standards.

(1) Adequacy of road system. Vehicular access to the site must be on roads which have adequate capacity to accommodate additional traffic. Intersections in the vicinity of the project must be maintained at a Level of Service D. If the intersection is already below D, improvements shall at least maintain the existing level of service for that intersection. This requirement may be waived if the project is within a designated growth area or there is an approved project to modify the existing traffic system.

(2) Vehicular access. The site layout must provide for safe ingress and egress to and from public and private roads by requiring adequate location, numbers and control of access points,

including minimum site distance, turning lanes, and traffic signals if necessary. All points of ingress/egress shall comply with MDOT Standards for driveway entrances based on the classification of the roadway.

- (a) The Planning Board may also require a study showing the existing and projected levels of service for entrances and intersections that are substantially affected by the proposed development.
 - (b) The project's design must also provide for the best possible access for public safety and health personnel and vehicles.
 - (c) Points of access shall avoid hazardous conflicts with existing turning movements, especially where an accident critical rate factor equal to or greater than one exists.
 - (d) A minimum of curb cuts is desired; shared access with adjacent properties is used whenever practicable.
- (3) Pedestrian and other modes of transportation. The site must provide a system of pedestrian movement where there are safe and convenient connections between buildings and parking areas.
- (a) The system shall also encourage alternative modes of transportation and provide convenient access.
 - (b) Connections shall also be made to the neighborhood, and to other corridor systems planned for the community.