



Town of Windham
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PLANNING BOARD MEMO • MAJOR SITE PLAN • SKETCH PLAN REVIEW

DATE: April 4, 2024

TO: Windham Planning Board
FROM: Steve Puleo, Town Planner
Cc: Scott Smith, 322 Roosevelt Trail, LLC
Shawn Frank, P.E., Sebago Technics, Inc.
Amanda Lessard, Planning Director

RE: #24-14 – Major Site Plan – 322 Roosevelt Trail Addition – Sketch Plan Review – 322 Roosevelt Trail, LLC
Planning Board Meeting: April 8, 2024

Overview –

The proposal is to convert an existing motel located at 322 Roosevelt Trail into a multi-family residential building with 23 dwelling units to construct a small addition behind the nine (9) residential dwelling units of 1,188 SF of floor area. The applicant also intends to make site improvements to the existing pavement along the front of the property, including a 15-foot-wide buffer yard. Tax Map: 12; Lot: 58; Zone: Contract Zone in the Presumpscot watershed.

Note on classification: Maine Subdivision Law Section 4402.6 exempts the division of a new or an existing structure into three (3) or more dwelling units... where the project is subject to municipal site plan review.

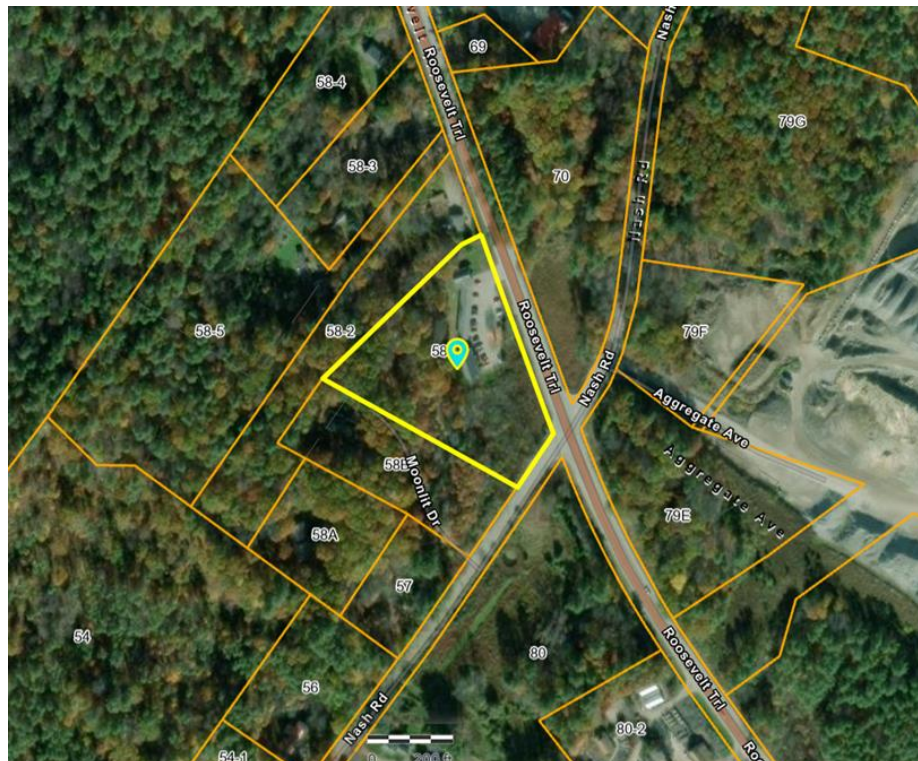


Figure 1: Aerial View of the subject parcel relative to surrounding properties and street network.

A Development Review Team meeting was held on March 27, 2024. Comments received during the meeting are reflected in the memo below.

SITE PLAN REVIEW

PLEASE NOTE: Staff comments are reference guidance document and suggested topics for Board discussion are in *italics text are staff comments and recommendation*, **bold text represent new staff comments unaddressed existing**, or plain underlined text are items have been addressed by the applicant.

Staff Comments:

1. Complete Application: *N/A*

~~**MOTION:** [I move] the major site plan application for project #24-14 322 Roosevelt Trail Addition is found complete in regard to the submission requirements based on the application checklist, but the Planning Board retains the right to request more information where review criteria are not fully addressed.~~

2. Waivers:

Waiver of submission requirements. The Staff Review Committee, for minor developments, or the Planning Board, for major developments, may waive any of the submission requirements of [§120-811](#) based upon a written request by the applicant. Such request shall be submitted at the time of the preapplication conference for minor developments or as part of the sketch plan application for major developments. A waiver of any submission requirement may be granted only if the Planning Board finds that the information is not required to determine compliance with the standards and criteria of this chapter.

None requested.

Waiver of the Site Plan Performance Standards. The Planning Board may waiver the requirements of [§120-812](#) if it finds that extraordinary an unnecessary hardship, not self-imposed, may result from strict compliance with the site plan review standards. In all cases, waivers shall not be deemed a right of the applicant, but rather shall be granted at the discretion of the Planning Board. The applicant shall submit a list of the requested waiver(s) in writing. For each waiver requested, the applicant shall submit answers to each criterion in [§120-808B\(2\)](#).

None requested.

3. Public Hearing: The Planning Board must determine whether to hold a public hearing on the application.
4. Site Walk: The Planning Board must decide to hold and schedule a site walk for this project.

Findings of Fact, Conclusions, and Conditions of Approval for the Windham Planning Board:

MOTION: ~~[I move] the major plan application for the #24-15-Senior Affordable Housing development identified on Tax Map: 80; Lot: 58; Zone: Farm zoning district, Retirement Community Care Facility Overlay zoning district, and Aquifer Protection Overlay District Zone B and located in the Chaffin Pond watershed is to be (approved with conditions/denied) with the following Findings of Fact, Conclusions, and Conditions of Approval.~~

FINDINGS OF FACT

Jurisdiction: The 322 Roosevelt Trail Addition project is classified as a Major Site Plan, which the Planning Board is authorized to review t and act on by [§120-805A\(2\)\(a\)](#) and 322 Roosevelt Trail Contract Zone §6.e. and f. of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted a copy of a Warranty Deed between Saronis Corp. and 322 Roosevelt Trail and recorded on June 1, 2017 at the Cumberland County Registry of Deeds in Book 34047 and Page 213.

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: 12; Lot: 56.
- The property is located in Contract zones ([§120-422](#)),
E. 322 Roosevelt Trail Contract Zone. See Appendix K, [included as an attachment to this chapter](#).
[Added 7-11-2023 by Order No. 23-129]
- The applicant is proposing to convert the former motel use the Multifamily dwelling with 23 apartments, per §2. Permitted uses.
- According to §5., the existing structure meet the contract zone’s dimensional standards, for existing building.
- According to §6., District Standards:
- Buffer strip along the Roosevelt Trail is required to meet Article 5, Buffer yard performance standards.
- Curb cut standards from Roosevelt Trail is required to meet of Article 5 Curb cuts and driveway openings performance standards.
- Parking and loading for the use shall meet a minimum of one (1) parking space per dwelling and shall be 9’ by 18’ in size. Nonresidential is required to meet of Article 5 Parking and loading performance standards.
- Dumpster is required to meet of Article 5 Parking and loading performance standards.
- Site Plan and Subdivision reviews and approval authority shall be with the Planning Board
- The three overhead utility connections are permitted in the zoning district.

ARTICLE 5 PERFORMANCE STANDARDS

§120-511 – Buffer yards

C(2)(a) Buffer yard requirements in residential districts, Table 2, for other residential; Multifamily over 4 dwelling units requires buffer yard E.



§120-522 – Curb cuts and driveway openings

- B(2)(b)** Each curb cut shall be limited to 40-feet in width.

§120-542 – Parking and loading

- The standards for parking and loading are found in Article 8 and waiver only may be granted by the Planning Board.

§120-554 – Solid waste dumpsters

- All permanent solid waste dumpsters shall be installed on a concrete pad and shall be screened on all side by fencing or vegetation.

§120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS

§120-812A - Utilization of the Site

- The subject parcel is approximately 3.82 acres (166,399.2 SF). The site is improved with 23 dwelling unit in a connected building.
- The site has an existing large-paved parking area, concrete walkways along the front and side of the building.
- Grassy open areas with a 34' wide driveway to Roosevelt Trail for access to the site.
- The applicant has identified on wetland and forested areas the property.

§120-812B - Vehicular Traffic

- The applicant provided the ITE traffic generation from the site at 10 a.m. and 10 p.m. peak hour. *For the final plan review*, the applicant shall provide a traffic assessment of the vehicle and the Nash Road intersection.
- At the Development Review Team Meeting on March 27, 2024, **Deputy Fire Chief Westcott Libby requested an fire lane access on the north side the building to access the rear of the building.**
- Roosevelt Trail does not have sidewalk along the road, therefore the development in is not required to install sidewalk with the proposed building addition.
- *For the final plan review*, sight distances for the entrance must be shown.

§120-812C - Parking and Loading

- The sketch plan shows 25 parking spaces for the 23 dwelling units. Per §6.c., the applicant can maintain the existing parking stall size of 9' x 18'.

§120-812D - Pedestrian Traffic

- The applicant site had an existing concrete walk along of five (5') wide in front and side along the easterly and southerly sides of the building.

§120-812E - Stormwater Management.

- The property is in the Presumpscot River watershed, and the Town Engineer stated at the Development Review Team meeting that a stormwater management plan for the site must meet Chapter 500 standards.
- *For the final plan*, the applicant shall provide a stormwater plan as required in [§120-812F](#).

- The application includes an inspection, maintenance, and housekeeping plan and an erosion and sedimentation control plan sheet that generally meet the requirements of the Maine DEP Ch. 500 Basic Standards.
- Snow storage locations are shown north of the proposed fire lane and areas east and south of the main parking area.

§120-812F - Erosion Control

- The applicant has a plan for Erosion and Sedimentation Control practices during the site improvement construction activities that will meet the Basic Standards per Section 4(A) of the MeDEP Chapter 500 Stormwater Rules as outlined for the final plan review, per Section [§120-812F\(1\)](#) and [\(2\)\(a\)](#).

§120-812G - Water Supply Provisions.

- The development proposal has an existing on site well for both domestic and fire suppression services.

§120-812H - Sewage Disposal Provisions

- The building is connected to an existing on-site sewage disposal system meeting the requirements of the Subsurface Wastewater Disposal plan. The applicant provided permit for two system providing a capacity of 100 GDP per 23 units total 2,200 GDP of capacity. The 1,188 SF addition will provide bedrooms for the nine (9) dwelling of the one-story portion of the building.

§120-812I - Utilities

- Per §6.g., allows the applicant to maintain the three (3) existing overhead connections.

§120-812J - Groundwater Impacts

- The 1,188 SF addition for the bedroom will not add more wastewater flow or use more groundwater. No impacts, either the quality or quantity of groundwater available to abutting properties, are expected.

§120-812K - Water Quality Protection

- The property is no within a direct watershed of a lake most at risk from new development, as designated in Chapter 502. Water Quality Protection will be improved by a reduced of impervious cover of the existing site.

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

- The proposed resident use is not anticipating handling, storing, or using any material identified by the federal or state as hazardous, special, or radioactive. .

§120-812M – Shoreland Relationship

- The proposed development is not located in a shoreland zoning district.

§120-812N - Technical and Financial Capacity

- The project site work cost estimate has not been provided at sketch plan review application stage. *For the final plan review*, the applicant has provided financial capacity complete the proposed addition and site improvements.

- The applicant has contracted with Sebago Technics, Inc to prepare the plans, obtain permits, and design advice. *For the final plan review*, the applicants and consultant shall provide technical capacity qualifications.

§120-812O – Solid Waste Management

- The construction debris associated with general building construction will include clean wood, material packaging, cardboard, etc.
- *For the final plan review*, a dumpster pad and enclosure meeting the Contract Zone District §6. d. shall be provided.

§120-812P – Historical and Archaeological Resources

- There are no known historic and archaeological resources onsite.

§120-812Q - Floodplain Management

- The proposed buildings are not in the FEMA 100-year floodplain.

§120-812R – Exterior Lighting

- *For the final plan review*, a photometric plan, and details of fixtures cut sheets will be provided.

§120-812S - Noise

- The proposed residential uses shall not exceed 55 dB between 7:00 AM to 10:00 PM and 45 dB between 10:01 PM to 6:59 AM.

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

- *For the final plan review*, the applicant shall provide a landscape plan for the 15’ wide Buffer Yard.

§120-814 Multifamily development standards.

§120-814A – Building Architecture (*The applicant shall address the following required information for final plan review, as applicable for the site*).

- (1) Architectural variety
 - (a) Buildings shall employ more than a single-color application.
 - (b) Buildings shall employ more than a single material application.
 - (c) At least two different building designs shall be included in developments with multiple buildings. Building designs shall be differentiated through variations to building materials, color, rooflines, massing or a variation of form.
- (2) Facade.
 - (a) The composition of a proposed building facade shall be defined by horizontal and vertical articulation. Facades shall be articulated with architectural details that create visual interest.
 - (b) The primary facade and all facades visible from public ways for buildings with more than two dwelling units and greater than 35 feet in length shall provide variation in roof and facade character through changes in facade set-back, roof configuration, and/or projecting or recessed building elements.
 - (c) The primary facade and all facades visible from public ways for buildings three or more stories in height, shall include at least two of the following architectural details: gables or dormers, articulated roof lines, balconies, variations in facade setback, bay

windows, recessed entries, covered porches (minimum six feet wide), covered entries, stoops, or other means of creating visual interest acceptable to the Planning Board.

(d) The primary facade and all facades visible from public ways for shall have an area of fenestration a minimum of 25% of the total area of street facing facades. The rhythm, size and proportion of door, window and other openings shall be proportional to the overall massing of the building.

(3) Orientation.

(a) When buildings are adjacent to an existing street, building entrances shall be oriented to face the street.

(b) Buildings may be oriented to open space areas, provided that street frontages are developed consistent with above.

B. Site design.

(1) Parking.

(a) On-site parking may include new internal streets or access drives with parallel or angled on-street parking. Wherever possible, parking lots shall be located to the rear or sides of multifamily buildings.

(b) Provisions shall be made for snow storage in the design of all parking areas. The areas used for snow shall not conflict with proposed landscaping. The areas shall be sited to avoid problems with visibility, traffic circulation, drainage, or icing during winter months.

(2) Screening.

(a) Utilities. Service areas, loading docks, delivery areas, trash receptacles, and mechanical equipment shall be screened to minimize visibility from sensitive view-points such as public and private roadways, main entrances, residences outside the development, public open spaces, and pathways. Service areas shall be screened with architectural elements such as walls or fences. Screening may be further enhanced with evergreen trees, shrubs, and earth berms. Gates on utility enclosures shall be designed to prevent sagging.

(b) Existing residential abutters. When new residential development is adjacent to an existing residential use, landscaping, including large evergreen trees, and/or garden features (e.g., trellis or supplementary fencing), shall provide a buffer or screening between properties and obscure direct sight-lines into private yard areas or windows on adjacent properties.

(3) Bicycle/pedestrian.

(a) Internal traffic flow internal walkways.

[1] Continuous internal walkways shall be provided from the public sidewalk to the principal entrance of all principal buildings on the site. Walkways shall also connect other buildings on multi-building developments, transit stops, and other focal points of pedestrian activity.

(b) Links to community.

[1] Site plans shall preserve or create linkages with surrounding buildings, neighborhoods, and other parts of the community. The design of these links shall consider views, noise, traffic, security, lighting, the privacy of abutting commercial or residential neighbors, and other factors relating to the safety and welfare of the user.

[2] Internal pedestrian connections between abutting properties shall be provided to encourage walking and discourage additional auto trips onto major roadways. Connections shall avoid crossing parking lots, major interior roadways, service areas, drive-throughs, and other potential points of conflicts. Where such crossings

are unavoidable, they shall be well-marked and as direct as possible.

- (c) Bicycle parking/racks.
 - [1] Development with multifamily dwellings shall provide facilities for the parking of bicycles at a ratio of 0.5 bicycle parking space per dwelling unit in the multifamily dwelling.
- (4) Recreation and open space.
 - (a) The Planning Board shall require the reservation of land for parks, playgrounds, or open space areas to benefit the residents of the proposed development. The reserved land must be of suitable dimension, topography, and general character for the proposed recreational use and must be reasonably accessible to residents of the development. It must be designated on the plan as "reserved for conservation or recreation purposes."
 - (b) A minimum area of 15% of the total lot area (inclusive of required setback areas) shall be designated, and permanently reserved, as usable common open space. The area may include the required setback areas. Stormwater infrastructure shall not count towards the minimum area, except for low-impact development (LID) systems as identified in the September 21, 2007, report, "LID Guidance Manual for Maine Communities," as amended.
 - (c) In all developments with more than 10 units, excepting developments within 500 feet of a public park or playground that is directly accessible, the site plan shall designate, within the common open space, a minimum of 250 square feet/each of the first 10 units, plus 50 square feet/unit above 10 units, of contiguous area with constructed amenities for passive use (e.g. outdoor courtyards, seating areas, or family picnic area with amenities such as landscaping, lighting, weather protection and other features that encourage use year-round) or active areas (e.g., children's play areas, play fields, and community gardens).
- (5) Landscape/lighting.
 - (a) Landscaping.
 - [1] The use of a variety of plant materials that exhibit seasonal color and interesting texture is encouraged to create a distinctive, yet low maintenance environment. Plantings plans should strike a balance between monoculture (the use of a single species) and too much variety, and not include species on the list of invasive plants published by the Maine Department of Agriculture, Conservation and Forestry.
 - [2] The use of plant materials and landscape elements that require a low degree of maintenance is strongly encouraged. All plantings shall be resistant to insect infestation, drought, disease, roadside salt, and auto emissions, and hardy to Maine winters.
 - [3] Shrubs and perennials should generally be planted in large masses or drifts, rather than as individual specimens, to provide a pleasing effect for both motorists and pedestrians.
 - [4] To maintain the character of the landscape, existing healthy trees and shrubs shall be preserved or be transplanted to another area of the site wherever practical. Where it is not possible to maintain existing trees, the reason for removal shall be given in writing.
 - (b) Parking lot landscaping.
 - [1] Parking areas with 40 or fewer parking stalls shall landscape a minimum of 10% of the total area. Parking areas with greater than 40 parking stalls shall landscape a minimum of 15% of the total area. Planting islands shall be a minimum of nine inches in width. All parking lot landscaping shall be able to tolerate parking lot

- growing conditions.
- [2] Trees in parking lots may be planted in informal groups, straight rows, or irregular groupings as space permits, or they may be concentrated in certain areas. Trees should be planted a minimum of five feet from the end of parking lot islands.
 - [3] Where trees abut pedestrian walkways or places where people will be walking in parking lots, their lower branches shall be pruned to at least eight feet above the paved surface to avoid becoming an obstacle. Shrubs used in parking lot islands shall not exceed three feet in height to avoid blocking visibility.
 - [4] Landscaped areas used for separation between banks of parking stalls shall contain 50% vegetative cover.
 - [5] Landscaping materials surrounding parking lots and in islands shall be able to tolerate large quantities of snow stored during winter months. Delicate plant material shall not be used in areas where they are likely to be buried under snow.
- (c) Lighting.
- [1] Light fixtures used in driveways and parking lots shall be in scale with buildings on site. Maximum pole height along driveways shall not exceed 25 feet.
 - [2] Pedestrian-scaled lighting, less than 16 feet in height, shall be used to illuminate areas used for pedestrian circulation.
 - [3] All illumination shall be controlled with cutoffs that primarily direct light downward.
- (6) Access drive standards. Multifamily developments in which the property will be held in common ownership shall be served by an access drive. Access drives shall remain private and shall not be maintained or repaired by the Town. Access drives shall meet the following standards:
- (a) C1 and C2 Districts.
 - [1] Design standards. Access drives shall be designed to conform to the standards for commercial street, curbed lane or residential street standards.
 - [2] Rights-of-way. The minimum right-of-way width for a commercial street, curbed lane or residential street in Appendix B is not applicable to an access drive. When the Planning Board determines that a right-of-way is required to connect to a surrounding street, an existing right-of-way on an abutting property, or to provide continuation of the road to allow for connectivity with expected future development, a public access easement across the access drive shall be offered to the Town in order to comply with the Article 4, Block Standards.
 - [3] Setbacks. There shall be no required setback between an access drive and a structure.
 - (b) Other districts.
 - [1] Design standards. Access drives shall be designed to conform to the standards for "major private roads" in these regulations, including the standards contained in Table 3, Table 4, and the applicable cross sections in Appendix B Street Standards.
 - [2] Rights-of-way. The minimum right-of-way width for a "major private road" in Table 3 of Appendix B is not applicable to an access drive.
 - [3] Setbacks. There shall be no minimum setback required between an access drive and a structure.
 - (c) Curb cuts on the access drive must be separated by a minimum of 75 feet where possible and aligned with curb cuts on the opposite side of the access drive to the greatest extent possible.
 - (d) Access drives shall remain private and shall not be maintained or repaired by the Town. A note shall appear on the site plan: All internal access roads and driveways

shall remain private and shall be maintained by the developer, lot owners, homeowners/condominium association, or road association and shall not be offered for acceptance, or maintained, by the Town of Windham unless they meet all municipal street design and construction standards at the time of offering.

Conformity with Local Plans and Ordinances

1. Land Use

- *For the final plan review*, building elevations and sign details shall be provided.
- The site improvements comply with the 322 Roosevelt Trail Contract Zone.

2. Comprehensive Plan

- This project meets the goals and objectives of the 2017 Comprehensive Plan.

Impacts on Adjacent/Neighboring Properties

- The applicant does not anticipate any adverse impacts on the neighboring and abutting properties.

CONCLUSIONS (N/A)

1. ~~The plan for development **reflects/does not reflect** the natural capacities of the site to support development.~~
2. ~~Buildings, lots, and support facilities **will/will not** 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/will not** be maintained and protected to the maximum extent.~~
4. ~~The proposed site plan **has/does not have** sufficient water available for the reasonably foreseeable needs of the site plan.~~
5. ~~The proposed site plan **will/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/will not** 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/will not** provide adequate sewage waste disposal.~~
8. ~~The proposed site plan **conforms/does not conform** to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.~~
9. ~~The developer **has/does not have** the adequate financial capacity to meet the standards of this section.~~
10. ~~The proposed site plan **will/will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.~~
11. ~~The proposed site plan **will/will not** provide for adequate stormwater management.~~
12. ~~The proposed location and height of buildings or structure walls and fences, parking, loading, and landscaping shall be such that it **will/will not** interfere with or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonably affect its value.~~
13. ~~On-site landscaping **does/does not** provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.~~
14. ~~All freshwater wetlands within the proposed subdivision **have/have not** been identified on the plan.~~

15. ~~Any river, stream, or brook within or abutting the subdivision **has/has not** been identified on any maps submitted as part of the application.~~
16. ~~The proposed subdivision **will/will not** provide for adequate stormwater management.~~
17. ~~If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, section 480 B, none of the lots created within the subdivision **has/do have** a lot of depth to shore frontage ratio greater than 5 to 1.~~
18. ~~The long term cumulative effects of the proposed subdivision **will/will not** unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.~~
19. ~~For any proposed subdivision that crosses municipal boundaries, the proposed subdivision **will/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.~~
20. ~~The timber on the parcel being subdivided **has/has not** been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.~~

CONDITIONS OF APPROVAL

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated March 4, 2024 as amended TBD 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 or [§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.