

Conditional Use Questions

H. Review Criteria. The Reviewing Authority shall have the power and duty to approve, approve with conditions, or deny conditional use applications based on the following

Standards:

1. Property Value. The proposed use will not depreciate the economic value of Surrounding properties.
2. Wildlife Habitat. The proposed use will not damage significant wildlife habitat or spawning grounds identified by the Maine Department of Inland Fisheries and Wildlife or by the Town of Windham's Comprehensive Plan.
3. Botanical Species. The proposed use will not damage rare or endangered botanical species as identified by the Maine Department of Conservation or by the Town of Windham's Comprehensive Plan.
4. Potable Water
 - (a) The proposed use has access to potable water,
 - (b) The proposed use will not burden either a groundwater aquifer or public water System.
5. Sewage Disposal. The proposed use has adequate capacity to dispose of sewage waste. A change from one use to another use must show that either:
 - (a) The existing sewage system has adequate capacity for the proposed use, or
 - (b) The existing system will be improved, or a new system will be installed to provide adequate waste disposal capacity.
6. Traffic. The proposed use has adequate sight distance as established by current Maine DOT Highway Entrance and Driveway Rules.

Sec. 500 Performance Standards Land Use Ordinance Town of Windham
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7. Public Safety. The proposed use will not overburden police, fire and rescue services, as determined by response time, accessibility to the site of the proposed use, and numbers and types of emergency personnel and equipment presently serving the community.
8. Vibration. The proposed use will not produce inherently and recurrently generated vibrations that exceed a peak particle velocity greater than 2.0 at the closest "protected structure," as defined by the Maine Department of Environmental Protection.
9. Noise. The proposed use shall meet the noise standards in Section 812.S. of the Site Plan Review Ordinance.
10. Off-Street Parking and Loading. The proposed use meets the parking and loading standards of Section 812.C. Site Plan Review.
11. Odors. The proposed use will not emit noxious or odorous matter in such quantities as to be offensive at the lot boundaries.
12. Air Pollution. No emission of dust or other form of air pollution is permitted which can cause any damage to health, to animals or vegetation, or other forms of property, or which can cause any excessive soiling at any point, and in no event any emission, from any activity permitted composed of any solid or liquid

particles in concentration exceeding three-tenths (0.3) grain per cubic foot of the conveying gas or air at any point.

13. Water Pollution. No discharge at any point into any private sewage disposal system or stream or into the ground of any materials in such nature or temperature as to contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements is permitted.

14. Erosion and Sediment Control. The proposed use will not cause water pollution, sedimentation, erosion, nor contaminate any water supply, nor reduce the capacity of the land to hold water, so that a dangerous or unhealthy condition may result.

15. Hazardous Material. No use shall for any period of time discharge across the Boundaries of the lot wherein it is located toxic and noxious matter in concentrations so that a dangerous or unhealthy condition may result.

16. Zoning District and Performance Standards. The proposed use meets the applicable zoning district standards in Section 400 and the applicable performance standards of Section 500. Town of Windham Land Use Ordinance Sec. 500 Performance Standards 5 - 11

17. Solid Waste Management. The proposed use shall provide for adequate disposal of solid wastes. All solid waste must be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

483 Roosevelt Trail
Conditional Use questions w/answers

ZONING BOARD CONDITIONAL USE QUESTIONS

1. Property Value - The 5,000 ft which the proposed business would occupy would do any work inside of the building. The building was painted last year, as well as the parking lot sealed improving the property. The building is well maintained and will cause no deterioration of surrounding properties.
2. Wildlife Habitat – The proposed use will not have any impact on any wildlife habitat. The building is well maintained, lawns mowed consistently.
3. Botanical Species – The proposed use will not have any impact on any botanical species. The building is well maintained on a consistent basis.
4. Portable Water – The property is serviced by public water from the Portland Water District and the proposed use will have no impact on the groundwater aquifer or the public water system.
5. Sewage Disposal – The current septic system on the site can handle 225 gallons per day for a total of 15 employees. See attached plan. The current business and the proposed business would have around 6 employees total. The septic system was pumped in June 2012.
6. Traffic – The proposed business is located in a C3 zone directly on Route 302. The entrance on Route 302 meets requirements and would continue to have low vehicle traffic. The property has adequate sight distance.
7. Public Safety – There will be no additional impact on emergency personnel and equipment, with the proposed use.
8. Vibration – The proposed business and use would not cause any vibrations.
9. Noise – The proposed business or use would cause no abnormal noise.
10. Off-Street Parking and Loading – The proposed use meets the parking requirements of Section 800, Table 2- Minimum Off-Street Parking Space Requirements.
11. Odors – The proposed use would give off no odors that offensive to the surrounding areas. All work would be done within the building.

12. Air Pollution – The proposed use would give off no air pollution that is offensive to the surrounding areas and all work would be performed within the building.
13. Water Pollution – The proposed use would not cause any water pollution. Any chemicals or oils are contained, used and disposed of properly.
14. Erosion and Sediment Control – All activities are conducted inside of the building and there would be no affect on any soil erosion.
15. Hazardous Material – The proposed use activities would create no dangerous or unhealthy conditions. All chemicals that are used are disposed of properly per Federal Rules and Regulations.
16. Zoning District and Performance Standards – The building is in a C3 zone and the proposed use is allowed under a conditional use.
17. Solid Waste Management – The proposed use will have an adequate dumpster from an approved company such as, Troiano's Waste Services or Waste Management.