



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Planning Board

Monday, July 13, 2026

6:00 PM

Council Chambers

FINAL AGENDA

1. Call to Order - These minutes generated by AI and reviewed by Staff.

2. Roll Call and Declaration of Quorum

Chair, Marge Govoni, called the meeting to order. Other members present were: Melissa Young, Evert Krikken, Kathleen Brown, Leo Gerrior, and Emily Legere.

Planning Director, Steve Puleo, was also present with Town Planner, Natalie Thomsen.

3. [PB 26-044](#)

Approval of Minutes - The meeting of June 22, 2026

Attachments: [Minutes 6-22-2026 - draft](#)

Evert Krikken made a motion to approve the minutes of the June 22, 2026 meeting. Seconded by Leo Gerrior.

Vote: All in favor.

Public Hearing

4. [PB 26-041](#)

#25-08 A-Plus Auto Sales & Service - Major Site Plan - Final Plan Review
- 1027 Roosevelt Trail - A-Plus Sale & Service, Inc.

The application is for a 32,500 square foot building with associated parking for automobile sales and repair services on a 12.23-acre undeveloped property. Tax Map: 21; Lot: 12; Zone: Commercial I North (C1-N) and Stream Protection (SP) in the Hyde Brook/Sebago Lake watershed. Uses: Retail Sales, Automobile Sales; Automobile Repair Services.

Attachments: [25-08 MJR SP FP PB MEMO APlus_070126](#)
[25-08 MJR SP FP RESPONSE APlusAuto 2026-06-29.pdf](#)
[25-08 MJR SP FP PLANSET APlusAuto 2026-06-29.pdf](#)
[25-08 MEMO AC&SR MJR SP FP APlusAuto 05-14-26.pdf](#)
[25-08 MJR SP REVISED](#)
[APPL RESPONSE APlusAuto 2026-05-04](#)
[25-08 MJR SP FP ARCHITECT PLAN APlusAuto 2026-05-04.pdf](#)
[25-08 MJR SP FP LANDSCAPE](#)
[PLAN APlusAuto 2026-05-04-2026.pdf](#)
[DRA SW Windham PR APlus Autobody 2026-06-03.pdf](#)

Andy Morrell from BH2M: Thanks for having us tonight. This hasn't changed a lot since you've seen it, but I'll go through some of the project particulars. 12.23 acre parcel, zoned Commercial 1 North, on Route 302, across from Mineral Springs Road. The applicant currently has numerous facilities along Route 302 and is trying to put them all in one building — all their employees together. They have a very successful, growing business that they would like to cater to here on 302 in Windham. That's the reason we're before you tonight.

The building is going to contain a showroom in the front, service in the middle, and the body shop in the rear. Mike Richmond is the architect. As shown on the site plan, we have 185 parking spaces, of which the front 77 are display parking spaces for vehicles. Public water and natural gas will be extended down 302 to service the building. Subsurface wastewater disposal is in the rear of the site, designed by Mark Hampton. One of the items we've had a lot of discussion on is the entrance to the site. We have aligned it with Mineral Springs Road. We have proposed a 40 foot entrance — two 12 foot lanes out, a right and a left turn, and a 16 foot lane into the site. We designed it in that location to maximize sight distance and maximize safety with the alignment with Mineral Springs.

I do want to point out that the building is stepped down — the front portion of the building is 3.5 feet higher than the rear portions. You can see that on the architectural renderings or the grading plans we've provided. We're doing that for numerous reasons, but mostly to limit the impacts to the wetlands in the middle of the site.

Stormwater is another big item we've worked through on this project. We have two means of stormwater collection — a closed drainage system as well as an open drainage system. All of the stormwater is collected in one of three soil filters strategically placed around the site. As the town knows, this project is subject to a stormwater permit with the DEP; the town has delegated authority for that. We've been working with Steve and staff through those components of the project. At this point it's been reviewed pretty thoroughly, a lot of those comments have been addressed, and everybody's on board with the design as we sit today. We've been working closely with staff over the last couple of months to resolve any outstanding issues. Happy to answer any questions. The applicants are here as well.

Andy Lane: How's it going? My name's Andy Lane, one of the owners. Just to reiterate — our main focus is to take our service center that's now in Casco and our dealership that's on 302 in Windham and combine it, bring it together, and really bring a full automotive center to Windham — all makes and models — and cater to the community at large here. That's our goal. Thank you.

Natalie Thomsen: As the applicant stated, it's a 32,500 square foot building with

associated parking, in the Commercial 1 North zone, Stream Protection district, Hyde Brook and Sebago Lake watershed. Today we're reviewing the final plan.

Some of the staff comments: there was some conversation about the sidewalk — the property will be building its own sidewalk and maintaining its own sidewalk — and the commercial district standards for the zone, which have all been met, or the amount they need has been met. The other thing I should have noted: the sight distance at the entrance was a conversation that was had. It was part of the reason we postponed this project last meeting. It has been reviewed by the Town Engineer, there's been analysis — it wasn't in your packet — but there is enough sight distance going both ways for the project.

Tonight we're going to do application completeness, public hearing, review of waivers and potential conditions of approval, and make a determination to postpone or approve the final plan. You also mentioned earlier that the architectural plans were not included in your packet, so would you like to see those before public comment?

Steve Puleo: The whole space is basically open — there's a small loft area for business to conduct, but by and large the first floor is wide open. Looking at the fenestration, they exceed the fenestration [requirements]. If you go to the next sheet, there are some color renderings that give some good perspective.

Andy Morrell: There are color renderings that give it some good perspective.

Marge Govoin: Can you explain what material we're looking at? Is it brick? Is glass where I think it's glass? What about the siding?

Applicant team: Where it's light blue is all glass. It's a really cool looking building. The siding is all metal siding.

Natalie Thomsen: (continuing staff review) This I forgot to include in your packet, but it was in the memo and in their information: they are requesting a waiver to allow an increase in the post-development peak rate of runoff of less than 0.7 CFS at analysis points AP-1 and AP-2 during the 25 year / 24 hour design storm. The applicant's application formally requests the waiver, stating the increase results from a reduced portion of well-drained Type A soils in the developed subcatchment, with 100% of the proposed impervious area captured, treated, and attenuated through the three underdrained soil filters, and only the fill slopes remaining undetained. The third-party reviewer for the town concurs that the increase will not increase the extent, frequency, or duration of downstream flooding, noting the soil filters' very low output rates and the large marsh system through which flows tributary to AP-1 and AP-2 pass before reaching Sebago Lake.

Evert Krikken: I move the major site plan application for project number 25-08, A Plus Auto Sales and Service, 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.

Kathleen Brown: Second.

Marge Govoni: Are there any questions at this point? All those in favor? It is unanimous. We'll open it up now for public comment. If there is anyone here from the public who would like to speak on this, please come to the microphone now, and state your name and address. Seeing nobody, I am going to close public comment.

Evert Krikken: I move to approve the waiver request pursuant to Section 120-812.E.1.a 1. —waiving strict compliance with the flooding standard of section 120-812 E. 1.a, to allow an increase in the post-development peak rate of stormwater runoff of less than 0.7 CFS at AP-1 and AP-2 during the 25 year / 24 hour design storm — the Board finding that the increase is insignificant, that it cannot be avoided by reasonable changes in the project layout, density, or stormwater management design, that it will not unreasonably increase the extent, frequency, or duration of flooding and downstream flow controls and conveyance structures, and that the Board has considered cumulative impacts.

Kathleen Brown: Second.

Marge Govoni: We have a motion and a second. Did you have a question?

Melissa Young: I guess I'm just not understanding what that percent impact is. It says it's negligible, but is that, like, 2% over what they're allowed? I just don't have a reference.

Steve Puleo (Planning Director): Typically when we're talking about insignificant flows, it's a low percent. It's very insignificant — it's not going to contribute to any downstream impact. And that's only one event of the three events they have to control for — the 2, the 10, and the 25 year. Our review engineer that did the stormwater permitting on this felt it was not a problem at all relative to that increase. 0.7 CFS — that's less than a [cubic] foot of flow in a second during those events, which are fairly rare. A 25 year event is more or less one every 30 years or so, and the regulations don't require them to design to higher levels. Like I said, that's pretty insignificant. We don't have any problems with that from an engineering point of view.

Melissa Young: When it says the Board has considered cumulative impacts — I don't want to say I've considered it if I didn't understand what the percent impact was. If you're saying it's less than one percent, that answers my question.

Steve Puleo: The cumulative impacts deal with downstream impacts related to where that flow is going, and that's part of what our engineers look at. It's not necessarily what you are considering. We wouldn't have a recommendation to support this particular waiver from our engineer if they didn't feel there wasn't going to be any downstream impact.

Melissa Young: The way this is worded, it just assumes that the Board fully understands these impacts. And frankly, I am an engineer, but I am not a stormwater/floodwater engineer, so I did not understand — and it's worded a little differently than the way they were worded previously.

Evert Krikken: Given the way the waiver is worded and that it puts words in our mouth, I have some questions for you. What reasonable change in the project layout could you make to comply with the standard?

Andy Morrell: That's a loaded question — let me try to dive into that. Any time you're doing stormwater in hydraulic soil group A, it's very difficult, because the pre-development numbers typically come out very low because of the well-draining soils on the site. It's very common that stormwater is more difficult on well-draining soil sites than on other sites, which is counterintuitive, but that's the way the modeling is set up. One of the hurdles on this project is that a good portion of the site is well-draining soils, which makes it very difficult to get down to those pre-development numbers — which is why we're looking for this waiver at analysis points.

We have three stormwater systems proposed, which allowed us to have a kind of wavy

design of the site — three low spots where we're draining stormwater, taking basically a third of the site to one soil filter, a third to another. The alternative would be to have the entire site somehow get to one stormwater facility, most likely a wet pond in the rear of the site, which would require us to bring the site up more than we have now — more wetland impacts, more fill. In order to attenuate that stormwater to meet those requirements, we would really have to raise the site and get it all to one big wet pond in the back somewhere. That would be the alternative.

Evert Krikken: And how much more expensive or difficult would that be, from a construction point of view?

Andy Morrell: From a construction point of view, substantive — very substantive. If you look at the site, there's a lot of earth moving required. There's quite a bit of grade across the site; the parking lot is relatively flat the way we've proposed it. Having to raise the site to accommodate that would be a substantive change, which is why we're requesting this waiver.

Evert Krikken: So the town engineer is ok with this. Could you comment on how insignificant "insignificant" is, in terms of percentages?

Andy Morrell: I'd be happy to. It's very insignificant. Let me put it this way: stormwater calculations are a series of conservative assumptions piled on top of each other, so that by the time you get to the end result, the water they say you're generating is usually a quarter of that in reality. It's significantly less than what the numbers tell you.

There are also some limitations in the modeling. We've modeled our stormwater facilities, and then once the water leaves our facilities, it flows across the rear of the property, which is undeveloped. We haven't modeled the runoff flowing across that natural land as part of our analysis — certainly as it does that, it's going to attenuate and flow into the ground and make our numbers lower. We've assumed that once it leaves our stormwater facility, it's making it to the analysis point in the rear of the site, which is a stream that horseshoes through our parcel. So there are limitations in the way we've modeled things that make these numbers more skewed than I think they are. In reality, I don't think you're going to see any increase in stormwater as a result of this project.

Another thing to consider: these vegetated soil filters we design to 2.41 inches per hour — 2.41 inches of water should drain through the soil filter per hour. In reality, those are probably ten times that. I think you're going to see a drastic decrease in stormwater as a result of this project.

Evert Krikken: Out of all the properties around yours, which would be most impacted by this insignificant change?

Andy Morrell: There really isn't any. We have two analysis points on our site. One of them flows — if you're standing on 302 — to the property on the left; that analysis point we're almost completely eliminating, reducing all the stormwater running to that abutting lot. The analysis point we're talking about is the stream in the rear. So the small increase in runoff is going to that stream in the rear of the parcel, not directed toward one of the abutting lots.

Kathleen Brown: I have a tangential question. I noticed one of the stormwater facilities almost abuts the wetland. Is there any required setback, or how will you make sure water quality is not impacted?

Andy Morrell: There's no setback requirement from the wetlands. We have proposed that to protect that wetland and not impact it as part of our construction. Certainly during construction we'll be working with the contractor to make sure that wetland is not disturbed. But that stormwater facility is up above the wetland — if you look at the grades, it's quite a bit higher — so I don't anticipate any impacts to that wetland.

Evert Krikken: One last question, on the cumulative impacts. Any of the other properties that essentially drain their stormwater into the stream — did we give waivers to any of them? How would we consider cumulative impacts if we don't look at the things that surround them? What does cumulative impact mean?

Marge Govoni: What we are looking at is the cumulative impact per their application, not the property to the left or the right. If they are contributing anything to that stream, we don't know about it — they've been there a long time. Basically it's what they contribute to that stream from their property, period. I know what you're saying, but is there any way of knowing what is coming from the two abutting properties?

Evert Krikken: I would like to hear from staff what cumulative impact means in the context of a stormwater waiver.

Steve Puleo: The way the language reads — in making the determination to allow the insignificant increase in the peak flow rates, the Planning Board considers cumulative impacts, and I believe that is from the site. We're talking about the project site — insignificant increases in the peak flow rate from the project site. Your determination is: do you feel that this 0.7 CFS is insignificant from the project site, such that it's not going to cause cumulative impacts?

Marge Govoni: I think what they're saying is there is no definition in the ordinance of what "cumulative" means.

Evert Krikken: You can't consider something that is undefined.

Steve Puleo: It's not asking you to define the cumulative impacts of downstream flows. It's asking, do you feel that the insignificant impact of the flow coming from the project site would have cumulative impacts.

Marge Govoni: I think at this point, the request that you need to give them is you would like to see some definition put in the ordinance somewhere of what is involved.

Steve Puleo: When you look at that section — the applicant has demonstrated that the proposed increases will not create an unreasonable extent, frequency, or duration of flooding downstream, flow controls, conveyances, or structures. What our engineer is saying is that this flow is insignificant and is not going to have downstream impacts of flow or conveyance structure impacts, and those are what you need to consider as cumulative impacts relative to what's coming off the site.

Evert Krikken: "The town may consider cumulative impacts due to runoff from other projects when applying this standard" — that talks about this, and it would be helpful for a future waiver to create some more understanding around it, so the engineer in the future gives you those cumulative impacts.

Marge Govoni: Okay, if nobody else has a different question, I'm going to call for a vote on this. All those in favor? [Motion carries.] So now I'll open it to the Board.

Kathleen Brown: I think I may have missed a meeting about this project, so I apologize if

this is old ground — the eight optional standards confirmed by staff. Could somebody elaborate on that a little?

Natalie Thomsen: In the Commercial 1 North district there is a list of standards. Some of them are required, and in addition to the required ones, they have to meet eight additional optional ones. In the staff memo it's listed which ones are required and which optional ones they chose. So they met the standard.

Kathleen: Could you just elaborate on what that means?

Steve Puleo: In the memo you'll see all of the commercial design district standards, and associated with each one, the required ones with explanations, and the optional ones with explanations. The optional criteria — none of the optional standards involve architecture; the required criteria are two, three, four, five, six, seven, eight in the architectural standards alone. Under parking and site considerations there are quite a few optional ones, such as internal traffic flow — the site provides continuous [means] for circulation through the development, eliminating the need for vehicles to turn around in the site, as shown on the revised plan; that optional standard is met and counts toward the eight optional design standards. Another design standard deals with parking and screening — proposed landscaping and existing wooded buffers at parking areas minimize the visibility from Route 302, as shown on the revised landscaping plan. There's also landscaping and lighting — several required ones they provided; they're coordinating the lighting with landscaping and submitted lighting plans, and met those requirements. Needless to say, they've addressed nine optional ones and twelve required ones, leaving only about five they haven't addressed in the total provisions under [Article] A13. So they exceeded what we expected — we asked them for that analysis, they provided it, and we support it.

Kathleen Brown: Thank you.

Marge Govoni: Emily, do you have anything?

Emily Legere: Yes, two questions — and again, I am also new here, so I wasn't here for the original sketch plan and the other plans. I had a question about not having the right-hand turning lane, which sounds like it's required, but someone was okay with it not happening in the letter included in the package. Is there a possibility that number would increase, or an expansion of this site that would cause that number to increase in the future so a turning lane would be needed?

Andy Morrell: The applicant at this time doesn't plan anything else on this parcel, so I can't answer that question — but certainly if the applicant were to do something else on this site, they would have to come back and amend the site plan with you, and that would certainly be a discussion at that time.

Steve Puleo: To give you a little background — this project is more than 50 peak hour trips, so we have a traffic analysis. They've provided a traffic engineer, VHB, that provided an analysis of sight lines, ingress, and egress of the site. Given the location on 302, there is a center turning lane. Having a right slip lane to get into this project would add another movement configuration that may not be the best way to deal with that. Leaving the way people would enter the access drive as it is — there is a breakdown lane that runs along that side — changing that to a slip lane could add some confusion, and our traffic engineer just felt it wasn't necessary; that was more than what would be required. Now, if we were talking about a traffic movement permit, where we get up to 100-plus trips, then we would go through a DOT permitting process and we would assess

that again — at that number, given the number of trips entering from the right-hand side, it may require a slip lane.

Andy Morrell: I don't want to sell myself as a traffic engineer — I'm certainly not — but VHB did the traffic engineering on this, and from discussions with those guys, the warrant that triggers the need for a right turn lane is a relatively small hurdle to meet. This project certainly warrants having that right turn lane per the numbers. But if you look at the number of trips and, more importantly, the level of service — level of service is how well an intersection functions — the level of service to turn into the site as proposed is level of service A, which is the highest level there is. The way we've proposed it is a safe and efficient way. It does trigger the warrant, but both our traffic engineer and the town's traffic engineer felt it wasn't necessary in this case.

Emily Legere: Thank you. A related question — I don't know if anyone knows how many turns are on the road that's across from there. You stated the entrance was designed to be right across from Mineral Springs Road. Intuitively, that seems like it could create a bigger issue.

Steve Puleo: It doesn't. It is a recommendation from the police department and the fire department to put access ways directly across from intersections. When you shift that around, you shift people pulling out and turning, and it takes away the ability to line up the traffic exactly across from one another. So it is a requirement from the police department that these access ways be directly opposite intersections such as Mineral Springs.

Andy Morrell: And when we came forward with the sketch plan, we had our entrance offset from Mineral Springs, and this Board was really in favor of aligning the entrance with Mineral Springs to help with safety.

Marge Govoni: The thing is, this allows everybody to see who's coming out. If you're across on the other side, you can see if there's somebody over there — hopefully somebody's got their directionals on and knows where they're going — rather than if they're offset, where you pay attention to the traffic coming and going on 302 and not necessarily the street that's down or up a little bit.

Emily Legere: My next question — I noticed you say you have bike racks, but I didn't see anywhere how many bike racks you will have, or how many bikes they will accommodate.

Andy Morrell: We have proposed one bike rack as you walk into the front of the building, on the right-hand side. I think it'll be a rack that would hold 5 to 10 bikes, something like that. We haven't specced anything specific for that bike rack, but it's not intended to be for one bike — it's a bike rack for multiple bikes.

Emily Legere: Is there a requirement for how many bike racks they should have?

Natalie Thomsen: I don't think so.

Emily Legere: Then my next question is more about documentation. It states, at least in the note in the agenda for today, that there is no impact on the wetlands, but on your site plan it says there is a wetland impact of 4,000-plus square feet.

Andy Morrell: Yes — we are proposing just under 4,300 square feet of wetland impacts. We are in the process of getting Army Corps of Engineers permitting for those impacts.

Natalie Thomsen: That must have been my mistake — a correction on our side.

Leo Gerrior: *I didn't have much on this, and this might be more a question for Steve. I was reading the part where the sidewalks went inborn for maintenance, which made sense. This is the only business in that area that has or will have sidewalks, am I correct? Is there a plan to make that area pedestrian friendly going up there? I know that's not this project.*

Steve Puleo: *We don't have anything at this time relative to adding pedestrian sidewalks on 302 up in that area. It would be more a function of, as projects happen, they collect sidewalks similar to this idea — we would hope they would do that.*

Marge Govoni: *We always get nervous on 302 when putting sidewalks right next to the road, especially with a curve occurring there — the sight line on a sidewalk isn't as good. We were interested in that internal one the last time they were here, because people — especially with the cars parked — walk on the sidewalk to look at the cars instead of walking in the parking lot. Nobody wants to walk on 302.*

Steve Puleo: *To the extent that if it was put in the right of way, it becomes our responsibility; right now it's part of their maintenance responsibility.*

Marge Govoni: *It's not that we want it to be their responsibility, but when you think of where we're talking about, it would be very unlikely that the town would ever get up there to clean off that sidewalk, get that piece of equipment up there. So I think it's more insurance for their business and for the public safety that they maintain it.*

Evert Krikken: *I have a question about the plan we've been looking at on the screen, which does not look like the plan I'm looking at in the packet. Is this the correct one — the one that has the body shop on the back?*

Andy Morrell: *It's the one that has the body shop in the back.*

Evert Krikken: *Okay. There was a comment, I think in the staff memo, about snow storage. Did you indicate on the plan where the snow storage is going to go?*

Andy Morrell: *We have. We provided a hatched area on the plan that shows the snow storage — it's on sheet 1 of the plans. There are four separate areas where we've proposed snow storage. There's also a note on sheet 1 that references you to those areas.*

Evert Krikken: *Because I also saw you indicate somewhere that there are curbs in some places.*

Andy Morrell: *I didn't propose any snow storage around any of the curbing. All the snow storage I've proposed is in areas where you can easily push the snow without impacting the curbs.*

Evert Krikken: *Thanks for putting in the landscape plan, and congratulations on the clever design.*

Marge Govoni: *I know we did the sidewalk; I vaguely remember, it was a while ago. I'm going with the buffers now, between the properties on both sides, because I know the one on the right is lower, and the one to the left, they're up there a bit — there's a house on the top of that hill there. How much of a buffer is left — when I say buffer, probably the natural trees or bushes that are there — between where your property is and where*

the house is?

Andy Morrell: I don't know off the top of my head how far that is distance-wise, but looking at the plan that's up there now, those parking spaces are about 10 feet wide, so I'm going to say from the end of that parking lot to the property to the left is 40 or 50 feet — existing trees.

Marge Govoini: The only question I have for the Board before we get to voting, they are still waiting on the wetlands permit. Is there anything else outstanding on this? As long as that's in the conditions of approval — I think the rest of them are pretty standard, aren't they, Natalie?

Andy Morrell: We submitted our permit to the Army Corp of Engineers, probably a month, month and a half ago.

Natalie Thomsen: Yeah. Do you want it prior to the issuance of a building permit?

Evert Krikken: Prior to any site work. A building permit is too late.

Evert Krikken: I move the major site plan application for project number 25-08, A Plus Auto Sales and Service, identified on Tax Map 21, Lot 12, zoned Commercial 1 North and Stream Protection, and located in the Hyde Brook / Sebago Lake watershed, is to be approved with conditions, with the following findings of fact, conclusions, and conditions of approval.

FINDINGS OF FACT

Jurisdiction: The A-Plus Auto Sales & Service project is classified as a Major Site Plan, which the Planning Board is authorized to review and act on by §120-803A(1) of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted a copy of a Property Deed between Stanley Sclar and Double A Properties, LLC, dated November 22, 2024, and recorded on November 25, 2024, at the Cumberland County Registry of Deeds in Book 41146 and Page 341. The applicant has provided a clarification letter dated March 21, 2026 describing the ownership and operational structure, which identifies the property owner as AAA Properties LLC (owned by Andrew Coppersmith and Andrew Lane) and the operating tenant as Aplus Truck Sales, Inc.

ARTICLE 4 ZONING DISTRICTS

- As shown on the Town of Windham Land Use Map approved by the Town Council, date April 9, 2024, Tax Map: 21; Lot: 12, the property is located in the Commercial I North(C-1N) Zoning District, §120-410.1.
- The proposed land uses, Retail Sales, Automobile Sales and Automobile Repair Services are permitted uses in the C-1N District, per §120-410.1B.
- The lot and proposed building conform to the C-1N dimensional standards of §120-410.1E.

ARTICLE 5 PERFORMANCE STANDARDS

§120-507 – Automobile Repair Services

- The sale of gasoline or other petroleum products shall not be allowed as an accessory use.

§120-511 – Buffer yards

- C(3)(b) Commercial District buffer along streets (C1-N is not specified): use Buffer Yard G, see exhibit below.
- §120-410.1E(4)(a) requires a 20-foot minimum landscaped buffer strip, which is inconsistent with the Article 5 Buffer Yard performance standard. In accordance with §120-104, the district standard is more restrictive and shall control. The revised Landscape Plan (Mainely Outdoor Living) dated 3/12/26 shows an approximately 28-foot vegetated buffer between the street and the property line within the right-of-way, plus an onsite landscaped area along the frontage that includes the sidewalk. Section 120-410.1E(4)(a) specifies a 20-foot minimum landscaped buffer strip for the C-1N District.

§120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS

§120-812A – Utilization of the Site

- The subject parcel is approximately 12.23 acres in size.
- The existing use of the property is an undeveloped woodland.
- The applicants are proposing to construct a 32,500 square foot building for automobile sales and repair service.
- No wetland impacts are proposed.
- No development is proposed in the 100-foot Stream Protection shoreland district adjacent to Hyde Brook.
- The site is located in the Hyde Brook/Sebago Lake watershed.

§120-812B – Vehicular Traffic

(1) The site is located on the northerly side of Roosevelt Trail and all business vehicular traffic will access the site from Route 302. Route 302 is a paved 3-lane state highway (one travel lane in each direction, and a center-turn lane).

(a) The applicant does not expect to impact any road intersections within a half mile of the project.

(b) The applicant has provided a traffic analysis that the existing streets and intersections can be expected to carry traffic (new peak hour trips) generated by the development. The applicant provided, a “traffic study,” prepared by a Maine licensed professional engineer, describing the impacts of the proposed project on the capacity, level of service and safety of adjacent streets when the project generates 50 or more trips during either the a.m. or p.m. peak hour, per §120-811B(2)(h).

□ The development is located in the North Route 302 Road Improvement Impact Fee Collection Area. In accordance with §120-1204D(2), for the final plan review, the applicant has agreed to use the 29 PM peak-hour primary trips shown eastbound in the Figure 4 Trip Assignment passing through the Route 302/Angler’s Road/Whites Bridge Road intersection. The resulting North Route 302 Road Improvements Impact Fee is \$11,096.85 (\$382.65 per primary peak-hour trip), as specified in Condition of Approval #4.

(2) The access shall be designed to have minimum sight distance, according to MDOT and Appendix B Street Design and Construction Standards, to avoid hazardous conflicts with existing turning movements, to avoid traffic congestion, and to prevent queuing of vehicles entering and exiting the site. The proposed site entrance is located on U.S. Route 302 directly opposite Mineral Spring Road and is within the Urban Compact (limits updated September 1, 2025); accordingly, this segment of Route 302 is not classified as a mobility corridor. Per Appendix B, Table 1, the required sight distance for the 50 mph posted speed is 495 feet. A field-based sight distance evaluation conducted on June 17, 2026 by the applicant’s traffic engineer (VHB) together with Town Engineer Mark Arienti confirmed that the required 495 feet is met or exceeded in both directions from the proposed driveway (approximately 545 feet to the right), without clearing vegetation on the abutting property. The Town Engineer attended the on-site field review and confirmed that available sight distance is sufficient. A right-turn lane warrant analysis (NCHRP Report

457) found that a westbound right-turn lane is technically warranted at the PM peak but is not operationally necessary given the low projected turning volume (approximately 25 PM peak-hour right turns) and LOS A operation; VHB and the Town Engineer concur that no dedicated right-turn lane is required. The recorded Property Access Permission Letter (CCRD Bk 39598/Pg 199) provides additional clearing capacity on the abutting parcel but is not required to satisfy the 495-foot standard.

(3) The applicant proposes that the site will be accessed by one new 40-foot-wide driveway on Roosevelt Trail which has been aligned with Mineral Spring Road on the opposite side of Route 302.

(a) The construction activity will require an "entrance permit" from the Town's Department of Public Works.

(b) The driveway access must meet a separation requirement of 75 feet.

(4) The applicant has provided turning templates demonstrating that the entrance and parking area can accommodate the expected tractor-trailer delivery vehicles.

§120-812C – Parking and Loading

(1) The applicant has designed a parking layout that accommodates a total of 172 passenger vehicle spaces, and approximately 46 representative spaces for display vehicles for sale. The required amount of ADA parking spaces for the 172 passenger vehicle spaces is 4 and is shown on the final plan.

(d) The applicant meets §120-812C(1)(d) Parking and loading by providing 100% of the parking spaces at 10' x 20' parking space size.

(2) The applicant provided for the final plan review evidence that the proposed number of parking spaces is adequate to meet the parking needs for the proposed use.

§120-812D – Pedestrian Traffic

- Per §120-410.1F(7), the Planning Board may require the construction of public sidewalks on Roosevelt Trail (Route 302). The applicant is proposing to construct a 5-foot-wide sidewalk, separated from the road shoulder by a 5- to 7-foot-wide esplanade, along the frontage of the property in lieu of paying a sidewalk impact fee. Following review with the Town Engineer and the Public Works Department, staff and the applicant agreed that the sidewalk should be located on the subject property rather than within the Route 302 right-of-way. Given the location along the northern portion of Route 302, a sidewalk within the right-of-way would place winter clearing responsibility on Public Works; locating the sidewalk on the property places maintenance and winter clearing responsibility on the property owner. Staff supports the proposed sidewalk in this location as meeting the pedestrian traffic standard.

§120-812E – Stormwater Management

(1) The applicant provided for the final plan review a stormwater management system design for the collection and disposal of all the stormwater that runs off parking areas, roofs, travel ways, and other surfaces.

(f) Major site plans, regardless of size, shall comply with Sections 4C(2) and 4C(3) of the General Standards of the MDEP Chapter 500 Stormwater Management Law. The applicant states that they development will require a Maine DEP Stormwater Permit.

- The site is located in the Town's Urbanized Area and regulated by the MS4 (Municipal Separate Storm Sewer System). The applicant states that the site disturbance is anticipated to be more than an acre and will be subjected to the annual maintenance and inspection report to the Town required by the Post-Construction Stormwater Ordinance, Chapter 201 Article II, see Condition of Approval #2.

- The site is located in the Sebago Lake watershed, a direct watershed of a lake most at risk from new development as designated in DEP Chapter 502, thus in accordance with §120-807F(6), Town's third-party consulting engineer firm will review the final plan to ensure compliance with performance standards contained in § 120-812E, F, H, J, and K.

The review shall include attendance at any scheduled Planning Board site walk.

- The applicant has submitted a Stormwater Management Report (October 2025, BH2M) and a Maine DEP Individual Stormwater Permit application processed through the Town's Delegated Review. The design manages and treats stormwater through three Grassed Underdrained Soil Filters (UDSFs) with sediment forebays, providing water-quality treatment of approximately 96% of the impervious area and 82% of the developed area. The Town's third-party consulting engineer (Gorrill Palmer / LJB Engineering) determined in its June 3, 2026 review that the submission meets the General Standard of MDEP Chapter 500. The project does not trigger the Phosphorus or Flooding Standards (less than three acres of new impervious area and less than five acres of developed area), and Sebago Lake, while listed as most at risk, is not classified as severely blooming under Chapter 502.*
- The applicant has responded to the Town's third-party engineer (LJB Engineering) June 3, 2026 review through the June 29, 2026 comment-response package, including: relocation of stormwater callouts (Sheet 3); correction of the emergency-spillway elevation for GUSF A (Sheet 4); a plan note prohibiting floor drains and vehicle wash bays from discharging to the subsurface wastewater disposal system (Sheet 1, Note #33); the construction schedule/sequence and revised Erosion and Sedimentation Control Plan notes (Sheet 6); and a revised Inspection and Maintenance Manual removing the prior Natural Wonders Daycare reference. Two items are carried forward: (1) written confirmation by the third-party engineer that the June 3, 2026 Basic Standards comments are resolved, addressed in the Conditions of Approval; and (2) the applicant's requested treatment of a slight post-development peak-flow increase at analysis point AP-1 (within 0.7 cfs of the pre-development peak flow for the 25-year, 24-hour storm) under §120-812E(1), which the third-party engineer concurs is acceptable and on which the Planning Board shall make the final determination.*

§120-812F – Erosion Control

- (2) The applicant has provided with the final plan an erosion and sedimentation control plan that will meet the minimum standards outlined in the Maine DEP Stormwater Rule Chapter 500 Appendix A – Erosion and Sediment Control, Appendix B – Inspections and Maintenance, Appendix C – Housekeeping. Erosion and Sedimentation Control.*

§120-812G – Water Supply Provisions

- (1) The new building is proposed to be served for domestic and fire protection (sprinklered) by a Portland Water District (PWD) water main connection from across Roosevelt Trail.*
- The applicant has provided a Portland Water District ability-to-serve letter dated December 4, 2025, confirming the proposed water supply system conforms with PWD design and construction standards and will provide adequate domestic and fire protection.*

§120-812H – Sewage Disposal Provisions

- The applicant has provided an HHE-200 prepared by a Certified Site Evaluator demonstrating that the proposed subsurface wastewater disposal system is adequate for the proposed use.*

§120-812I – Utilities

- The applicant has demonstrated that all utility connections (electrical, telephone, and telecommunications) will be installed underground.*

§120-812J – Groundwater Impacts

- The new building is proposed to be connected to the PWD public water system, and the wastewater disposal system is not anticipating a disposal system with a capacity of 2,000 gallons per day (GPD).*

§120–812K – Water Quality Protection

- The applicant has demonstrated that storage facilities for fuel and hazardous materials will comply with Maine DEP and State Fire Marshal requirements.
 - o The project is located within the direct watershed of Sebago Lake, a lake most at risk from development; however, the Town's third-party engineer confirmed (June 3, 2026) that the project is exempt from the Phosphorus Standards because it creates less than three acres of new impervious area and less than five acres of developed area, and Sebago Lake is not classified as severely blooming under DEP Chapter 502.

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

- The applicant has specified the anticipated handling, storage, and use of hazardous materials associated with the proposed use.

§120–812M – Shoreland Relationship

- A portion of the property is in the Stream Protection (SP) shoreland zoning district, 100 feet from Hyde Brook. No development is proposed in the shoreland zone.

§120–812N – Technical and Financial Capacity

- (1) The applicant has provided evidence of financial capacity, including a letter from Norway Savings Bank dated June 25, 2025, demonstrating adequate financial capacity to complete the project.
- (2) The applicant has hired BH2M, for site planning, permitting, and engineering services.

§120–812O – Solid Waste Management

- The revised Site Plan depicts the dumpster location, concrete pad, and required screening in accordance with §120–554, all permanent solid waste dumpsters shall be installed on an appropriate concrete pad and shall be screened on all sides by fencing or vegetation. Vegetation must screen the dumpster within one growing season from the time it is planted.

§120–812P – Historical and Archaeological Resources

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

§120–812Q – Floodplain Management

- The final plan includes the mapped FEMA 100-year floodplain in relation to Hyde Brook.

§120–812R – Exterior Lighting

- A streetlight is located across Route 302 on the north side of the intersection of Mineral Spring Road.
 - (1) The applicant has submitted a lighting and photometric plan prepared by Visible Light Inc., including fixture cut sheets demonstrating fully shielded fixtures designed to prevent light trespass onto adjacent properties.
 - (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. For the final plan, the applicant shall meet the required performance standards of the §120-545D Noise standards for a commercial use.
- (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 Site Plan submitted June 29, 2026 depicts the dumpster location, concrete pad, and an enclosure screened on all sides by fencing and landscaping in accordance with §120-554. The applicant has also submitted a Landscape Plan and planting schedule (Mainly Outdoor Living) for the frontage and parking areas. Based on those submittals, this standard is met.*

For Final Plan Review the applicant shall provide 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-1N district, the applicants must comply with a minimum of eight (8) other Design Standards.)

On the revised Commercial District Design Standards Checklist, the applicant has identified the following eight (8) optional Design Standards as met in addition to those required in the C-1N District: B(2) Internal Traffic Flow; B(5) Screening, Parking; B(8) Low-Impact Design Stormwater; C(4) Existing Trees Preserved; C(6) Planting Variety; C(7) Planting Suitability; C(8) Mass Plantings; and C(9) Illumination Levels. Staff has confirmed against §120-813 that each of these eight is an optional standard for the C-1N District (i.e., not already required in C-1N); accordingly, the minimum of eight additional Design Standards is satisfied without double-counting required standards.

§120–813A – Architecture/Building

- *Required: §120–813A(1): Building style. The building is not a national franchise prototype and is not stylized to the point where it functions as a form of advertising, consistent with §120-813A(1). The applicant has submitted building elevations and a completed Commercial District Design Standards Checklist with the revised final plan set. Based on those submittals, this required standard is met.*
- *Required: §120–813A(2): Materials. Exterior building materials are identified on the submitted elevations and Commercial District Design Standards Checklist consistent with §120-813A(2). Based on those submittals, this required standard is met.*
- *Required: §120–813A(3): Color. Façade colors are identified on the submitted elevations and are not used as a form of advertising, consistent with §120-813A(3). Based on those submittals, this required standard is met.*
- *Required: §120–813A(4): Roofline. The roofline is depicted on the submitted building elevations consistent with §120-813A(4). Based on those submittals, this required standard is met.*
- *Required: §120–813A(5): Facades. The building's front façade faces Roosevelt Trail, as shown on the submitted elevations and Site Plan, and incorporates fenestration and articulation consistent with §120-813A(5). Based on those submittals, this required standard is met.*
- *Required: §120–813A(6): Building style coordination (multi-building). There is only one building on the site; this section is not applicable.*
- *Required: §120–813A(7): Building entrance shall be clearly defined and highly visible. The primary building entrance is clearly defined and oriented to be highly visible from the parking area and Route 302 frontage, as shown on the submitted elevations and Site Plan. Based on those submittals, this required standard is met.*
- *Required: §120–813A(8): Architectural details. Architectural detailing is depicted on the submitted building elevations consistent with §120-813A(8). Based on those submittals, this required standard is met.*
- *Optional: §120–813A(9): LEED certification.*

§120–813B – Site/Parking

- *Optional: §120–813B(1): Parking Location.*
- *Optional: §120–813B(2): Internal Traffic Flow. The site layout provides continuous*

vehicular circulation throughout the development, eliminating the need for vehicles to turn around within the site, as shown on the revised Site Plan. This optional standard is met and counts toward the eight (8) additional Design Standards required under §120-813.

- Optional: §120–813B(3): Interconnected parking lots.
- Optional: §120–813B(4): Orientation of Building.
- Optional: §120–813B(5): Screening, parking. Proposed landscaping and the existing wooded buffer screen the parking areas and minimize their visibility from Route 302, as shown on the revised Landscape Plan (Mainly Outdoor Living). This optional standard is met and counts toward the eight (8) additional Design Standards required under §120-813.
- Required: §120–813B(6): Screening, Utility, and Service Areas. The dumpster will be placed on a concrete pad and screened on all sides by fencing and landscaping in accordance with §120-554, as shown on the revised Site Plan. Based on those submittals, this required standard is met.
- Optional: §120–813B(7): Parking Lot Landscaping.
- Optional: §120–813B(8): Low Impact Stormwater. The stormwater management system incorporates Grassed Underdrained Soil Filters providing water-quality treatment for approximately 96% of the proposed impervious area, consistent with low-impact development (LID) principles. This optional standard is met and counts toward the eight (8) additional Design Standards required under §120-813.
- Optional: §120–813B(9): Shared Stormwater Treatment.

§120–813C – Landscaping/Lighting

- Required: §120–813C(1): Lighting/Photometric Plan. The applicant has submitted a lighting/photometric plan prepared by Visible Light Inc. with fixture cut sheets and locations. Based on those submittals, this required standard is met; full conformance with the §120-812R exterior-lighting standards is addressed in the Conditions of Approval.
- Required: §120–813C(2): Lighting Coordinated with Architecture. The submitted lighting plan (Visible Light Inc.) coordinates fixture style and placement with the building architecture. Based on those submittals, this required standard is met.
- Required: §120–813C(3): Lighting Coordinated with Landscaping. The submitted lighting plan coordinates fixture placement with the proposed landscaping to limit conflicts and light spillover. Based on those submittals, this required standard is met.
- Optional: §120–813C(4): Existing Trees Preserved. The development has been designed to minimize tree clearing and preserve existing mature trees wherever practicable, maintaining the site's natural character to the greatest extent possible. This optional standard is met and counts toward the eight (8) additional Design Standards required under §120-813.
- Required: §120–813C(5): Snow Storage Areas Designated. Snow storage areas are depicted on the Site Plan (Sheet 1) and addressed in plan note #31, located outside the stormwater management facilities. This standard is met.
- Optional: §120–813C(6): Planting variety. The Landscape Plan (Mainly Outdoor Living) includes a diverse selection of trees, shrubs, and perennials/grasses providing visual interest and seasonal variation. This optional standard is met and counts toward the eight (8) additional Design Standards required under §120-813.
- Optional: §120–813C(7): Planting suitability. The Landscape Plan plant materials have been selected for suitability to the site's environmental conditions, intended function, and long-term sustainability. This optional standard is met and counts toward the eight (8) additional Design Standards required under §120-813.
- Optional: §120–813C(8): Mass plantings. The Landscape Plan incorporates a substantial quantity and variety of plantings to enhance the site's appearance, provide screening, and support the overall landscape design, with plant quantities and species shown on the plan. This optional standard is met and counts toward the eight (8) additional Design Standards required under §120-813.

- *Optional: §120–813C(9): Illumination levels. Site lighting (Visible Light Inc.) is designed to provide adequate illumination for safe vehicular and pedestrian circulation while minimizing spillover onto adjacent properties and rights-of-way. This optional standard is met and counts toward the eight (8) additional Design Standards required under §120-813.*

§120–813D – Bicycle/Pedestrian

- *Required: §120–813D(1): Continuous internal walkways. Continuous internal walkways connecting the building entrance with the parking areas and the Route 302 frontage are shown on the revised Site Plan. Based on those submittals, this required standard is met.*
- *Required: §120–813D(2): Links to community. The five-foot sidewalk within the Route 302 right-of-way along the frontage links the site to the existing and planned pedestrian network, as shown on the revised Site Plan. Based on those submittals, this required standard is met; whether the sidewalk is constructed or an impact-fee contribution is made is subject to the Public Works determination noted under §120-812D and the Conditions of Approval.*
- *Optional: §120–813D(3): Outdoor activity.*
- *Optional: §120–813D(4): Sidewalks and planted esplanades. A five-foot sidewalk separated from the road shoulder by a five-to-seven-foot planted esplanade is shown along the Route 302 frontage on the revised Site Plan. Based on those submittals, this standard is met.*
- *Required: § 120-813D(5): Crosswalks for sidewalks. A crosswalk has been added at the access drive, as shown on the revised Site Plan (Sheet 1). Based on those submittals, this required standard is met.*
- *Required: §120–813D(6): Bicycle parking and racks. A bicycle rack has been added to the plan (Sheet 1), as shown on the revised Site Plan. Based on those submittals, this required standard is met.*

CONCLUSIONS

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 site plan will 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 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 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 site plan have been identified on the plan.

15. Any river, stream, or brook within or abutting the site plan have been identified on any maps submitted as part of the application.

16. The long-term cumulative effects of the proposed site plan will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed site plan.

17. For any proposed site plan that crosses municipal boundaries, the proposed site plan 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 site plan is located.

18. The timber on the parcel (s) with the proposed site plan 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 June 30, 2025, as amended January 15, 2026, May 4, 2026, June 1, 2026, June 29, 2026 and July 13, 2026 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. Approval is subject to the requirements of the Post-Construction Stormwater Ordinance, Chapter 201 Article II. 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.

3. 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.

4. The development is subject to the following Article 12 Impact Fees, to be paid with the issuance of new building permits for the use: North Route 302 Road Improvements Impact Fee of \$11,096.85 (\$382.65 per primary peak hour trip through Route 302/Anglers Rd/Whites Bridge Intersection); 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.

Kathleen Brown: Second.

Marge Govoini: We have a motion and a second. Any other comments? All those in favor? It is approved.

New Business

5. [PB 26-042](#) #26-09 North Windham Car Wash - Major Site Plan - Sketch Plan Review - 750 Roosevelt Trail - GR Development, LLC
The application is for a ±5,968 square foot car wash building with internal

vehicle queuing and 22 parking spaces with vacuum stations on an approximately 4.2-acre site. The existing restaurant and retail building on the site are proposed for demolition. Subject property is identified as Tax Map: 67; Lots: 37, 38, 40, 42, and 43A; Zone: Commercial 1 (C-1) in the Presumpscot River watershed

Attachments: [26-09 PB MEMO MJR SP SKP Windham Carwash 070226](#)

[26_09_MJR_SUB_PRLM_AC&SR_MEMO_Windham_Carwash_061726.pdf](#)

[26-09 MJR SP SKP APP Windham Carwash 5-11-26.pdf](#)

[26-09 MJR SP SKP PLANS Windham Carwash 5-11-26.pdf](#)

[WASHVILLE CAR WASH WINDHAM SEWER ABS.pdf](#)

Doug Reynolds, from LJB Engineering: Good evening. With me tonight is Frank Doherty from GR Development / Washville, as well as Lauren Bay from my office.

As mentioned, the site is located within the commercial district. The two buildings being removed are the existing Pop's restaurant and what was the card shop. On the proposed site plan — a little difficult to see — we're showing the building fronting 302. We have an access drive in between the proposed building and the existing TD Bank. The access drive goes all the way through to the back drive on the Shaw's access road. Cars can enter at either location and enter the queue for the car wash, up to the pay stations, then go into the car wash tunnel. From the tunnel they can come out and just leave, or stop at the free vacuums.

We're here in front of you for the sketch plan. The plan shown here is prior to our survey — we've received the survey since — so it may not look exactly like this the next time we come through. We know we're going to be adding some parking for the employees as you go into the tunnel.

Utilities: There's existing water along 302. The water district just put in the sewer to the back, and we're proposing to connect to that. We've had discussions with staff relative to the ability to serve the sewer, sending that out to the rear of the site. On the existing site there's a lot of pavement — in the area we're developing, we're actually reducing the amount of pavement — and we'll be addressing the stormwater appropriately through the delegated review capacity of the town and the peer review. We've benefited from meeting with staff to determine what we're going to need to do.

Hours of operation are proposed to be 7 a.m. to 7 p.m. Monday through Saturday, and 8 to 5 on Sunday. Nothing will be turned on after hours — people can't use the free vacuums after hours or anything like that.

We're here to show you what we're thinking, and look for any feedback at this point. We're looking forward to repopulating this somewhat empty, vacant lot that's been there for a while. Any questions, I'll be happy to answer.

Natalie Thomsen: He went over the description of the property. They're proposing a drive-through car wash, vacuum stations, and parking. There are buildings on the site that will be demolished. It is five lots — Tax Map 67, Lots 37, 38, 40, 42, and 43A — in the Commercial 1 zone, Presumpscot River watershed. There's no direct use for "car wash" in the ordinance, so the uses are service business, retail sales, and drive-through facility. It went through DRT.

Tonight's considerations will include a site walk, public hearing, the DOT traffic movement permit, and the review of the sketch plan. The sketch plan review is informal and will not result in any formal approval or disapproval by the Planning Board; the outcomes of the review shall be the identification by the Board of the issues and constraints to be addressed in the final site plan review application.

Access: As he mentioned, they're proposing a right-in, right-out on Route 302 and a drive to the Shaw's Plaza road in the back. The access drive does meet the street standards, but it was identified that it would need a street name due to E-911. The traffic movement permit is required. They'll have to do a queuing analysis to make sure there will be no stacking onto Route 302 or Route 35, taking into account any cut-through traffic they might anticipate.

There was a staff comment that identified shade trees on the property — if they were to be removed, we would probably want to see them replaced, because they're some of the only shade trees in that area. Public water and sewer are on the property. For stormwater, the town has delegated review, and we'll look at the existing 1980s detention basin. The parcels are to be merged into a single parcel — is that correct?

Frank Doherty (Washville Car Wash): For the record, my name is Frank Doherty with Washville Car Wash. We are planning on consolidating the majority of the parcels. Areas outside of our immediate development will be identified for future development for some other use. They may be sold off, may get developed, may stay vacant — time will tell — but it's not part of our application.

Natalie Thomsen: The project will have to meet the commercial design standards, so we'll need a building rendering and a prototype evaluation. No waivers are being brought up at this point, and there are no motions made of any sort.

Marge Govoini: I don't want to do a public hearing until after we've done a site walk, and I'm not going to be too quick about scheduling a site walk right now, only because of the statement that this could change — we would not be looking at what is being proposed. If this is pretty close, though —

Frank Doherty: To be fair — will our proposed location of the building change on the site, and the orientation, from what you see here? No. Will it be as unique a building as currently shown on that plan? It will not be. Basically, we've taken our typical building and added an appendage to comply with and respect zoning — they have to be within 20 feet of the right of way, and my pavement has to have a certain setback as well, and I have a car wash, so those are in conflict. We think we'll have something that looks less unique than what you see in the application, but it will be in the same general location and have the same access and parking proposal as you see on the current plan.

Marge Govoini: So if we had a site walk, you would be able to pin all corners of the building, the parking lot, where the parking is going to be, where that road is going through?

Frank Doherty: Absolutely.

Kathleen Brown: I guess I'm just curious about the expectations we have for review of the land that will be reserved for something or nothing. How do the ordinances apply to all that land? Will we be looking at buffers for the entire property?

Steve Puleo: Buffers have to meet Section 511 criteria. When we're talking about

commercial against commercial, we have no buffer. If it was residential and commercial, there could possibly be some buffering, depending upon your review. Anything that's vacant that could possibly be mixed use for potential residential in the future — that property would have a choice on whether or not they want to buffer themselves from the commercial use, similar to what you see across the access drive at the Shaw's Plaza drive with the Windham Village apartments; they chose not to buffer themselves from the commercial use. If it was the other way around — if the commercial use was already established — buffering could be possible. So given that, along the Shaw's drive you could possibly require buffering from those residential uses there. But within the site itself, if they wanted to bring residential next to the commercial, they'd have a choice of buffering themselves; it wouldn't be the other way around, because the commercial already exists. If the Planning Board felt they needed a bigger buffer yard along the access drive — the Shaw's Plaza drive — that would be your discretion.

Kathleen Brown: Okay, thank you, that's helpful. I was also thinking about the pavement along the vacant access way into the property. I don't see any parking or anything proposed for that particular pavement. Would that be subject to review, or would that just be sitting as vacant land?

Steve Puleo: It would just be sitting as vacant land, until such time as they decide to either parcel it out — create a parcel they want to sell or convey out — or merge them all together into one big parcel. That's up to the applicant, because they're the property owner.

Frank Doherty: Our development might be to remove some or all of that pavement, regardless of what our long-term plans are. We just don't know yet. But any time you can remove impervious area, that's not a bad thing.

Emily Legere: Just a question — you mentioned that cars would travel through the tunnel and then they would have the option to exit. Is that onto 302?

Doug Reynolds: They've got to go through that parking lot and then out to the exit drive, so they have a choice to go either way. There would be no direct access from the tunnel out to 302.

Emily Legere: Can you clarify — similar to the different setbacks, but with trees — how that would work if they were to remove some of those trees and then plant them elsewhere? When you divide that land, do those trees have to be taken into consideration again?

Steve Puleo: Which trees are you talking about — the shade trees in the middle? Whether or not the applicant designs around them, the point of that statement was that instead of having just buffer trees planted as a requirement, we would be looking to put in shade trees throughout the parking and drive areas to replicate what these shade trees are doing now. That would be something that would be part of the approval you make, and if there was a change to that, we would take it into consideration — it could be a substantive change. In other words, if you wanted to condition the approval so that the landscaping plan would stay in effect and could not be altered unless it came back to the Planning Board for review, that would be one way to help reestablish those trees to shade the asphalt. As Mr. Doherty indicated, he's averse to just impervious hanging around doing nothing, which is a good thing — if he wants to take that pavement out, or even provide some planting aisles in the asphalt just to cool it down, that would be helpful for his stormwater permit and helpful for us all. If they came back for an amendment to the site, or actually created a separate parcel and wanted to convey it out and something

else was developed, all those things would be attached to that decision on the whole site. Any kind of changes, we make a determination whether or not it's substantive. If you put a condition on, such as what I just mentioned, then that would permit staff to make a minor change to the landscaping, which tends to happen depending on availability and where they can plant things — we try to at least go in kind, if not more, with what was part of the approval.

Leo Gerrior: I saw the note about requiring a DOT study for the queuing of cars so they don't roll out onto 302. Looking at your plan, I see what you're doing with the access drive. If people start to queue down that access drive, is it wide enough for people to actually get around, or does it create a jam-up? Because your staff said people might use it as a cut-through street, and I didn't see a measurement on there.

Doug Reynolds: It will be at least 24 feet.

Steve Puleo: The design standard would be a commercial thoroughfare that you'd see in Appendix B — at a minimum it's going to be 24 feet, and that's typically a drive-aisle-sized road or a major private road standard. It could theoretically be wider; it could also have sidewalks. They haven't fully drafted this out for us to make any kind of consideration on that access drive. What you're looking at is part of our site plan criteria — they have to meet our road standards under 911.M, which relates to Appendix B, which shows the different types of roads you have to consider in C1 — you only have three: a commercial road, a residential thoroughfare, and a curb standard. Each of them has a different right-of-way width, pavement width, and requirements for sidewalks. All of these would have to be assessed by the applicant, and if they don't meet the standard in toto, then they're looking at requesting a waiver. Similar to Turning Leaf Heights, when we talked about what happens to Turning Leaf Drive when it goes from a one-way to a two-way — it has to meet a certain standard, and if it doesn't, the Board has to issue a waiver.

Sidewalks: The sidewalks relative to 302 — they're going to be responsible for contributing to a sidewalk impact fee along 302, because that section doesn't have a sidewalk right now. They're either going to install one that meets our standard — which we don't want them to do, because we have North Windham Moves, and we would like to take the impact fee and apply it to meeting the DOT standard when they install that sidewalk on 302 — or, relative to what happens along the front edge of 35, it could be either an impact fee or maybe even requiring the applicant to install the sidewalk.

Leo Gerrior: For obviousness — when we look at the map you have up right now, the lots you're looking at potentially bisecting off in the future are basically going to be the big guy to the right and the little guy to the left?

Frank Doherty: Yeah — the guy on the right, all pavement; the little guy on the left is the white building, the former plumbing supply / heating oil building from decades ago.

Melissa Young: It's probably in here, but maybe you can help me. Since this is a unique collection of zoning requirements — the drive-through facility, the service business, and the retail sales — I see the outlines for the performance standards for the drive-through facility, but I was trying to understand how the other components are captured.

Natalie Thomsen: They are allowed uses in the zone. I don't believe there are specific performance standards for them — let me double check. Not everything has a specific performance standard, but some uses do. Those two other uses don't have specific performance standards; a drive-through does.

Steve Puleo: The drive-through would have to meet Article 5's standard — it's under 5.4, and it's pretty basic: a drive-through facility, sharing a lot as part of the other principal uses, that is allowed as either a permitted or conditional use in the applicable zoning district, and the drive-through facility would be designed to have sufficient stacking capacity and queuing of vehicles [without backing up] on any public street. I did want to circle back on the DOT — the DOT isn't going to be looking at queuing standards for this particular use; we are, in town. The traffic movement permit they're required to obtain from DOT is because they're exceeding 100 PM peak hour trip ends. They're going to go through what's called the scoping process — there are seven sections of the scoping meeting — in which all interested stakeholders will meet and have a pre-application scoping meeting and talk about the things we're concerned about on the staff side. There'll be the fire department, the police department, me, our traffic engineer representing us, plus DOT's Region 1 traffic engineer, and we all sit around and talk about what's important — how that through road is going to affect the use of the site, and whether the stacking of cars would actually impede that road. But I don't believe DOT is going to be issuing a queuing permit as they do with other types of uses, like an Aroma Joe's or Dunkin' Donuts, where they say you've got to have a minimum of X number of cars in a stack before we'll permit this use. I'm not aware of any car wash that has a queuing permit associated with their TMP, and I've been doing this for a couple of years. On the municipal side, we will ensure that traffic flows through this site safely and that there is sufficient queuing for the cars they expect.

Melissa Young: Something for consideration, because it's a very awful intersection as it is even today: the left-hand turn into the facility. I know the sketch plan is currently showing right-in/right-out, but just because people are told not to do it doesn't mean they can't do it. That would be a really awful situation for someone coming northbound who really, really wants their car washed. People make choices, but it's a concern of increasing the traffic issues there.

Steve Puleo: Just to reemphasize — this area is going to be blocked off when North Windham Moves is completed. The only access for people to take a left in this general area is going to be the light at Shaw's Plaza and 302. Other than that, it's going to have a raised median, with maybe plantings in it, to fill up that left center turning lane that allows for a lot of crazy activity there — that's going to be gone. Certainly their permit, as they're probably approaching DOT with, will be this right-in, right-out only movement. And what you're going to find is probably a pretty obnoxious curb — what we call a pork chop curb island — in the middle. People, of course, are going to do what they can do, but I would imagine that's one heck of a left at peak hour — they'd have to cross three lanes: the turning lane, the two travel lanes, and then find a way into that entrance.

Evert Krikken: So there's no way for the applicant to work around the maximum building setback requirement? Can they go to the ZBA?

Steve Puleo: No, it cannot — the only reason it would go to the ZBA for a variance would be an issue not self-created. They're creating it.

Evert Krikken: I appreciate that. So I think this is one of those cases where our ordinance is going to create a less-than-ideal building design, where it would be much nicer if that front part was trees instead of a building. So whoever can do something about it — I'll make an appeal to the Town Council — whoever can change that for this project would be, I think, well advised to basically allow the building to be set back and allow something nicer to be done on the front. Because this is just like when we didn't have those multifamily standards and somebody built that really long, ugly building. We don't need more of that. I'll make that statement.

And then I have one other thing — when do the block standards come into play? I think this is the first time since I've been here that we're looking at these. Could you please make sure that in whatever the next submission is, that is very clearly explained? It's a little hard to parse in Section 410 — it talks about a maximum allowed perimeter and some other things, and then you use a ratio. I think we're going to need some help to work through that as a Planning Board to make sure we understand how it applies. And I've heard several times the term "access drive" for what is being proposed here. Is this in fact an access drive, or is it a street?

Steve Puleo: Technically it's an access drive, based on it being a site plan, but it will have to meet a street standard — the commercial street standard in C1.

Evert Krikken: Then, of the buildings we're looking at right now, which are the ones that are going to be torn down? The Pop's, the restaurant?

Frank Doherty: With our current proposal, the only thing that will go away is Pop's — the restaurant and the associated buildings attached to it. The white barn to the left may stay, may go away; we're not sure yet.

Evert Krikken: Will you create any additional connectivity for the current TD [Bank] lot?

Frank Doherty: We're looking at that. I think from a curb cut consolidation perspective — long-term planning — it would be helpful to have that connected to, for lack of a better word, our connector street, as we're calling it. That's part of our planning with the next phase; we want to see how we can accomplish that.

Marge Govoni: All right, I have a few. One is — I've heard multiple times about the impact on sewer, for all of the apartment buildings, et cetera, that we're putting in — being able to handle it. You're going to put a lot more water into that sewer than any of the apartment buildings or developments we've put together. So I'm definitely concerned about getting a letter from them saying this is not going to have an impact on that treatment plant, because I know there's a lot of consideration about that treatment plant becoming not enough at some point in time, and a lot of places we've already approved have not been built yet, so they're not putting anything into it. I just want to make sure that capacity is there, because this is a lot to go in there.

Steve Puleo: Remember that they'll be required to have an allocation letter from the water district.

Marge Govoni: I know that — I'm just reiterating it, because I hear it all the time. Every time we approve something it's, "you're going to fill that sewer up before it's even built."

The other thing is that access road that goes from 302 to the Shaw's driveway — that piece of property back there is not a public road. I would assume you're going to need some letter of permission from whoever owns it to be able to use it for access and egress. The other concern I have — I want to see something from somebody: we now have Shaw's Plaza that comes out there, your people would be adding to it, and the housing development behind it is also adding onto there. That's a lot of traffic on a street that is always in terrible, terrible shape — I know because we all use it to go into the stores there. So I need to see that somebody has responsibility for that street — the upkeep and maintenance — because it's full of potholes with the amount of traffic it's got now, not counting the additional that's going to go on there. And I don't know how we even figure out a traffic study between the housing project that's behind there and this — that is not that far from the light on the corner, and I know nobody's going to want to put a

light there because they're putting one down at Manchester Drive. So I'm concerned about that. I don't have an answer for it, but I do want to know what's going on with that road.

And your access street that goes right through — if we approve this and it goes through, I would like to see a gate on both ends that gets closed at the end of the business day, because everybody's going to use it. I'm not saying everybody's an unsavory character, but I don't think you want people on your property. It's an easy access place to go, a place for kids to hang out — they can all meet there in their cars. It'll take the place of Walmart's parking lot.

Steve Puleo: A couple of things to refine a little bit what you say, Chair. One — the traffic movement permit, in and of itself, will address all levels of service on the intersections, either through a mitigation process or some determination through that permitting, the TMP. The second thing — they don't have rights, the way I see it, to relocate the exit from their property onto the Shaw's drive the way they have proposed without getting authorization from Bridge 33 to do that, because it is a private drive, and the right of way and everything associated with it is private. So they would need to negotiate an agreement with Bridge 33 about access, relocation, curb cut, things of that nature — possibly even a sidewalk, I'm not sure. That certainly would be one of the things they would need to provide at their final, when they come back to us — whether they have the rights to do what they want to do. Probably associated with that, Bridge 33 would have them enter into some kind of maintenance agreement, relative to plowing and such, and it might have to be co-joined with Windham Village Apartments, because Village Apartments has that requirement under Bridge 33 to maintain and plow the pavement and sidewalks they're putting in with that development. And eventually we're going to repave—the trench fills you see right now; that's the sewer installation we did when we were putting in the conveyance line for the sewer. I'd have to look into exactly what the agreement is.

Marge Govoni: Can you make sure — there's a pothole right at the very entrance.

Steve Puleo: We should probably be taking care of that sooner rather than later. The intent of the repavement you see is the connection of the sewer line that goes through the village to the pump station and back out. Relative to this project — they already have two stubs for the sewer that already [front] their property; that was already factored into the development of this sewer collection. The sewer in and of itself is definitely something we're looking at very closely with PWD and our engineers, and we'll be working with them very closely through that process. At this time we feel that there is capacity in the sewer for this project and others, and we're looking to expand that capacity in different ways. When we come back at final, all of these questions will be answered clearly.

Steve Puleo: One last thing, about gating that access drive — that's going to be something we need to work with the fire department on, because they don't like gates. They want free access to buildings if there's an emergency — if something catches on fire and they have to get there and run through a gate with that very expensive fire truck.
Marge Govoni: Do you understand what I'm talking about? Part of that request is to protect your own property. I know they're not functioning at night, but things happen. So it's something for you to think about ahead of time.

Frank Doherty: With regard to sewer capacity, a couple of things — we'll make this part of our application. I've had probably now three conversations with the sewer authorities here in town, and there is capacity available. And there are a couple of reasons for that: the process you're all aware of is ongoing, but secondly, we recycle 60% of our water. It's

not my father's car wash, which just sprays the stuff and it all goes down the sewer. We operate 28 of these facilities throughout New England, so we have a process, and we do a lot of recycling. That, coupled with the available capacity, makes us comfortable making the investment to proceed with this project. But I do concur with your concern — we want a nice, firm letter.

Marge Govoni: The other thing is, because of where that site is — you're going to use the middle of it, basically, and it leaves a lot of open area. If it was grass, it's not bad, but to look and see just a lot of pavement... I'm hoping there's going to be some kind of landscaping, even if it's at the edge of it. I know it's land you want to use later, so you don't want to put much on it, but we don't want it to look like just a big, vast, open hot-top lot. There have to be some plantings somewhere in there — some small trees, something — so it just doesn't look like vast hot-top land.

Frank Doherty: What we would typically do is remove the pavement — because again, that's a good thing — and then put in erosion control, some winter rye, something that makes it not look like a golf course but makes it stable, and something that makes it inconvenient for people to hang out.

Evert Krikken: Is this a typical layout that you would use, or did you custom-design the traffic pattern to the dimensions you had to work with?

Frank Doherty: It is a bit atypical for us. We typically would have a building that is parallel to the road, and vacuums and circulation between the road and the building, with a fire lane in the back. Because of the geometry available to us and the zoning requirements — the proximity of the building to the road, coupled with TD Bank North and the gas station — we were squeezed in laterally in how much room we have. We ended up with this layout. As I look at it from an operational perspective, I think it's going to work quite well, with more than sufficient stacking.

Evert Krikken: The reason I'm asking — thinking about the land you're setting aside for future development, the two lots on the left of what you're doing right now — if you split those into multiple things, they would require curb cuts on Route 35 very close to the light, which is not ideal unless you work with some kind of internal access drive. And the relocation of the access onto, let's call it the Shaw's Road, for lack of a better name — is there anything you can do to squish it and move it over toward 35, so you could have the building right on 35, essentially lengthwise? And how many cars do you process per time period in the tunnel? Do you really need that much in terms of the approach? You have four lanes — that's a lot of car capacity.

Frank Doherty: It's like anything in life — you need it when you need it, and otherwise you don't. We think it's an appropriate amount of storage for what this market can bear, particularly in the spring, given our experience with our facilities in Maine. If there was more room between TD Bank North and the gas station, I think there'd be an opportunity for a conversation — we just don't have enough elbow room there, unfortunately. And honestly, with regard to the development of the other properties — we think it makes sense, but in the end, if the future site plan application doesn't meet the review standards, then it's not going to happen, and that's okay. That's life. Our purpose is not to develop those other lots; our business plan is to develop a properly functioning car wash.

Marge Govoni: Did you give any thought to putting it parallel to 35, running it that way?

Frank Doherty: Operationally, that would not be advantageous — pretty much because

you're off the main road. It's less main than the main.

Evert Krikken: Out of curiosity, how many cars per hour does this process in the tunnel?

Frank Doherty: Maximum, we probably have 125. That might be a little high — we're looking at really 90 seconds per wash, and then probably 3.5 minutes per car for those that want to vacuum; some come in and vacuum and not wash the car, some hang out longer. I wish it was more of a science than an art, but it's experience that gives us the guidelines.

Marge Govoni: If those cars are stacked as they come through — do you ever drive through one and get concerned about the car behind you? They're close.

Frank Doherty: We have 3 to 5 full-time employees, and part of them have their hand on the trigger just in case they see that, or people get nervous — we space them out, make them comfortable. It's not self-service; it's full-service with full-time attendants.

Steve Puleo: I just want to remind people — the public is watching — when we have site walks, we send out abutter notifications, and that's for property owners within 500 feet of the site, one week in advance at least of the site walk. That's the requirement, because we're having three or more Board members meeting at one time. So we might talk about a site walk here, but if you don't get a notice in the mail 7 days in advance when you were expecting it, then obviously we haven't scheduled a site walk. That's our process for scheduling site walks.

6. [PB 26-043](#)

25-12 Legacy Village Retirement Community - Major Subdivision & Site Plan - Sketch Plan Review - Webb Road - Robie Holdings, LLC

The application is to divide a 21.43-acre vacant parcel into two lots. Lot 1 (15.31 acres) is proposed to be developed as Legacy Village Retirement Community, a 30-unit detached dwelling retirement condominium served by a new private access drive (Legacy Drive, approximately 1,100 feet), a public 8-inch water main extension along Webb Road, and a shared on-site engineered wastewater disposal system. Subject property is identified as Tax Map: 6; Lot: 33-F; Zone: Farm (F) and Retirement Community Care Facility Overlay (RCCFO) in the Black Brook/Presumpscot River watershed.

Attachments: [25-12 WebbRd PB MEMO MJR SUB SP SKP 071326](#)
[25-09 MJR SUB PRLM AC&SR MEMO WebbRd 062526.pdf](#)
[25-12 MJR SUB SP PRLM APP WebbRdRetirement LegacyVill 05-19-202619-2026.pdf](#)
[25-12 MJR SUB SP PRLM PLAN WebbRdRetirement LegacyVill 05-19-2026.pdf](#)

Dustin Roma: Good evening — Dustin Roma with DM Roma Consulting Engineers, representing Roby Holdings for this project. To give the Board a quick overview of where we've been. We first brought this project to the Planning Board about 15 months ago as an initial sketch plan. At the time, the project consisted of a loop road configuration, with a proposed roadway very similar to the alignment shown on this current plan, but it continued along and then looped back down and connected back into Webb Road, southerly of this entrance we're showing now. We had a site walk in, I believe, July of '25,

where we walked that road alignment, looked at some of the building sites, stormwater areas, the place where the septic was going to go — we walked the whole upper area and then looked at the sight distance at both of the proposed roadway entrance locations. Following that meeting, we went back and started working on the detailed engineering of that project, and came into quite a few grade challenges to make that roadway alignment work to connect back into Webb Road. We worked with staff on some of those, talked about different options, and in the end we were really not ending up with good suitable building sites that would work with that road alignment. So we started looking at alternatives. We briefly came back to the Planning Board and discussed, at a sketch plan level, doing an initial smaller project on the lower portion of the site, which would have been a small — I believe 4-lot — clustered subdivision in the area where we're now proposing the single country estate lot. We had a very quick conversation with the Planning Board about that and decided not to pursue it any further.

Since then, working with staff and looking at the ordinances in place, helped form and shape the project into this proposal in front of you now. We've got 30 individual detached dwelling units on the retirement community parcel, on just over 1,000 feet of access driveway. We're still doing the approximately 1,000 feet of water main extension down Webb Road to bring the water main to the entrance of this access drive; we'll be installing a hydrant at the end of that main extension. Then we've got two water services going into the project: one will provide domestic water service to the dwelling units, and the second will be a dedicated fire line service, which would install another fire hydrant about halfway down the roadway where we've got the common shared parking lot area. We had a staff meeting, and the fire department reviewed that proposal and felt that level of fire protection was appropriate for the scale of development.

We also discussed the proposed country subdivision lot we're creating on the south portion of the site, and our requested waiver to have that one individual lot remain on private water service — an on-site well — with the understanding that the dwelling built on that lot would be located within 1,000 feet of the hydrant being installed at the water main extension. Really the only provision being considered with that waiver request is whether that single home needs to have a water service — drinking Portland Water District water — as opposed to having a well. In this circumstance, the septic system for this development is located all the way to the west of the property; we're really not introducing any new wastewater or other contaminants that might cause any concern with the density of development at this scale. The fire department supported the waiver request for the modified water main extension. So that's something hopefully we can discuss tonight. In a similar context, we requested a waiver for the presentation of a hydrogeologic analysis. That is due to the one sole septic system being built for the multifamily development including advanced treatment units, which reduce the nitrate concentrations to the safe drinking water standard before the water enters the field. So there would not be a need to study that one leach field or predict that 10 milligram-per-liter nitrate plume, because it's already contained within the leach field itself. Really the only other septic system being built on this project is the one for the single-family house, and it's on a large 6-acre lot — the property downgradient of it is just a very wide CMP transmission/distribution corridor — so really nothing around there that would potentially be harmed by any sort of septic system placement. We went through that justification, and I believe we have staff support for that waiver request in the memo, but again, we'd like to get your feedback on that at the sketch plan phase tonight. We have submitted our engineered septic system application to the state for review and approval through the Department of Health and Human Services.

As part of this application, you'll note the detail level in the plans, as well as some of the comments in the memo, are elevated fairly close to a preliminary plan stage. But due to

the fact that it has been so long since we've been in front of you, we felt it was appropriate to come back first as a sketch plan, as opposed to trying to work through all the preliminary plan components at this time. We have been continuing to go through those — the town's engineering consultant has reviewed the stormwater system design and provided very few comments, which we're going to be addressing in a resubmission. We're happy to see that we're essentially through the stormwater delegated review as far as that engineering consultant is concerned, so the next plan we submit we feel will completely meet the standards they're reviewing under.

There's some commentary in the memo regarding the vehicle traffic generated by the project. There are two criteria that would trigger the need to perform a traffic analysis — the number of parking spaces or the amount of traffic generated. In this case, just due to the fact that we're providing two parking spaces for each of these units, plus additional parking spaces, we have enough parking spaces that we do enter that threshold of what would require a traffic study. I did not specifically request a waiver from a traffic analysis in this sketch plan application, but I think it would be good to have that conversation tonight — whether the Planning Board would like to see us do more analysis than what we've submitted with this application, which dealt with sight distance and trip generation; really, that was the limit of what we looked at, the safety parameters. The only intersections nearby would be the unsignalized intersection at Webb Road and 202 — 202 is obviously the through route, Webb Road is a stop-sign condition — and, much further away in the opposite direction, where Montgomery and Webb Road intersect with Chute Road. We didn't identify any further analysis that felt like it would need a level-of-service type study or traffic counts for the amount of traffic generated by a project of this size. But if the Board feels differently, we should probably talk about that tonight, just to make sure we're complete when we come back to you — we can certainly do that study if the Board feels it needs that information.

Other than that, I won't get into all the details of the design itself — we're at a sketch plan stage, so we're not looking for decisions from the Board tonight, more guidance. We'll certainly work through the comments presented in the memo so the resubmission of plans addresses those. If there's anything you saw in the memo that you wanted to talk about tonight or provide additional guidance on, I would love to hear those comments — and certainly your opinions on the likelihood of those waivers being granted, so we can have confidence moving into the next stage. With that, I'll turn it back over to you and answer any questions.

Natalie Thomsen: It's in the Farm zone and the Retirement Community Care Facility overlay. It has been to you before in a couple of different settings; it's back today as a sketch plan because it has substantially changed. Tonight we'll look at the revised sketch plan, discuss the waivers, determine the public hearing, and then determine whether an additional site walk is warranted or not. Again, sketch plans are for informational purposes only — no approvals or denials.

The revised project you saw before was a 53-unit conservation subdivision design on the lot. Now you're seeing a 30-unit detached retirement community condominium on Lot 1, and a second country subdivision lot for future single-family use. The plans show a 50-foot vegetated perimeter buffer and a 75-foot structure setback around the retirement community. As the applicant stated, they're looking to extend water along Webb Road to Legacy Drive, and they're asking for a waiver to put a private well on Lot 2 to serve just a single-family home. They're putting in a shared wastewater system and asking for a waiver on the hydrogeological assessment. They're proposing underground utilities. There are three underdrained stormwater filter basins treating over 98% of the impervious area, and they're going through the delegated review process with the town.

I noted some of the development review team comments: there was a comment about maybe extending Legacy Drive an additional 10 to 15 feet beyond the hammerhead for snow storage or emergency vehicle access; a street light at the Legacy/Webb Road intersection; a no-parking sign at the hammerhead. They'll need to demonstrate compliance with the multifamily development open space standards, and there might have been a conversation at a past meeting, for one of the other designs, about a shared gathering amenity for the retirement community. The buffer strip standards along Webb Road adjacent to the common parking and the mailbox area. There are some questions about whether these are going to be full basements or slab-on-grade foundations — that's something the applicant will address in their preliminary application. Identify the springs at the rear of the property on the plans and demonstrate that disturbance near them will be avoided. Show on the plans where the dwelling is on Reed Road, because it's right next to the property. For stormwater, the third-party delegated review — they've already received their comments and will respond to them. And they'll need to get permits from Public Works for the street opening.

For waiver requests: they have asked for a waiver on the hydrogeological assessment — that is a waiver actually granted by the Director of Planning, and it is anticipated to be granted at the preliminary stage when it's appropriate. The public water connection requirement is a Planning Board determination for that second lot and single-family home. At the DRT meeting it was discussed, and the Deputy Fire Chief was in support of the single-family home having a well system, under the condition that if any additional dwellings or development were to happen on Lot 2, it would have to come back to the Planning Board for a plan amendment and reevaluation of the main extension.

You don't act on waivers at this point. We'll determine tonight about a public hearing, whether you want another site walk, and then conditions of approval — the standard ones, wanting to see the homeowners' association documentation, and the last one is about Lot 2, making sure that if anything additional is to be developed there in the future, they have to come back to the Planning Board.

Steve Puleo: I just want to add a couple of things regarding DRT. As I was looking through our RCCFO standards regarding basements — those are only applicable in the C1, C2, and C3 districts. This is in the Farm district. The way I read this, a basement is not an option for these dwelling units in the Farm district.

Marge Govoni: What do you mean, it's not an option — they have to have it, or they can't?

Steve Puleo: A full basement is not permitted in the Farm district under the RCCFO — it's only allowed in the Commercial 1, Commercial 2, and Commercial 3 districts. "Standards applicable where the underlying zoning district is C1, C2, C3: ... dwelling units approved under the overlay district shall be permitted to have a basement or a first floor story..." — in those three districts only.

Marge Govoni: So they can't have a full basement?

Steve Puleo: That's what the ordinance says, yes. It's only allowed in the three districts I mentioned. I didn't write the ordinance — I'm just reporting out.

Steve Puleo: We'll work through that. It's Section 120-420, Section 3.E.3 — standards applicable where the underlying zoning districts are the Commercial 1, 2, and 3 districts. It's section B.

Dustin Roma: Okay, we'll straighten that up. Thank you — I appreciate that.

Marge Govoni: We probably should do a site walk, only because it has changed.

Dustin Roma: It's pretty open. Really, up until the shared common parking lot area, it's all a field. And then the tree line starts right where that shared parking area is, and then it basically follows the ridge line.

Marge Govoni: So we can do this before a meeting — it doesn't have to be this [next] meeting, but before a meeting. And of course we won't have public comment until after we do the site walk, usually.

Dustin Roma: Do you want me to mark out every building?

Marge Govoni: Most certainly. Emily, do you have anything?

Emily Legere: I don't have any questions about this one.

Leo Gerrior: One — I don't know if you had it, Natalie, in your notes, and I just want some clarification. There was a note from the review team about the common space, and whether that standard would apply here — I don't know the standard, so I'm asking the broad question. Maybe this is a Steve question: does it apply, should we be considering it, what is it?

Natalie Thomsen: The multifamily standards apply to this project, and one of the requirements is an open space or community recreational requirement. So they will have to address that in their final application. Right now the plan doesn't have it, but they're going to have to put it in. How they choose to do that is up to them. What was brought up at the DRT meeting — and it sounds like maybe it was a comment from a previous meeting — was maybe a shared rec building of some sort, but the applicant ultimately gets to decide, with conversations with the Planning Board.

Melissa Young: There was a question raised about the likelihood of approving a waiver for the traffic study. In the notes from staff, it says field verification of the stated sight distances by the Town Engineer remains outstanding and shall be completed during preliminary plan review. I'd be hesitant to make any comment until we get a staff opinion on what they feel is appropriate for this review. That's my take.

Dustin Roma: I just don't want to be incomplete when we come back next time, if the feeling is you want more information.

Kathleen Brown: What are the provisions for trash?

Dustin Roma: This would be individual curbside — they'd be part of the trash collection system. All these units have garages, and they'll have individual totes, just like a single-family residential neighborhood would. And then we provide an easement — basically an agreement with the town — that would allow the trash trucks to come down Legacy Drive and pick them up in front of the units.

Kathleen Brown: And lighting along the street?

Dustin Roma: We're going to propose lighting at the entrance — that was the request. We've got a mailbox and a pull-off area right at the entrance. That'll be a structure — a building; we're actually going to have some utilities in there as well for the water system that are required to be installed above ground in a heated building. We're going to

incorporate the mailbox into that as well. We'll install some lighting — either a pole-mounted light, or we might even be able to install one on the building there, but it would have to be one that shines down; we're going to investigate those options. We'll be able to pull power right off that building, which will be heated anyway, to do a light right at the entrance. Other than that, the closeness of all these buildings provides good light out front, just from porch lights and lights over the garages. Any additional pole-mounted lighting through there would just be an added cost in the neighborhood that they'd prefer not to have.

Kathleen Brown: The last thing I'll mention — we talked about this at the last meeting, and maybe that's why Natalie brought it up again. The retirement community overlay district seems, from my reading, pretty vague about what makes it a retirement community. I'm just hoping that as you come up with an open space plan or recreational facilities, you keep in mind that this is in the retirement overlay district, and perhaps we should plan for that type of resident.

Evert Krikken: The entrance to the new drive — is that across from an existing driveway?

Dustin Roma: I believe so — there's a single-family driveway in proximity to that. It might be a little bit up the hill, but it's fairly close.

Evert Krikken: I know public safety wants lights at all of these new access drives, but I think a lot of the neighbors would appreciate not having additional lighting and maintaining the darkness — dark skies are a big deal. So I think we should look at that as you come forward with plans, and hopefully get some public input on that.

For the waiver for traffic study — if you are going to request a waiver, please include what it would cost to do the additional studying that needs to be done. Very often this is a Section 900 waiver, so technically the hardship requirement doesn't apply, but we often hear things like "it's economically infeasible," "it's expensive," and without numbers it's really hard to assess whether that's true or not. There's a big difference if it's a couple thousand versus, say, \$50,000 in extra traffic study cost. If it's a marginal amount, then address it as much as you can, and then we don't have to waive.

Dustin Roma: The way I try to look at these things — and I try not to do it with the dollar figure in mind — is: is there information that would be beneficial for the Board to have so that you can make an informed decision? From my experience doing these projects — is there a problem we're trying to identify a solution to? That's the reason you do a study, to make sure things are okay. In this case, looking at the amount of traffic here, I could not identify something that the study would try to answer. The information we provided would basically be what would be contained in the study — it would just come on a traffic engineer's letterhead.

Evert Krikken: That's fair enough. And this is a more general comment — you also have a waiver for the extension of the water main, where you use the term "cost prohibitive." We would need to know the cost of the additional 600 feet in order to make an educated decision on that.

But I actually have a question about that. Remind me — any of the times you were here before, did you propose individual lots?

Dustin Roma: When we had the clustered subdivision proposal — which was basically designing a 4-lot clustered subdivision on the lower lot, the Lot 2 area, and saying we were going to come back later and do what we're now proposing for Lot 1 — those did have individual lots on the clustered portion. In that circumstance, what the fire

department said was: if this is the endgame, let's bring the water down — we've got multiple homes down here.

Evert Krikken: Here's the reason I'm asking. The fire department gets to decide whatever they want. But I'm reading 911.B.1, which is what you're requesting the waiver from, and it says a subdivision shall connect to a public water system if the closest water main is within a distance equal to 100 feet multiplied by the number of lots in the subdivision. Not the number of dwellings — the number of lots. You've got 2 lots here; that's 200 feet. The main is, what, 1,000 feet away —

Dustin Roma: The building is 1,000 feet; it'd be 1,600 to the main.

Evert Krikken: Right. So my point being — the fire chief wants you to bring the water main down to the subdivision, that's fine, we're not going to argue with him about that. But I don't think you need a waiver to 911.B.1 for that second [lot], because there are only 2 lots.

Steve Puleo: I agree with you, Mr. Krikken. The way the fire chief stated it at the development review team meeting was that he is perfectly fine if that country subdivision lot has a single-family house only and they can provide water from the site. But if it's going to be multiple dwellings, then he wants that residential density to be met — which would be 13 units if it was just the Farm district. Thirteen dwelling units — that would be 100 times 13, which would be 1,300 feet, which would bring that line down. So what I'm proposing to do is have a condition of approval that would say: if that country subdivision lot is divided into multiple dwelling units, then a water line needs to be extended down to provide fire protection for those multiple lots. Not on a single-family lot — just if there are multiple.

Evert Krikken: It will come back in front of us anyway, right?

Steve Puleo: Yeah. So anyway, you don't need a waiver.

Evert Krikken: Right. That's good — makes it easier.

Marge Govoni: On that same topic — I have to ask this: why do we have Lot 2 in front of us? There's a single-family house that's going to go on there; they're going to go get a permit to build on a lot. Why is it part of this?

Steve Puleo: Theoretically, this approval would make three conveyances out, and he's meeting the country subdivision requirements for those three lots. There was a portion of the land along Reed Road that was conveyed out prior to the site walk we had when we were talking about the 54 units, or 58 units, or whatever it was. This configuration took the remaining land and divided it again — one for the retirement community, and the last is for that single family. So technically, this is a 3-lot country subdivision. That's why it's here — because of the conveyances.

Marge Govoni: I have a question, though. This property looks like it has 60 feet of frontage on Reed Road, is that correct?

Dustin Roma: Yeah, there's a narrow strip. I thought I read 60 feet — it's 50 or 60 or something.

Marge Govoni: Are there any plans for there? That's part of Lot 1, right?

Dustin Roma: That's part of Lot 1, and we never really contemplated doing any design

that would go down Reed Road. If you remember from the site [walk], Reed Road is a very rural gravel road. Sending any traffic from our subdivision down Reed Road — even though it's a town road, it's not something we wanted to introduce more traffic onto. So we just stayed away from it.

Marge Govoni: The other thing — and we had a conversation earlier about the retirement communities — when you have the condo agreements for retirement communities, there is, I think, a stipulation: retirement communities are 55-plus?

Dustin Roma: Housing for older persons — it's established under U.S. Code 42, Section 3601. Under HUD rules, older persons are 55-plus.

Marge Govoni : So that would be in the condo regulations, right? That if somebody was to sell their unit, they would have to sell it to somebody that was 55-plus?

Dustin Roma: Yeah, there's a compliance requirement for the condo as a whole, and every unit owner has to also comply. And the town ordinance talks about annual reporting and such — I don't know if it happens or not, but it's a requirement; the code office gets an annual report.

Marge Govoni: The other — are you putting a sidewalk in there? Because they are older people.

Dustin Roma: Yeah, we put the sidewalk on the south side of the road, so it's opposite that little parking lot area and wouldn't be interrupted by the parking lot. It's a continuous sidewalk from one end of the project all the way back to Webb Road. We did talk in the development team meeting — just because it was brought up under the previous plan — about potentially doing a sidewalk down a portion of Webb Road. During the plan where we had started the engineering of the loop road, we had contemplated a path that went off the side of the road and came back in. But the amount of drainage that comes down that road — there's a paved ditch down through there, and I think we all saw it on the site walk — we'd need to leave that intact for any sidewalk. Originally we had designed something that was a marginal sidewalk — it wasn't great, it was fairly steep, but it potentially could have worked and would have connected the upper road to the lower road. Since we've eliminated the lower road, there's really nothing that people would be walking to, so we're not proposing that sidewalk anymore.

Marge Govoni: Now, the other thing — and I know I've had a concern about a street light there. I think it's important to have a street light there, but some people have put in a low-volume [light] — I think Vintage Drive has one at the end; it's more like a wrought iron, traditional pole light, so they're lower. Because it's really dark — I have a street light on a pole at my crossing and a lot of times I have to look for my street. And it's pretty dark along there too. So if you could consider something that's low-voltage or something lower.

Dustin Roma: And we definitely want to have one at the mailbox area too, because people will walk down to get their mail in the wintertime and it's pitch black at 4:30. We definitely want lighting at least attached to the building there that lights up that whole mailbox area. If you drive by, you'll see this lighted area at the entrance — it'll be kind of a beacon to tell you you're entering. That's how we left it with staff too — if there's a specific town policy, whatever it requires, we'll do, but our preference would be some illumination there, maybe not a big pole-mounted light, but something right on that building that lights that area up and casts some additional lighting around it, so somebody's not driving down the road in the pitch black missing the entrance.

Marge Govoni: And I'm not sure how they do the snow removal?

Dustin Roma: It's all privately managed, just like a residential neighborhood — they plow the roads and it's privately done. Because it's a 55-plus community, they generally want the plow contractor to also do snow blowing and shoveling walkways — a more comprehensive service. Your typical private road.

Melissa Young: Speaking of the road — can you drag to the end of the road? In either the memo or your proposal, it talks about extending the end of the road 10 to 15 feet [beyond] the hammerhead turnaround. The garbage truck conversation got me thinking — I don't know how you're getting a garbage truck to turn around at the end of the street. I see that hammerhead, and I understand there are more houses to the left of it that they have to pick up trash from, and I'm assuming that's probably where snow removal would go — and hammerheads, I think you're supposed to be keeping those for the emergency vehicles. So can you consider extending that to allow for a proper turnaround?

Dustin Roma: It was just a comment at the DRT meeting. My understanding of the comment was that at the very last unit, there's just not a lot of space off the end, so if we could give another 10 or 15 feet continuing the end of the road, then when they do plow, they can push right off the end of the pavement, well beyond that driveway, so that person doesn't have difficulty coming out. In regards to the trash — I think it would be a situation where they would probably cluster the trash cans, so maybe the last couple of units would just drag them down to the next house and leave them there.

Melissa Young: Remember these are elderly persons — we don't want to make assumptions. And consider the strategy, because at some point that trash truck has to turn around anyway, and because everything's automated now, they can't pick up on both sides. I live on Gunpowder Mill Road, and we've got two homes that are beyond the hammerhead, and those homeowners don't love it, but they leave their trash [at the hammerhead], and the truck backs up and goes back out.

Dustin Roma: The 10 to 15 feet made a lot of sense to me, just because of that last unit.

Evert Krikken: I just remembered — the six parking spaces they have are pretty close to the property line of, I think, the Nelsons. It doesn't look like there's a lot of current vegetation right there between the two properties, so I can imagine when people come in there when it's darker, lights on, it shines right into the property — especially along that corner. The more strict you're going to be about a good buffering plan, the better.

Dustin Roma: We do have some plantings there — some evergreen trees — just because those headlights are going to be coming straight into that structure on the adjacent lot. It's like a barn/garage.

Evert Krikken: Maybe a little bit more planting. And when we do the site walk, can you pin those two parking lot corners, so we have a better idea how far away it is?

Dustin Roma: Sure.

Marge Govoni: Anybody else? We're good. All right, very good — thank you.

7. [PB 26-040](#)

#26-13 Chapter 120 Land Use Ordinance Amendments Articles 4 and 9 to update Conservation Subdivision and Zoning Standards

The LUO amendment updates Conservation Subdivision standards in §120-911K by removing single-family-only limitations, clarifying conservation area integration and buffer requirements, revising open space calculations, and allowing limited resource alteration where conservation intent is maintained. Related Article 4 changes correct prior density omissions in the Farm (F) and Farm Residential (FR) districts and require conservation subdivisions for parcels greater than 8 acres and 5 acres, respectively.

Attachments: [26-13 PB Memo AMD Art4&9ConservationSubdivision \(sjp063026\).pdf](#)
[26-13 ORG-RDLN-C LUO AMD Art4&9ConservationSubdivision \(sjp063026\).pdf](#)

Steve Puleo: These are land use amendments for the conservation subdivision that help us get more in line with the concerns the Planning Board has faced regarding the open space calculations and things of that nature, as well as cleaning up some of the issues we didn't fully implement regarding LD 2003 three years ago, which eliminated single-family housing zoning as an exclusion. We're cleaning that up by removing that particular statement, clarifying the conservation area and buffer requirements. We want to be more specific on the buffer requirements that allow for certain uses in the buffer zone area — especially the buffer from the public road into the subdivision, that first 100 feet, which in some cases is used for stormwater purposes. We want to make sure the applicant is reestablishing the buffer that's taken away by using some kind of facility in that open space. Then the open space standards — changing how we define primary and secondary conservation areas. Also correcting some omissions in the Farm Residential [district] relative to density — increasing some of the densities for country subdivisions. Also establishing a minimum area that would require a conservation subdivision, allowing developers to not have to meet the conservation subdivision [standards] for smaller parcels. And finally, changing some definitions — which wasn't part of this workshop discussion, as I talked with the attorney subsequent to providing this information to you, regarding some of his concerns about the amendments.

The purpose — I emphasize the amendments are not intended to stop residential growth, but to guide growth and development to the most suitable portions of the parcel, protecting the portions of the site that have conservation values. The amendments support preserving the rural character, agricultural land, natural resources and habitat, and connecting open spaces within the parcel and adjacent parcels. It also makes the review process more predictable by setting clear standards for the applicant and clear decision points for the Planning Board.

Before the Article 4 updates — we'll have Article 3 updates, which is what the attorney and I discussed. He found it difficult to understand what a country subdivision was, and the difference between a country subdivision and a conservation subdivision. The suggestion is that we add "country subdivision" as a defined term in Article 3, which we don't have — we have conservation, but not country subdivision. It's buried within 120-911.K — Section 7 actually gives us performance standards for a country subdivision, but it's very buried in there.

In Article 4, in the district standards — the dimensional standards under Section E — we are changing our country subdivision density standard from 250,000 square feet per unit to 200,000 square feet. It's a little better for us math-wise: 250 goes about halfway between 5 and 6 acres; 200,000 is pretty much a straight 5-acre parcel. We're also

adding a section in the district standards where conservation subdivisions in the Farm district will start at 8 or more acres — so somebody can choose to do a traditional subdivision, not a country subdivision but a regular subdivision, for lots of less than 8 acres in size, with an 80,000 square foot minimum lot size and 200 feet of road frontage. Similarly, we're adjusting the Farm Residential district country subdivision densities to 200,000 square feet, to be consistent with Farm, and [requiring] Farm Residential conservation subdivisions for lots that are 5 acres or more. It doesn't prohibit anybody from doing a conservation subdivision, but for those smaller — say a 4.99 acre — parcels... We bumped up against this a little when we were looking at the Webber subdivision not too long ago; some of the new Planning Board members were part of that sketch plan review. That was a very small one, somewhere right around 8 acres, and it was just on the edge of being a reasonable conservation subdivision. And possibly — we're still looking at the [question] Mr. Krikken brought up relative to the road right of way and the utility right of way that covers that parcel — if you deduct that utility right of way from the parcel itself, it would be sub-8 acres in the Farm district, where they could come in with a traditional [subdivision] — maybe not 5 lots because of the cluster situation, but maybe 3 or 4 lots of 80,000 square foot minimum lot size. Bigger parcels, but applied to a small overall land area. That's what we're trying to get at with a minimum standard for conservation subdivisions of 8 acres for Farm and 5 acres for Farm Residential.

The core updates for 911.K: again, we remove the single-family term — that makes exclusionary zoning illegal here in the State of Maine — so we can allow up to duplexes in conservation subdivisions, if the density works out and the minimum lot size is appropriately adjusted for the two units on that property. It also gives clarification regarding the primary and secondary conservation areas. We want to provide clear delineation between the primary and secondary conservation areas as part of the open space design — have applicants work on protecting those natural resources and the open space, not incorporating them as part of the lots, but separating them from the lots, to be more consistent with the purpose of having the open space as part of the conservation subdivision.

Moreover, under that proposal, we're suggesting we reduce the setback from the primary conservation area by 25% — from 100 feet down to 75 feet — allowing the developer to not have to set their buildings so far back from that primary conservation area. Seventy-five feet is consistent with the state standard of 75 feet from the upland edge of a wetland, the area that doesn't need any kind of permit issued under NRPA — we're suggesting that becomes a no-impact zone. If you remember the Frost Lane subdivision, where there was a lot of primary conservation [area] and the applicant was making requests to reduce their setbacks from primary conservation areas from around 75 to 71 or so feet — you remember that site walk — they were trying to become more in line with [the resource]. We would also suggest we reduce the secondary conservation area setback of 50 feet by 25%, down to 37.5 feet — 12.5 feet less than the 50 feet — again allowing the developer a little more flexibility.

In those cases, we've defined in this ordinance a little more understanding of what the secondary resources are. Those aren't the wetlands that are contiguous or adjacent to a stream — those are primary wetlands. Secondary wetlands might be fragmented, separated from other wetland complexes — little holes here and there that don't add a lot of significance by protecting them. We get more significance protecting the larger wetlands and stream complexes than these isolated little wetlands that might be a couple hundred feet here and there. Now, if somebody is building on a lot that has a wetland defined in our studies as a secondary resource, and they want to build within 37.5 feet of the upland edge of that wetland, that would require the applicant to also provide us a NRPA — Natural Resources Protection Act — permit, which would allow development

between 25 feet and 75 feet of the upland edge under the state statute. But we would hold firm at 37.5. This will help us eliminate some of the misalignments when people put their homes on these lots — the setbacks from the resources are sometimes difficult to pick up when they go through the building permit process, and that's one of the reasons we talk about having the applicant pin these resources in the field as a condition of approval, to make sure they're protecting these resources.

The buffer yard changes under 511 clean up some of the vague language on the buffer standards. Buildings remain subject to setbacks from the existing public and private streets on the external perimeter of the conservation subdivision — that's still maintained. But the intent is to preserve the rural roadside characteristics and reduce visual impacts, and require the applicant to replant the remaining areas of those 100-foot setbacks if they're used for other things like stormwater BMPs. So it wouldn't just be removal of the trees to put in the stormwater feature — which is permitted in the setback along the road — they would also have to rebuffer that area to reduce the visual impact of the development, as the intent of the ordinance outlines. We want to clarify the wetland treatment in the primary and secondary conservation areas, and the alteration would be very specific for improvements including stormwater management, crossings, utilities, necessary water access structures — if it's in a shoreland zoning district, or there's a river or a stream, we would allow people to put a trail in to go down and have some open recreational areas. Before the alteration takes place, we want the applicant to provide better design of the conservation areas — to fit with the topography, minimizing the impact, and using acceptable best management practices for stormwater treatment.

On the open space calculations: the amendment now excludes the acreage of the public and private rights of way — the road itself — from the open space calculation, reducing the double count we're facing: not only doing the net residential density and taking the road right of way out of there, reducing the amount of residential units that can be built, but also double-counting that space in the required open space. As you recall, that tends to be a waiver requested by applicants. To eliminate that waiver request and reduce the right-of-way counting, we're suggesting we remove that language. And on the deductions — what we're saying is that at least 50% of the parcel has to be open space in the Farm district. As we've learned over the years, when developers meet the standards correctly under the current calculation, sometimes close to 60% of the entire parcel remains in open space. This will reduce it down to no less than 50% of the entire parcel under Farm, no less than 45% under Farm Residential — and in other zoning districts where you have a choice — Limited Residential, Medium Residential, and Village Residential — you have an option as well; in those districts at least 40% of the overall site will remain open. These percentages are intended to keep the strongest open space expectations for the rural districts while still allowing conservation subdivision design in other districts — we're hoping to get other districts to apply this.

Limited alteration of the resources goes back to the types of things allowed within the open space — crossings, culverts, utilities, docks, boat ramps, other structures needing direct access to water bodies. The Board's findings will safeguard the design, minimize the impacts, incorporate best management practices, and continue to serve the conservation subdivision purposes. All proposed stream crossings would use smart stream crossing principles — it wouldn't just be a culvert; we want to maintain the best stream crossing principles we can.

And finally — we're doing the amendment under 1207, miscellaneous provisions; these zoning amendments have to be consistent with our comprehensive plan. I'm proposing we have a public hearing July 27th — this is just a workshop to introduce you to these amendments — and then hopefully we can have Council action scheduled for August

11th. I included a potential motion that will have to be modified to include the Article 3 definitions. With that, I'll take any questions that I can bring back to our attorney to tighten the language.

Marge Govoni: What is "limited resource alteration"?

Steve Puleo: The limited resource alteration would be looking at the design that would take place in the open space — things like stormwater management facilities, road crossings of the open space, culverts, utilities.

Marge Govoni: What do they get to do that's different than what they do now?

Steve Puleo: The design will have to meet the purpose and intent of the conservation subdivision. If there are resources there we're trying to protect, and they need to alter them for stormwater management purposes, we're going to want to make sure they're minimizing, to the greatest extent they can, any of those changes to the resources.

Marge Govoni: So this is something that basically would have been done before that project comes to us?

Steve Puleo: We would certainly be working with them to minimize it.

Emily Legere: I have concerns about why we're changing the setbacks from 100 to 75 feet. My concern being — the more of these that I read, it seems like we have a lot of watersheds that are at risk. Do we have an idea of what that impact is — how many sites this would potentially expand for use?

Steve Puleo: The thought behind reducing it from 100 to 75 feet is to mirror what the state's requirements are under NRPA. We go beyond that and to that extent it pushes these designs to the point where — like what we've seen with, say, Frost Lane — they're asking the Planning Board, because it's just a general requirement, to reduce that 100 feet. At 75 feet, we would hold firm at 75 feet and not allow them to have that waiver — that general setback they're asking the Planning Board to provide relief from so they can place their housing. It would be very specific: 75 feet. Frost Lane asked for 100- and 50-foot setbacks, so it would still not be enough.

Steve Puleo: In some cases it would shift things around a little to allow them to have only 75 feet on some lots, and that would give them a little more room to work with — but that's all the room they would have to work with. It wouldn't be this general setback as approved by the Planning Board. It would be prescriptive.

Emily Legere: And why did we have tighter restrictions to begin with?

Steve Puleo: It's not really a tighter restriction — it's a general setback, and I'm not sure why they chose 100 feet instead of 75. It seems to me it would be more consistent to use the state standards, 75 feet, and be working in the same language as the DEP in how they review these types of impacts to the resources — instead of something that's sort of flexible where the Planning Board has to consider a concession. This way, here's 75 feet, that's all you've got to work with — more rigorous, prescriptive language that holds the applicant to that number, instead of having them come in with "we'll have 72 over here, 50 feet over here."

Marge Govoni: So it's non-waiverable?

Steve Puleo: It's not a waiver, no — it would be a prescriptive thing.

Kathleen Brown: Is that true for the building envelopes too? Because the word "generally" is still in that section, if I'm reading it correctly — "location of building sites." That whole section seems sort of vague to me: "potential building sites shall tentatively be located taking into consideration..." and then it says the envelope shall be "generally" located at least 75 feet. That whole section feels like it could be a little tighter.

Steve Puleo: I agree — I'm making that tighter.

Melissa Young: If we're dropping a hard line on the wetlands, are we dropping a hard line on the open space — the 50%, whatever the percentages you put up there?

Steve Puleo: It would be no less than 50%.

Melissa Young: I'm saying No waivers. Since it's dropped about 10%.

Steve Puleo: Yeah, you wouldn't have to consider a waiver.

Emily Leger: How do document when waivers aren't allowed?

Evert Krikken: Waivers are allowed. Steve is not saying it's an unwaivable part of the ordinance.

Melissa Young: He did say that to the wetland. They can't have a waiver, period. But are waivers allowed?

Steve is now saying it's a non-waiverable part of the ordinance. My ask is, are we going the same way with the open space, since we just dropped it about 10%?

Evert Krikken: We would need to make that explicit.

Melissa Young: We took away the biggest complaint, so I think we need to put that waiver to bed.

Emily Legere: The worry is it keeps creeping — we've already backed it up, and then people will want to ask for more.

Leo Gerrior: Is the open space change the same reasoning, because it puts it in line with the State?

Melissa Young: There was a constant back-and-forth about the double count of the access ways and how it unfairly penalized the owners — they couldn't maximize their density because it conflicted. So now we've eliminated that concern. It sounds like the intent is to eliminate that complaint. So my hope is that we no longer need the ability to waive that requirement.

Leo Gerrior: I would agree with that. I'll make sure we have language in there.

Steve Puleo: I'll make sure we add language in there.

Emily Legere: Is it possible to see some examples of these calculations, and how they now align with the original estimated number of buildings or structures that could be added to sites? Because before, they didn't align — and that was the problem. Someone that likes math would like to see that these actually do align, and that we don't continue with issues after making a change. Will we get a workshop on this?

Marge Govoni: This is the workshop. We'll get it back again once it's massaged, and there's a public hearing — that's when the public gets to talk, and we also get to discuss it. And then it goes to the Council.

Evert Krikken: Just for consideration between now and when we talk about it at the public hearing — correct me if I'm wrong, but right now, any subdivision in the Farm district has to be a conservation subdivision?

Steve Puleo: That's correct.

Evert Krikken: And any subdivision in the Farm Residential district has to be either conservation or country. So under the proposal, if I've got an 8-acre lot in the Farm district, I can decide — assuming I have enough road frontage — to build a standard subdivision with 4 lots, because the minimum lot size is 80,000 square feet. And I can wipe out essentially everything that is there, maybe except for the buffer. I need no conservation area whatsoever — I can clear-cut everything, put in an access drive, 4 lots. That's it, right?

Steve Puleo: There's supposed to be a minimum amount of clearing for any kind of development that occurs — someone coming in and taking 8 acres and clearing it is not something we'd [expect to] see, and the remaining trees have to remain in place for at least 5 years before they can start cutting trees down. The purpose of having a regular subdivision with very large lots is that there's a lot of space between the buildings — 200 feet of road frontage minimum and almost 2 acres, 1.8 acres. In essence you're keeping open space, and you're probably going to have fewer homes than would go on a conservation subdivision where you're able to cluster them.

Evert Krikken: Two, it's 4.8 versus 6.4. But you're sacrificing 50% of open space — that's a big sacrifice. I would take a look at that again — the 8 and the 5 — and just see whether that is the right thing to do for the purposes of a conservation subdivision in the Farm zone and the Farm Residential zone, where we want to maintain as much undeveloped land as possible. That's a comment I would make. And by the way, kudos on simplifying the open space calculation. That's going to make everybody so happy — because it was a beast, and I think everybody struggled with it. It just seems odd to remove a restriction — make it more permissive. Yes, you would build fewer buildings, but you could potentially develop more land area within the subdivision and take away a lot more of the natural beauty that exists.

Steve Puleo: We'll see if we can address your concern.

Marge Govoni: Is there anything Steve has shown that anybody needs further explanation on? We'll get to take another stab at this later.

Other Business

8. Adjournment

Evert Krikken made a motion to adjourn.

Seconded by Emily Legere

Vote: All in favor.