



Town of Windham
Planning Department
8 School Road
Windham, Maine 04062
Tel: (207) 894-5960 ext. 2
Fax: (207) 892-1916
www.windhammaine.us

August 24, 2024

Mr. John Mallia
Ultimate Property Management, LLC
14 Outlet Cove Road
Windham, ME 04062

Re: #24-19 – Approval Letter – Private Warehouse – 120 Tandberg Trail – Final Plan Review –
Ultimate Property Management, LLC

Dear John,

I am writing to confirm that the Planning Board has approved the Major Site Plan for project #24-19 – Private Warehouse. The application is to build a 5,050 SF Private Warehouse Building on a 2.1 acre property. The site currently has three existing buildings and paved parking lots. The property is identified as Tax Map: 18; Lot: 39; Zone: Commercial I (C-1) zoning district in the Mill Pond watershed.

I am pleased to inform you that the Planning Board has given its approval to the Major Site Plan application. The approval was granted with a vote of 5 to 0 (C. Etheridge and Daigle absent) during the meeting that took place on August 12, 2024. The motion was proposed by E. Krikken and seconded by S. Moulton. Enclosed, please find the findings of fact and conclusions and conditions of approval.

Please revise the approval Board signing sheet for review, prior to the Board endorsement to include the following approved waivers:

- The approved waiver of §120-812B(1)(B) to reduce the required right-of-way from 50-feet to 25-feet.
- The approved waiver of §120-812B(2)(h)[1] to allow a use generating less than 100 vehicle trips per day more than on two-way driveway onto a Sabbady Point Road (a private road greater than 40-feet wide).
- The approved of §120-812B(3)(b) to allow the private accessways (driveways) to be separated less than 75-feet .

Per [Section 120-815](#) of the Land Use Ordinance, construction of the improvements covered by any site plan approval shall be substantially commenced within two (2) years of the date upon which the approval was granted and completed within two (2) years of the date upon which the performance

guarantee is accepted. In accordance with [Section 120-816B](#) of the Land Use Ordinance, appeals of any actions taken by the Planning Board with respect to this Article 8 shall be made to the Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80B.

Sincerely,



Stephen J. Puleo
Planning Director

Enclosure: Findings of Fact, Conclusions, and Conditions of Approval
CC Via email: D. Roma, P.E., DM Roma, Consulting Engineer
R. Burns, Assistant Manager
J. Rioux, Director of Code Enforcement
M. Darby, Code Permit Manager
M. Arienti, Town Engineer
L. Fisher, Planning Assistant
E, O'Connor, Town Planner

FINDINGS OF FACT

Jurisdiction: The Private Warehouse project is classified as a Major Site Plan, which the Planning Board is authorized to review the proposed construction of 5,050 SF private warehouse building of and act on by [§120-805A\(2\)\(a\)](#) of the Town of Windham Land Use Ordinance.

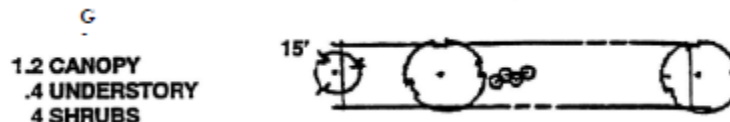
Title, Right, or Interest: The applicant has submitted a copy of a Quitclaim Deed with Covenant between Rampart Enterprises, LLC and Ultimate Property Management, LLC, dated September 27, 2018, and recorded on September 27, 2018, at the Cumberland County Registry of Deeds in Book 35183 and Page 36.

ARTICLE 4 ZONING DISTRICTS

- As shown on the Town of Windham [Land Use Map](#) approved by the Town Council, date August 15, 2023, Tax Map 18 Lot 39 is located in the Commercial I (C-1) zoning district.
- The proposed private warehouse is permitted use the C-1 district and found in [§120-410Bv](#)
- Permitted Uses.
- Per [§120-410F\(5\)](#), the applicant must provide a landscape buffer yard along Sabbady Point Road frontage of 15 feet in width.

ARTICLE 5 PERFORMANCE STANDARDS**§120-511 – Buffer yards**

[C\(3\)\(b\)](#) Commercial Districts (C-1, C-2, C-3, C-4, VC and WC Districts): use Buffer Yard G, see exhibit below.

**§120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS****§120-812A – Utilization of the Site**

- The subject parcel is approximately 2.1 acres (91,872 SF) in size.
- The site fronts along Sabbady Point Road.
- The applicants are proposing to construct a Personal Warehouse Building and paved driveway on an area that is currently impervious surface.
- The principal building is situated approximately 90 feet away from the closest existing building and 18 feet away from the Sabbady Point Road ROW. The site's undisturbed area is wetland.

§120-812B – Vehicular Traffic

- The proposed Private Warehouse Building is not anticipated to generate a significant amount of traffic.

§120-812C – Parking and Loading

- The proposed site has existing parking lots that will be utilized.

§120–812D – Pedestrian Traffic

- The applicants shall provide for final review a system of pedestrian ways throughout the development that are appropriate relative to the scale and use of the warehouse.

§120–812E – Stormwater Management

- (1) The applicant **has provided for the final plan review** a stormwater management system design for the collection and disposal of all the stormwater that runs off of parking areas, roofs, travel ways, and other surfaces.
- The project has been designed to convey stormwater drainage to the existing wetland area on the north side of the property and maintain existing drainage patterns. No connections to the municipal storm drain collection system are proposed.

§120–812F – Erosion Control

- (2) The applicant **has provided for the final plan review** an erosion and sedimentation control plan that will meet the Basic Standards per Section 4(A) of the MeDEP Chapter 500 Stormwater Rule

§120–812G – Water Supply Provisions

- (1) The water services from the existing building are expected to be sufficient to support the water supply needed for the proposed building.

§120–812H – Sewage Disposal Provisions

- No public sewer is available on the property. The existing leach field is expected to have sufficient capacity to receive wastewater from the proposed building.

§120–812I – Utilities

- A utility and grading plan **has been provided for the final plan review**.
- The applicant plans to connect new underground electrical service to the existing overhead utility lines on Sabbady Point Road.
- Water service will be extended to the new building from an existing building on the property.

§120–812J – Groundwater Impacts

- The private warehouse building will utilize existing water services from one of the currently existing buildings on site.

§120–812K – Water Quality Protection

- The proposed Private Warehouse Building does not anticipate usage of substances that are hazardous, such as fuels, industrial chemicals, waste, etc.

§120–812L – Hazardous, Special and Radioactive Materials

- (1) The proposed Private Warehouse Building does not anticipate handling, storing, or using any materials identified by the federal or state as hazardous, special, or radioactive.

§120-812M – Shoreland Relationship

- The site is not within a shoreland zoning district.

§120-812N – Technical and Financial Capacity

- (1) The applicant has provided a project cost estimate totaling \$110,000. A letter from the Androscoggin Bank was provided, indicating financial capacity. The applicant has provided Ultimate Property Management, LLC's Secretary of State Certificate of Good status. The applicant shall provide evidence of financial capacity for the final plan review.
- (2) The applicant has hired DM Roma Consulting Engineers for site planning, permitting, and engineering services for the conversion of the building and site.

§120-812O – Solid Waste Management

- To ensure proper disposal, the waste will be stored inside the building in a solid waste container until it can be transported to a licensed disposal facility.

§120-812P – Historical and Archaeological Resources

- The applicant shall provide evidence from the State showing that there are no historic or archaeological resources onsite.

§120-812Q – Floodplain Management

- The proposed site does not fall within a FEMA floodplain.

§120-812R – Exterior Lighting

- (1) The applicant will provide an acceptable lighting plan with hooded or shielded fixtures, cut sheets, and locations for review for the final plan review.
- (2) The applicant shall connect all light poles and other exterior light fixtures underground.

§120-812S – Noise

- (1) The proposed facility shall not exceed 65 dB between 7:00 AM to 10:00 PM and 55 dB between 10:01 PM to 6:59 AM.
- (3) No construction activities are allowed between the hours of 10:00 PM and 6:00 AM.

§120-812T – Storage of Materials and Screening (Landscape Plan)

- The applicant **has provided for final review**, a planting schedule and a location for snow storage.
- The applicant **has provided** a location for a fenced dumpster enclosure for final plan review.

For Final Plan Review the applicant has provided checklist compliance with the commercial district design standards.

§120–813 Commercial District Design Standards *(In addition to meeting all the Design Standard in the C-1 district, the applicants must comply with a minimum of eight (8) other Design Standards.)*

§120–813A – Architecture/Building (Required for Final Plan Review)

- Required: §120–813A(1): Building style. The building is not a national franchise prototype and is not stylized to the point where it is a form of advertising.
 - **The applicant has acknowledged this standard for the final plan review.**
- Required: §120–813A(2): Materials.
The building will consist of vinyl clapboard siding with vinyl trim. No awnings or canopies are proposed.
- Required: §120–813A(3): Color.
The colors used for the siding will be traditional residential gray tones with white trim. All colors will be low-reflectance and non-fluorescent.
- Required: §120–813A(4): Roofline.
Roof pitch will meet or exceed the minimum 5/12 pitch required. Horizontal breaks in the roof ridge are accomplished by the peaked dormer that extends up the roofline in the center of the building. No visible mechanical equipment is proposed.
- ~~Required: §120–813A(5): Facades. The building's front façade will be facing Roosevelt Trail. This section is not applicable to the Private Warehouse use.~~
- Required: §120–813A(6): Building style coordination (multi-building).
The proposed design coordinates with the other buildings on the property.
- Required: §120–813A(7): Building entrance shall be clearly defined and highly visible.
The building is designed with a peak in the center to clearly define the entrance locations.
- Required: §120–813A(8): Architectural details.
The architectural detailing and trim are proportional to the scale and design of the building.
- ~~Optional: §120–813A(9): LEED certification.~~

§120–813B – Site/Parking

- Optional: §120–813B(1): Parking Location.
The prepared parking location is on the side of the proposed building.
- ~~Optional: §120–813B(2): Internal Traffic Flow.~~

- Optional: [§120–813B\(3\)](#): Interconnected parking lots.

The project connects multiple buildings on the property with a shared driveway.

- Optional: [§120–813B\(4\)](#): Orientation of Building.

The building is located as close to the front property line as established under zoning regulations. Parking is located to the rear and side of the building.

- ~~Optional: [§120–813B\(5\)](#): Screening, parking.~~

- Required: [§120–813B\(6\)](#): Screening, Utility, and Service Areas. The dumpster will be screened with fencing and landscaping. The applicant shall address this standard for the final plan review.

The dumpster will be screened with fencing and landscaping.

- Optional: [§120–813B\(7\)](#): Parking Lot Landscaping.

Parking lot perimeter landscaping is proposed so that at least 15% of the parking lot area will include landscaping.

- Optional: [§120–813B\(8\)](#): Low Impact Stormwater.

The stormwater basin has been designed utilizing low impact development techniques that maintain the existing drainage patterns.

- Optional: [§120–813B\(9\)](#): Shared Stormwater Treatment

The stormwater management system provides collection and conveyance of stormwater that drains from multiple buildings on the property.

§120–813C – Landscaping/Lighting

- Required: [§120–813C\(1\)](#): Lighting/Photometric Plan.

Lighting will be wall-pack fixtures that shine down over the doorways only and will not cause light trespass over the property.

- Required: [§120–813C\(2\)](#): Lighting Coordinated with Architecture.

The proposed lighting will bring attention to the doorway entrance elements without creating glare or abstraction.

- Required: [§120–813C\(3\)](#): Lighting Coordinated with Landscaping.

The proposed lighting over the doorway entrances will not be negatively impacted by the mature growth of landscaping on the property and will not result in eventual dark spots.

- ~~Optional: [§120–813C\(4\)](#): Existing Trees Preserved.~~

- Required: [§120–813C\(5\)](#): Snow Storage Areas Designated.
The site has been designed to provide snow storage in multiple areas adjacent to the parking spaces, without damaging the landscaped areas or conflicting with the stormwater drainage.
- Optional: [§120–813C\(6\)](#): Planting variety.
The planting schedule provides a balance between monoculture and too much variety.
- Optional: [§120–813C\(7\)](#): Planting suitability.
The chosen plant species require a low degree of maintenance and are suitable for Maine climate conditions.
- Optional: [§120–813C\(8\)](#): Mass plantings.
The landscaping has been proposed in planting beds to create large masses of plantings instead of individual specimens.
- Optional: [§120–813C\(9\)](#): Illumination levels.
The light fixtures installed on the building are in scale with the site and building development. The illumination levels are appropriate for the site and use.

§120–813D – Bicycle/Pedestrian

- ~~• Required: [§120–813D\(1\)](#): Continuous internal walkways.
The proposed use is not expected to need any internal walkways.~~
- Required: [§120–813D\(2\)](#): Links to community.
The project utilizes an existing driveway entrance to create a pedestrian and vehicle link between the adjacent properties.
- ~~• Optional: [§120–813D\(3\)](#): Outdoor activity.~~
- Require: [§120–813D\(4\)](#): Sidewalks and planted esplanades.
Sidewalks are currently existing along Tandberg Trail.
- ~~• Required: [§120–813D\(5\)](#): Crosswalks for sidewalks.
There are no circumstances where a sidewalk crosses a roadway.~~
- Required: [§120–813D\(6\)](#): Bicycle parking and racks.
The building is proposed to be utilized for personal warehouse storage, so bike storage can occur inside the building.

CONCLUSIONS (Require)

1. The plan for development **reflects** the natural capacities of the site to support development.

2. Buildings, lots, and support facilities **will** be clustered in those portions of the site that have the most suitable conditions for development.
3. Environmentally sensitive areas, including but not limited to, wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and sand and gravel aquifers **will** be maintained and protected to the maximum extent.
4. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
5. 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.
6. The proposed use and layout **will** be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved.
7. The proposed site plan **will** provide adequate sewage waste disposal.
8. The proposed site plan **conforms** to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
9. The developer **has** the adequate financial capacity to meet the standards of this section.
10. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
11. The proposed location and height of buildings or structure walls and fences, parking, loading, and landscaping shall be such that it **will not** interfere with or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonably affect its value.
12. On-site landscaping **does** provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.
13. All freshwater wetlands within the proposed subdivision **have** been identified on the plan.
14. Any river, stream, or brook within or abutting the site **has** been identified on any maps submitted as part of the application.

CONDITIONS OF APPROVAL (REQUIRED)

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated May 20, 2024, as amended August 12, 2024 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board. Any variation from such plans, proposals, supporting documents, and representations is subject to review and approval by the Planning Board or the Town Planner in accordance with [§120-815](#) of the Land Use Ordinance.
2. In accordance with [§120-815C\(1\)\(b\)](#) of the Land Use Ordinance, the Construction of improvements covered by any site plan approval shall be completed within two years of the date upon which the performance guarantee is accepted by the Town Manager. If construction has not been completed within the specified period, the Town shall, at the Town Manager's discretion, use the performance guarantee to either reclaim and stabilize the site or to complete the improvements as shown on the approved plan.

3. Approval is subject to the requirements of [Chapter 201 Article II](#) Post-Construction Stormwater Ordinance. Any person owning, operating, leasing, or having control over stormwater management facilities required by the post-construction stormwater management plan must annually engage the services of a qualified third-party inspector who must certify compliance with the post-construction stormwater management plan on or by June 1st of each year.
4. The development is subject to the following [Article 12 Impact Fees](#), to be paid with the issuance of new building permits for the fit up of the new uses: [Public Safety Impact Fee](#); and [Municipal Office Impact Fee](#). All fees will be determined and collected for any building, or any other permit for the development, [Section 120-1201C](#).