

APPLICATION COMPLETENESS & STAFF REVIEW COMMENTS MEMO

DATE: July 24, 2025

TO: Eric Dube, PE, Trillium Engineering Group
Robert York, York Enterprises Park LLC

FROM: Amanda Lessard, Senior Planner/Project Manager and

Cc: Steve Puleo, Planning Director
Windham Planning Board

RE: #25-11 4 Roosevelt Trail Redevelopment – Major Site Plan – Final Plan Review – 4 & 12
Roosevelt Trail – York Enterprise Park, LLC

Requested Planning Board meeting: **July 14, 2025**

Thank you for submitting your final site plan application on June 23, 2025, resubmission on June 30, 2025, and response to comments/resubmission on July 16, 2025. The application status is **complete**. Your application is **scheduled for review on July 28, 2025**. The Planning Board meeting is an "in-person meeting" at the Town Council Chambers in the Town Hall located at 8 School Street. The meeting begins at 6:00pm, and your attendance is required.

Project Information:

The application is for the redevelopment of a former excavation material storage yard at 4 Roosevelt Trail into a multi-unit contractor services development with associated parking. Each of the two (2) proposed 7,100 sf buildings will have 7-units for contractor service businesses. 4 Roosevelt Trail is a common scheme of development with 12 Roosevelt Trail as the lots are in common ownership and share access driveways and stormwater treatment.

Subject properties are identified as Tax Map: 7; Lots: 1 and 3E; Zone: Commercial III (C-3) in the Highland Lake watershed.

Use: Contractor services.

This memo updates the memo dated July 2, 2025.

Staff Review Comments

The memo will be updated as staff comments are provided.

Planning Department

1. Staff recommends a condition of approval to require the review and recording of easements prior to the sale of one of the properties following response to staff request to provide draft cross travel easements as part of the application:
 - a. YORK ENTERPRISES PARK, LLC is the owner of both tax parcels. That being said, there is a well-established fact in real estate law that one cannot have an easement for the benefit of the owner, on a property that he/she owns. You already have the rights of passage as part of your ownership. An easement is for the benefit of a third party, and

that makes the parcel burdened by the easement, the servient estate. (see yellow below), the easement holder, is the dominant entity.

In the context of real estate law, a servient entity (also known as a servient estate, servient tenement, or lower estate) is a parcel of land that is subject to an easement granting another property (the dominant entity) certain rights of access or use.

Essentially, the servient entity is burdened by the easement, while the dominant entity benefits from it.

2. Recommended CONDITIONS OF APPROVALS:

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated April 7, 2025 as amended *TBD (date of final submissions)* and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board. Any variation from such plans, proposals, supporting documents, and representations is subject to review and approval by the Planning Board or the Town Planner in accordance with or [§120-815](#) of the Land Use Ordinance.
2. In accordance with [§120-815C\(1\)\(b\)](#) of the Land Use Ordinance, the Construction of improvements covered by any site plan approval shall be completed within two years of the date upon which the performance guarantee is accepted by the Town Manager. The developer may request a one-year extension of the construction completion deadline prior to the expiration of the period. Such a request shall be in writing and shall be made to the Planner. The Town Manager may require an update to the schedule of values and the amount of the guarantee when accepting an extension of the construction period. 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 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.
4. The development is subject to the following [Article 12 Impact Fees](#), to be paid with the issuance of new building permits for new use: [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](#).
5. Contractor vehicles are limited to single-unit, dual-axle vehicles only. These vehicle types are classified by the Federal Highway Administration as Class 1-5 vehicles.
6. Storage of materials including machinery, trailers, equipment, and materials must be stored indoors unless the applicant obtains approval for a contractor storage yard that demonstrates compliance with applicable performance standards for outdoor storage of materials.

7. Before the required pre-construction meeting with staff and before any land use activities begin, the applicant shall provide the Planner with the Portland Water District “Ability to Serve” determination letter.
8. Prior to the sale of one of the properties such that Tax Map Lots 1 and 3E will no longer be in common ownership, the applicant shall provide the Planner with draft copies of cross travel easements for review prior to recording at the Registry of Deeds.

Town Engineer

3. Traffic/Access
 - a. Currently Town maintenance vehicles and buses from Windham and Westbrook use the property for turnaround since it lies at the Town boundaries. Will access for this use be provided once the site is developed?
 - b. The Applicant provided a Traffic Narrative that explains their estimate of peak hour trips based on an assumption of number of offices and vehicle trips per office. This may be a reasonable way to estimate peak hour trips, but are there ITE factors for Contractor Services to compare with?
4. Stormwater
 - a. The Town’s 3rd Party consulting engineer has reviewed and provided comments with respect to stormwater, erosion control and water quality so I have not included these elements in my review.

Third Party Consulting Engineer

Independent review is required by [§120-807F\(6\)](#) when any portion of the development is within the direct watershed of a lake most at risk from new development.

5. See attached Engineering Review Memorandum from Gorrill Palmer dated July 24, 2025.

As staff review comments related to compliance with any applicable review criteria become available, I will send them to you ASAP. These staff comments will be incorporated into the staff memo to the Planning Board that will be included in the Planning Board July 28th agenda.

Provide one copy of your response to staff comments with all revised application materials and one (1) full plan set. Email an electronic copy of your response letter, supporting documentation, and plan set. Please feel free to call me with any questions or concerns at (207) 207-894-5900 x 6121 or email me at allessard@windhammaine.us.

Engineering Review Memorandum

To: Amanda Lessard, Senior Planner/Project Manager
From: Will Haskell, PE, Gorrill Palmer
Date: July 24, 2025
Subject: Major Site Plan Application
Project: 4 Roosevelt Trail Site Redevelopment (JN 131144A)
Location: 4 Roosevelt Trail, Windham, Maine 04062
Applicant: York Enterprise Park, LLC

Amanda,

Gorrill Palmer reviewed the following materials that were downloaded from the Applicant. We assume that you will forward our comments to the Applicant/Design Engineer or incorporate into your review comments.

1. 4 Roosevelt Trail Site Redevelopment Plan Set (containing 21 sheets), dated July 15, 2025, by Trillium Engineering Group
2. 4 Roosevelt Trail Site Redevelopment – Response to Comments, dated July 15, 2025, by Trillium Engineering Group

We have reviewed the materials for conformance with performance standards contained in § 120-812 E Stormwater Management, F Erosion Control, H Sewage Disposal, J Groundwater Protection, and K Water Quality of the Town of Windham Code. We have also reviewed the materials for conformance with generally accepted civil engineering standards and offer the following comments.

§ 120-812 E – Stormwater Management

1. The submitted Site Plan Application contains information relating to the proposed development at 4 Roosevelt Trail. The Applicant states that there is a reduction in impervious area of the adjacent parcel (under common ownership) at 12 Roosevelt Trail and that the overall development of both lots will decrease impervious area. If both lots are being considered as common scheme of development, we request that the Applicant provide documentation on whether the development of both lots triggers the threshold for Maine DEP Stormwater or Site Location of Development Act permitting. Our understanding is that the proposed development on the 4 Roosevelt Trail parcel will increase impervious area by 13,297 square feet, for a total of 45,443 square feet of impervious area on that lot.
2. Additional documentation (preferably a visual color-coded plan) should be provided showing the stated impervious area reduction on 12 Roosevelt Trail. Based on our cursory review of historic aerial imagery, it appears to us that there may be an increase in impervious area at 12 Roosevelt Trail between 2023 and 2025.
3. Regardless of the change in impervious area, §120-812.E.G.1 of the Town's Ordinance requires projects within the Highland Lake watershed to meet the MaineDEP Phosphorus Standards. Under Section 4.D.(1).(a) of Chapter 500, the General Standards may be used if the lake is not severely blooming and if the project results in less than 3 acres of impervious area and less than 5 acres of developed area. Based on the prior comments, we are not clear whether the total impervious cover will be less than 3 acres, if both 12 and 4 Roosevelt Trail lots are considered common scheme of development. Additional response

to the prior comments is necessary before this can be determined. Additional stormwater quality calculations will be necessary to determine if either the General Standards or Phosphorus Standards are met in accordance with the standards of MaineDEP's Chapter 500. We also note that based on review of aerial imagery that the 4 Roosevelt Trail site has been significantly disturbed in the past, possibly resulting in modifications to and compaction of the native soils. The Design Engineer should provide a narrative description on how any proposed stormwater quality treatment BMPs that depend on the native soils for stormwater quality treatment may impact their function and how that will be mitigated in the design of such BMPs.

4. Provide a Post-Construction Stormwater Management Infrastructure Inspection and Maintenance Plan that is consistent with Appendix B of MaineDEP's Chapter 500.

§ 120-812 F – Erosion Control

5. No further comments.

§ 120-812 H – Sewage Disposal

6. Preliminary subsurface wastewater disposal systems have been designed by Norman Harris of Harris Septic Solutions, Inc.. The preliminary HHE-200 forms include soil test pits which appear to show the soil is suitable for subsurface wastewater disposal. It appears that the proposed development will not adversely impact the quality or quantity of groundwater to abutting properties or to public water supply systems.
7. The test pit symbols on Sheet C103 are both labeled TP-1. Revise the labels to differentiate the test pits.

§ 120-812 J – Groundwater Protection

8. No further comments.

§ 120-812 K – Water Quality

9. No further comments.

Please let me know if you want to review and discuss any of the comments.

Sincerely,

Gorrill-Palmer



William C. Haskell, PE
Municipal Operations Leader, New England



Ben Nault, EI
Design Engineer