



## PLANNING BOARD MEMO • MINOR SITE PLAN • SKETCH PLAN REVIEW

DATE: June 27, 2024

TO: Windham Planning Board  
FROM: Steve Puleo, Planning Director  
Cc: Dustin Roma, DM Roma Consulting Engineers  
John Mallia, Ultimate Property Management, LLC  
Jasmine Lopez, Planning Intern

RE: #24-19 – Major Site Plan – Private Warehouse – 120 Tandberg Trail – Sketch Plan Review – Ultimate Property Management, LLC

Planning Board Meeting: **July 1, 2024 (Special Meeting)**

### Overview –

The application is to build a 5,000 sf Private Warehouse Building on a 2.1 acre property. The site currently has three existing buildings and paved parking lots.

Tax Map: 18; Lot: 39; Zone: Commercial I (C-1) zoning district and located in the Mill Pond watershed.

A Development Review Team meeting was held on June 6, 2024. Comments received during the meeting are reflected in the memo below.



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

### SITE PLAN REVIEW

PLEASE NOTE: The staff memo is a reference guidance document, and suggested topics for board discussion are listed; ~~the strikethrough text is items for the final review;~~ ***bold and italic text represent unaddressed existing and/or new staff comments;*** or plain underlined text are items that have been addressed by the applicant; and *italic text is for information or previously reviewed and/or approved items.*

Staff Comments:

1. Complete Application:

**MOTION:** ~~[I move] the major plan application for project #24-19 Private Warehouse project is found complete in regard to the submission requirements based on the application checklist, but the Planning Board retains the right to request more information where review criteria are not fully addressed.~~

2. Waivers:

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

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

(a) **[§120-812\(B\)\(1\)\(B\)](#) Adequacy of road system.**

The applicant has requested a waiver allowing a 25-foot right-of-way instead of the required 50-foot right-of-way. The paved road surface is 24 to 25 feet wide which provides suitable access to the property. The right-of-way cannot be expanded without first acquiring the private property that is adjacent to the roadway.

**The staff defers to the Planning Board regarding this waiver request.**

**MOTION:** [I] move to approve the waiver request of [§120-812\(B\)\(1\)\(B\)](#) Adequacy of road system, to allow for a 25 foot right-of-way instead of the required 50 foot right-of-way.

3. Public Hearing: The Planning Board shall determine the scheduling of a public hearing.

4. Site Walk: The Planning Board shall determine if a site walk is necessary for this project.

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

**MOTION:** ~~[I move] the major plan application for the #24-19 Private Warehouse identified on Tax Map: 18; Lot: 39; Zone: Commercial I (C-1) and located in the Mill Pond watershed is to be (approved with conditions/denied) with the following Findings of Fact, Conclusions, and Conditions of Approval.~~

**FINDINGS OF FACT**

**Jurisdiction:** The Private Warehouse project is classified as a Major Site Plan, which the Planning Board is authorized to review of the 91,872 SF and act on by [§120-805A\(2\)\(a\)](#), [§120-903A](#) of the Town of Windham Land Use Ordinance.

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

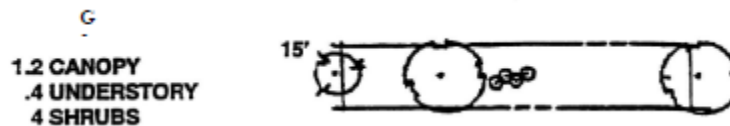
**ARTICLE 4 ZONING DISTRICTS**

- As shown on the Town of Windham [Land Use Map](#) approved by the Town Council, date August 15, 2023, Tax Map 18 Lot 39 is located in the Commercial I (C-1) zoning district.
- Per [§120-410F\(5\)](#), the applicant must provide a landscape buffer yard along Roosevelt Trail frontage of 15 feet in width. For the final plan review, the applicant shall provide a landscape plan for the Buffer yard.

**ARTICLE 5 PERFORMANCE STANDARDS**

**§120-511 – Buffer yards**

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



**§120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS**

**§120-812A – Utilization of the Site**

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

area is approximately # SF of the 91,872 SF (#% of the parcel), in which the remaining area of the lot is wetland.

**§120-812B – Vehicular Traffic**

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

**§120-812C – Parking and Loading**

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

**§120-812D – Pedestrian Traffic**

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

**§120-812E – Stormwater Management**

- (1)** The applicants shall provide for final review a stormwater management system design for the collection and disposal of all the stormwater that runs off of parking areas, roofs, travel ways, and other surfaces.

**§120-812F – Erosion Control**

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

**§120-812G – Water Supply Provisions**

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

**§120-812H – Sewage Disposal Provisions**

- The existing leach field is expected to have sufficient capacity to receive wastewater from the proposed building.

**§120-812I – Utilities**

- A utility and grading plan shall be provided for the final plan review.
- The applicant plans to connect new underground electrical service to the existing overhead utility lines on Sabbady Point Road.

**§120-812J – Groundwater Impacts**

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

**§120-812K – Water Quality Protection**

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

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

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

**§120-812M – Shoreland Relationship**

- The site is not within a shoreland zoning district.

**§120-812N – Technical and Financial Capacity**

- (1) The applicant has not provided an estimate of the project cost of development or financial capacity evidence. The applicant has provided Ultimate Property Management, LLC's Secretary of State Certificate of Good status. The applicant shall provide evidence of financial capacity for the final plan review.
- (2) The applicant has hired DM Roma Consulting Engineers for site planning, permitting, and engineering services for the conversion of the building and site.

**§120-812O – Solid Waste Management**

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

**§120-812P – Historical and Archaeological Resources**

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

**§120-812Q – Floodplain Management**

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

**§120-812R – Exterior Lighting**

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

**§120-812S – Noise**

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

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

- The applicant has not provided a landscaping plan, a planting schedule, or a location for snow storage. The applicant shall address this standard for the final plan review.
- The applicant has not provided a location for a dumpster, a concrete pad, and screening for the dumpster enclosure. The applicant shall address this standard for the final plan review.

**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-1 district, the applicants must comply with a minimum of eight (8) other Design Standards.)*

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

- Required: [§120–813A\(1\)](#): Building style. The building is not a national franchise prototype and is not stylized to the point where it is a form of advertising. The applicant shall address this standard for the final plan review.
- Required: [§120–813A\(2\)](#): Materials. The applicant shall address this standard for the final plan review.
- Required: [§120–813A\(3\)](#): Color. The applicant shall address this standard for the final plan review.
- Required: [§120–813A\(4\)](#): Roofline. The applicant shall address this standard for the final plan review.
- Required: [§120–813A\(5\)](#): Facades. The building's front façade will be facing Roosevelt Trail. The applicant shall address this standard for the final plan review.
- 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 applicant shall address this standard for the final plan review.
- Required: [§120–813A\(8\)](#): Architectural details. The applicant shall address this standard for the final plan review.
- Optional: [§120–813A\(9\)](#): LEED certification.

**§120–813B – Site/Parking**

- Optional: [§120–813B\(1\)](#): Parking Location.
- Optional: [§120–813B\(2\)](#): Internal Traffic Flow.
- Optional: [§120–813B\(3\)](#): Interconnected parking lots.
- Optional: [§120–813B\(4\)](#): Orientation of Building.
- Optional: [§120–813B\(5\)](#): Screening, parking. The applicant shall address this standard for the final plan review.
- Required: [§120–813B\(6\)](#): Screening, Utility, and Service Areas. The dumpster will be screened with fencing and landscaping. The applicant shall address this standard for the final plan review.
- Optional: [§120–813B\(7\)](#): Parking Lot Landscaping.
- Optional: [§120–813B\(8\)](#): Low Impact Stormwater.
- Optional: [§120–813B\(9\)](#): Shared Stormwater Treatment.

**§120–813C – Landscaping/Lighting**

- Required: [§120–813C\(1\)](#): Lighting/Photometric Plan. The applicant shall address this standard for the final plan review.
- Required: [§120–813C\(2\)](#): Lighting Coordinated with Architecture. The applicant shall address this standard for the final plan review.

- Required: [§120–813C\(3\)](#): Lighting Coordinated with Landscaping. The applicant shall address this standard for the final plan review.
- Optional: [§120–813C\(4\)](#): Existing Trees Preserved.
- Required: [§120–813C\(5\)](#): Snow Storage Areas Designated. The applicant shall address this standard for the final plan review.
- Optional: [§120–813C\(6\)](#): Planting variety.
- Optional: [§120–813C\(7\)](#): Planting suitability.
- Optional: [§120–813C\(8\)](#): Mass plantings.
- Optional: [§120–813C\(9\)](#): Illumination levels.

#### **§120–813D – Bicycle/Pedestrian**

- Required: [§120–813D\(1\)](#): Continuous internal walkways. The applicant shall address this standard for the final plan review.
- Required: [§120–813D\(2\)](#): Links to community. The applicant shall address this standard for the final plan review.
- Optional: [§120–813D\(3\)](#): Outdoor activity.
- Required: [§120–813D\(4\)](#): Sidewalks and planted esplanades. The applicant shall address this standard for the final plan review.
- Required: [§120–813D\(5\)](#): Crosswalks for sidewalks. The applicant shall address this standard for the final plan review.
- Required: [§120–813D\(6\)](#): Bicycle parking and racks. The applicant shall address this standard for the final plan review.

#### **CONCLUSIONS (N/A)**

1. ~~The plan for development **reflects/does not reflect** the natural capacities of the site to support development.~~
2. ~~Buildings, lots, and support facilities **will/will not** be clustered in those portions of the site that have the most suitable conditions for development.~~
3. ~~Environmentally sensitive areas, including but not limited to, wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and sand and gravel aquifers **will/will not** be maintained and protected to the maximum extent.~~
4. ~~The proposed site plan **has/does not have** sufficient water available for the reasonably foreseeable needs of the site plan.~~
5. ~~The proposed site plan **will/will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.~~
6. ~~The proposed use and layout **will/will not** be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved.~~
7. ~~The proposed site plan **will/will not** provide adequate sewage waste disposal.~~
8. ~~The proposed site plan **conforms/does not conform** to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.~~
9. ~~The developer **has/does not have** the adequate financial capacity to meet the standards of this section.~~

10. ~~The proposed site plan will/will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.~~
11. ~~The proposed site plan will/will not provide for adequate stormwater management.~~
12. ~~The proposed location and height of buildings or structure walls and fences, parking, loading, and landscaping shall be such that it will/will not interfere with or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonably affect its value.~~
13. ~~On-site landscaping does/does not provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.~~
14. ~~All freshwater wetlands within the proposed subdivision have/have not been identified on the plan.~~
15. ~~Any river, stream, or brook within or abutting the subdivision has/has not been identified on any maps submitted as part of the application.~~

CONDITIONS OF APPROVAL (REQUIRED)

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated May 20, 2024, as amended TBD and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board. Any variation from such plans, proposals, supporting documents, and representations is subject to review and approval by the Planning Board or the Town Planner in accordance with [§120-815](#) of the Land Use Ordinance.
2. In accordance with [§120-815C\(1\)\(b\)](#) of the Land Use Ordinance, the Construction of improvements covered by any site plan approval shall be completed within two years of the date upon which the performance guarantee is accepted by the Town Manager. If construction has not been completed within the specified period, the Town shall, at the Town Manager's discretion, use the performance guarantee to either reclaim and stabilize the site or to complete the improvements as shown on the approved plan.
3. Approval is subject to the requirements of [Chapter 201 Article II](#) Post-Construction Stormwater Ordinance. Any person owning, operating, leasing, or having control over stormwater management facilities required by the post-construction stormwater management plan must annually engage the services of a qualified third-party inspector who must certify compliance with the post-construction stormwater management plan on or by June 1st of each year.
4. The development is subject to the following [Article 12 Impact Fees](#), to be paid with the issuance of new building permits for the fit up of the new uses: [North Windham sidewalk impact fee](#); [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](#).