



## PLANNING BOARD MEMO • MAJOR SUBDIVISION • PRELIMINARY PLAN REVIEW

DATE: April 17, 2024

TO: Windham Planning Board  
FROM: Steve Puleo, Planning Director  
Cc: Loni Graiver, Applicant  
Drew Gagnon, P.E., Gorrill Palmer Consulting Engineer Inc.  
Development Review Team

RE: 23-18 — Major Subdivision and Site Plan — Preliminary Plan Review — Windham Village Apartments — 770 Roosevelt Trail — Windham Village Apartments, LLC

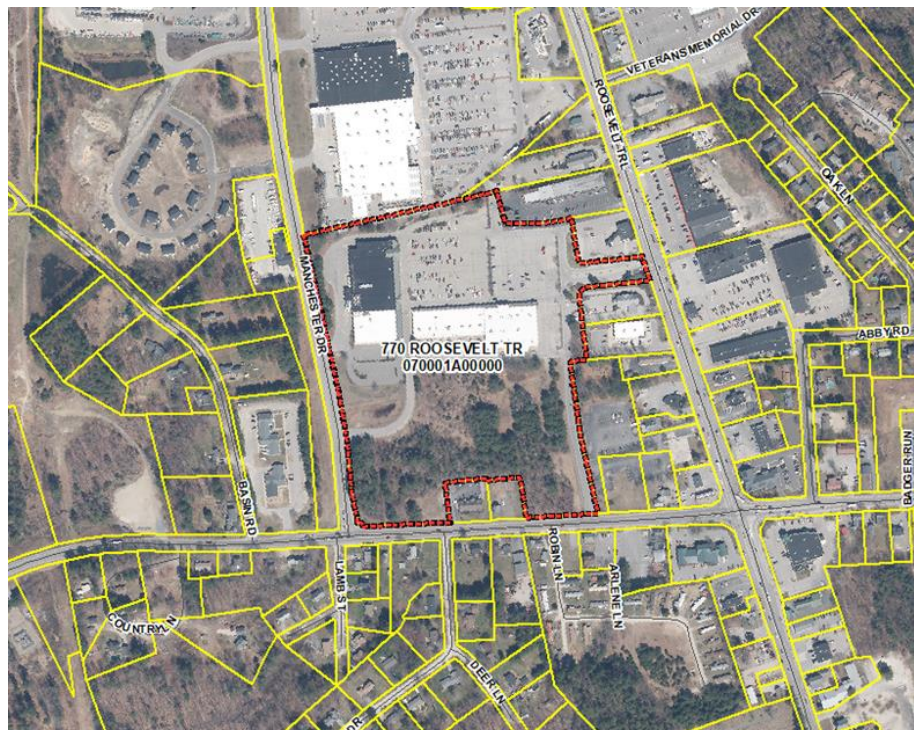
Planning Board Meeting: April 17, 2024

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### Overview –

The application is for the development of approximately 9-acre portion of Shaw's property with 13 buildings, 156 two-bedroom multifamily units, supporting utilities, parking areas, private drives, drainage and stormwater infrastructure, and an outdoor amenity. The property in question is identified on Tax Map: 70; Lots: 1A; Zone: Commercial I (C-1) district in the Presumpscot River watershed.

A Development Review Team meeting was held on May 8, 2023 and site walk conducted on April 22, 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.*

## **SUBDIVISION REVIEW**

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

Staff Comments:

1. Complete Application: *[Preliminary Plan]*

**MOTION:** I move the major subdivision application for the project #23-18 Windham Village Apartments' preliminary plan review 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: *None requested*

*Limitation of Subdivision Waivers. The granting of a submission requirement waiver or site waiver may not conflict with, nor negate, any State Statutory requirements for the subdivision of land. Per [§ 120-908B\(2\)](#). The Board is not required to use any criteria in making its determination on the granting of a waiver of the submission requirements. Per [§ 120-908C](#). The Planning Board may waive the requirements of [§ 120-911](#) Performance and Design Standards, when the applicant demonstrates that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met, the public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the land use ordinance. In granting site waivers, the Planning Board shall utilize the criteria in [§ 120-908C\(2\)](#).]*

**The applicant did not provide waiver requests with the preliminary plan application.**

3. Public Hearing: The Planning Board schedule a public hearing on April 22, 2024.
4. Site Walk: The Planning Board conducted a site walk on April 22, 2024.

Findings of Fact and conclusions for the

**Windham Planning Board decision.**

**MOTION:** I move to (**approved with conditions, denied or postponed**) the major subdivision preliminary plan application for project #23-18 Windham Village Apartments on Tax Map: 70, Lot 1A with the following findings of fact and conclusions.]

**FINDINGS OF FACT**

1. Jurisdiction: Windham Village Apartments project is classified as a Major Subdivision and Site Plan, which the Planning Board is authorized to review and act on by [§ 120-802A\(6\)](#) and [§ 120-905A](#) of the Town of Windham Land Use Ordinance.
2. Title, Right or Interest: The applicant has submitted a copy of purchase and sale agreement dated July 11, 2022 with B33 WINDHAM II, LLC.

### ARTICLE 3 DEFINITIONS

Major Subdivision: “Any subdivision containing five or more lots or dwelling units.”

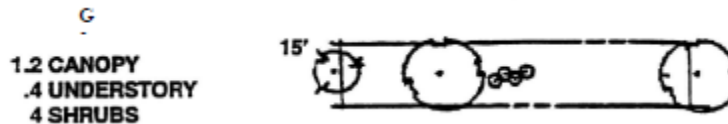
### ARTICLE 4 ZONING DISTRICTS

- As shown on the Town of Windham [Land Use Map](#) approved by the Town Council, date August 15, 2023, Tax Map 70, Lot 1A is located in the Commercial I (C-1) District.
- The detached multifamily dwelling residences are permitted use in the C-1 District [§120-410B](#).

### ARTICLE 5 PERFORMANCE STANDARDS

#### §120-511 – Buffer yards

C(3)(b) For the future commercial building on Lots 1 and 2 in the Commercial Districts (C-1, C-2, C-3, C-4, VC and WC Districts) will show the use Buffer Yard G, see exhibit below.



### § 120-911 - MAJOR SUBDIVISION PERFORMANCE STANDARDS

#### § 120-911A – Basic Subdivision layout

- (1)(a) Per [§ 120-410E\(2\)](#), there is not net residential density standard in the Commercial I (C-1) district.
  - (b) The side boundary lines are perpendicular to Tandberg Trail and follow north along Manchester Drive and the access driveway of Shaw Plaza.
  - (d) The proposed parcel has approximately 658 feet of street frontage.
  - (e) Lot number for the proposed lot has not been assigned. The lot numbering shall be reviewed by the E-911 Addressing Officer and the comments shall be considered by the Board.
- (2) At the Development Review Team meeting held on May 3, 2023, the applicant stated all utilities will be located underground, per [§ 120-911A\(2\)\(a\)](#).
- The proposed development will extend water service from Manchester Drive throughout the site for domestic and fire suppression purposes.
  - Underground electric/fiber/communication service will be provided to the development. Details shall be provided for the preliminary plan submission.
  - Natural Gas is available within the private access drive located at the eastern portion of the site.

- Lighting will be provided throughout the development via pole and building mounted lighting fixtures. The applicant shall provide a photometric plan with the preliminary plan submission.
    - **The Town Engineer is concerned that the plans show underground electrical lines within the development but do not appear to show a clear indication of the connection to the outside electrical grid other than a note regarding assumed power source with a riser at a pole along Rte. 35. Additional detail, presumably based on CMP input, should be included in final plans.**
  - The applicant intends to connect to the public sewer by 2025.
- (3) Street line monuments along Tandberg Trail shall be set at all street intersection and the point curvature, but no further than 750 feet apart along a street line without curves or Intersections.

#### **§ 120-911B – Sufficient Water**

- (1) The applicant has not provided an “Ability to Serve” letter from the water supply with the Portland Water District to supply the domestic and fire suppression services.
- **The Town Engineer stated: the application notes that a request for an ability to serve for water supply and wastewater disposal has been submitted to Portland Water District and their response will be included in the final application. The plan shows the proposed routing of the water and sewer lines through the property with the sanitary sewer lines going to a proposed PWD pump station at the corner of Route 35 and Manchester Drive. The proposed routing through an easement conveyed to the PWD appears consistent with plans previously reviewed by PWD and shared with Public Works staff.**
- (3)(d) The applicant has provided information on the locations of public or private fire hydrant, which is across the unnamed street intersection.
- **The Deputy Fire Chief is requesting the applicant add a fire hydrant to the entrance of the project on the unnamed road, across the street from the restaurant parking area. This would ensure that all the buildings in this project would be with 1000’ feet of a fire hydrant.**

#### **§ 120-911C - Erosion Control and Impact on Water Bodies**

- (2) The developer has provided a statement for the Maine licensed professional civil engineer that the plan shall prevent soil erosion and sedimentation from entering water bodies, wetlands, and adjacent properties. The applicant is required to provide stormwater management and erosion control plans which will meet DEP Chapter 500 Stormwater Rules.

#### **§ 120-911D – Sewage Disposal**

- (1)(a) When the public sewer constructed, per the Town Council adopted amendments to the Sewers Ordinance that specifies the areas of a planned sewer system in North Windham

that includes this property. Staff will include draft Condition of Approvals related to the requirement to connect to the public sewer system.

- There existing conditions shows there is a 0.76-acre subsurface wastewater disposal with a reversed areas serving the Shaw's Plaza located along the northerly property boundary lines of the 9-acre site.

**§ 120-911E – Impact Natural Beauty, Aesthetics, Historic Sites, Wildlife Habit, Rare Natural Areas, or Public Access to the Shoreline**

**(1)(a)** The applicant has provided more information relating to the natural resource impacts for the preliminary plan review. The site has no shoreline frontage. The applicant will submit a "Beginning with Habitat Map" showing the location of the subject property in relations to deer wintering areas and brook trout habitat. There are no deer wintering areas or brook trout habitats shown on the property. The applicant will provide a review of the site from the Maine Historic Preservation Commission as part of the final plan review. Areas where tree clearing shall be noted on the plan and be maintained for at least five years after the approval.

- **The State of Maine Department of Agriculture, Conservation, and Forestry has stated in letter dated March 3, 2023 that there are no rare, endangered, or threaten species onsite.**

**(b)** The developer shall include the planting of street trees along the access drive in the site and along the Manchester Drive and Tandberg Trail. **Ther applicant has provided an extensive landscaping plan.**

**(2)(a)** The open space and common lands is identified on the plan and developer will own and maintain those areas. **The applicant is providing a large open space area. For the final plan the applicant will provide the required open space and recreational, per §120-814 Multifamily performance standards.**

**§ 120-911F – Conformance with Land Use Ordinances**

**Comprehensive Plan:**

- The plan does meet the goals of the 2017 Comprehensive Plan.

**Land Use Ordinances:**

- There is no minimum lot size in the C-1 zoning district.
- Lots meet the lot frontage requirement of 100 feet in the C-1 zoning district.
- There is no net residential density requirement.
- The applicant has shown solid waste disposal locations throughout the development.
- The solid waste in the form of stumps or brush will be hauled off-site and disposed of in accordance with all applicable regulations.

**Subdivision Ordinance:**

- The Assessor's assigned tax map and lot numbers shall be shown on the final plans.
- **For the final plan**, data of the subdivision plan shall be provided and compatible with the Town's GIS system in the a .DWG file format and provided to the Town prior to release or the signed recording plan.

- The building setback requirements are shown on the proposed site plan submission for the lot.
- Documents have provided with the preliminary plan review submission and must specify the rights and responsibilities of the property owner with respect to the maintenance, repair, and plowing of the development's streets, and stormwater infrastructure.
- The preliminary plan has included a boundary survey conducted and certified by a Maine Licensed Professional Surveyor.

Others:

Refer to [Chapter 204 Art. II](#) - Street Naming and Addressing: A street name approved by the Town Addressing Officer shall be shown on the final plan.

Subdivision Ordinance:

- **Standard notes and the standard condition of approval must be shown on the plan, such as a note.**
- The subdivision plan shows the entire parcel including all contiguous land in common ownership within the last five years, as required by [30-A MRSA § 4401](#).
- **The Town Engineer is concerned about the retaining wall and landscape plan:**
  - **Portions of the retaining wall proposed in back of Building 13 at the far southwest corner of the property appear to be above 4 ft tall and therefore will require design by a registered professional engineer.**
  - **The Landscape Plan shows 7 plantings labeled "QR" along the rear access drive to the Shaw's Plaza off of Manchester Drive however I didn't see a species designated "QR" in the plantings list. Please clarify.**

**§ 120-911G – Financial and Technical Capacity**

- (1) The project site work cost estimate is \$4,580,000, and the 172-units of building cost is estimated to cost \$232,736,00. The applicant has provided a letter dated November 16, 2023, from Karl Suchecki, Executive Vic President of Gorham Saving Bank stating there a banking relationship for Graiver Home, Inc. and its president, Loni Graiver, principal of Windham Village Apartments, LLC.
- (2) The applicant has provided technical capacity to complete the proposed project. Gorrill Palmer and Flyscatcher, LLC have been contracted to prepare to the required permit application and development plans.

**§ 120-911H – Impact on Ground Water Quality or Quantity**

- As noted above the development will be served by the Town of Windham's Wastewater Treatment Facility and will be served by the Portland Water District water main in the Tandberg Trail ROW.

**§ 120-911I – Floodplain Management**

- The subject property is not in a mapped FEMA Floodplain boundary.

**§ 120-911J – Stormwater**

- (2) The applicant states the proposed project area will create over 3-acres of non-vegetated area within the Shaw's Plaza development, as such, the project will be required to obtain MeDEP Site Location of Development Act (SLDA) permit.
- The applicant has initiated the MeDEP review process and understands the amended SLDA permit is required for the final plan review.
  - **The following comments from the Town Engineer will be addressed for the final plan review.**
    - **The Applicant's stormwater evaluation is part of the Site Location and Development Application submitted to Maine DEP, which is currently under their review. The comments provided here supplement any comments from Maine DEP.**
    - **The proposed stormwater management design includes roof drip edge filters on each of the proposed buildings to treat roof runoff and a large chamber-based subsurface infiltration system at the southeast corner of the site. Based on my general review of the Stormwater Report, it appears that proposed stormwater management system meets the Town's ordinance and Maine DEP requirements for providing water quality treatment and flood control.**
    - **The situation with storm drain culverts in the area between CB-5 and DMH-8 is confusing because of overlapping linework. Can this be clarified with a detail or better resolution with the line weights?**
    - **Please clarify the values used for exfiltration rate from the chambers in the TR-20 Calculations in Appendix B of the Application and also length of the Device 2 weir.**
    - **An Operation and Maintenance Plan is included as part of the Erosion and Sediment Control Plan (Attachment 10) which generally addresses the inspection and maintenance of the proposed stormwater features included in the design. However, I would suggest some additional detail be included regarding the maintenance of the subsurface chambers including the isolator rows.**

#### **§ 120-911K – Conservation Subdivision**

- The project is not located in Farm, Farm Residential, and or Village Residential zoning districts.

#### **§ 120-911L – Compliance with Timber Harvesting Rules**

- The applicant stated the subdivision will not involve timber harvesting activity. All trees being removed will be limited in scope and clearing and be minimized to the greatest extent practical.

#### **§ 120-911M – Traffic Conditions and Street**

- (1) The proposal is meeting the general transportation performance standards by using the access driveway serving the existing Shaw's Plaza. One connection will be a 24' access (see [§ 120-522 Curb Cuts](#)) driveway designed to meet the Town's [Residential Street](#)

Standards from an unnamed access road from Tandberg Trail running west through the development to an 24' access drive onto an unnamed access from Manchester Drive.

- During the Development Review Team meeting held on May 3, 2023 with the applicant and their engineering consultant the staff request the applicant to provide following for the preliminary plan submission:
  - RSU 14 requested the applicant provide a sidewalk connection for a possible future bus stop on Manchester Drive.
  - The Fire Chief requested the applicant show truck turn movements throughout the development for 46' long fire truck.
  - The Fire Chief to review the ponding on the access drive from Tandberg Trail (near the Gorham Saving Bank, east of the site) during heavy rain event.
  - The Town Engineer has reviewed overlay the existing sidewalk along the access drive to Shaw's Plaza, along the eastern boundary of the site.
  - The Planning Director requested the applicant look at creating a "defining edge" withing the 90° parking stalls along southernly side of the site access drive to meeting the amended Town's Residential Street Standards.

(2) The proposed development will generate less the 100 A.M. and P.M. peak hour trips and will not require Maine DOT Traffic Movement Permit.

- **The Town Engineer stated that a Traffic Evaluation was submitted with the application that included estimated trip generation and distribution, capacity, safety and sight distance reviews. The project is estimated to generate up to 98 peak hour trip ends (for PM peak hour), which is just below the 100 peak hour trips that typically require a Maine DOT Traffic Movement Permit (TMP). Based on this and on other factors, the Evaluation does not recommend any traffic mitigation measures other than clearing some vegetation around the site driveways. However, the Manchester Drive/Tandberg Trail intersection is identified as a High Crash Location (HCL), and the report acknowledges that the North Windham Moves study identified the Tandberg Trail/Roosevelt Trail intersection as having poor levels of service in its current condition. Both of these intersections will be impacted by the relatively high volume of traffic from the proposed development and therefore I think the potential impacts and potential mitigative measures should be further evaluated.**
- The applicant has been a traffic study meeting the Town's performance standards. **The has not provide a distribution of vehicle trips impacting the Whites Bridge Road and Anglers Road and Route 302.**
  - **The Town's third-party Traffic has reviewed the traffic study provided by the applicant make serval comments that will be addressed during the final review (see the attached review comments letter from Sebago Technics, Inc. dated April 17, 2024.)**

#### CONCLUSIONS (For Final Plan Review)

- ~~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 §.~~
10. ~~The proposed site plan will/will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.~~
11. ~~The proposed site plan will/will not provide for adequate stormwater management.~~
12. ~~The proposed location and height of buildings or structure walls and fences, parking, loading, and landscaping shall be such that it will/will not interfere with or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonably affect its value.~~
13. ~~On site landscaping does/does not provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.~~
14. ~~All freshwater wetlands within the proposed subdivision have/have not been identified on the plan.~~
15. ~~Any river, stream, or brook within or abutting the subdivision has/has not been identified on any maps submitted as part of the application.~~
16. ~~The proposed subdivision will/will not provide for adequate stormwater management.~~
17. ~~If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, § 480-B, none of the lots created within the subdivision has/do have a lot of depth to shore frontage ratio greater than 5 to 1.~~
18. ~~The long term cumulative effects of the proposed subdivision will/will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.~~
19. ~~For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will/will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.~~
20. ~~The timber on the parcel being subdivided has/has not been harvested in violation of rules adopted pursuant to Title 12, § 8869, sub§ 14.~~

### CONDITIONS OF APPROVAL

1. Approval is dependent upon and limited to, the proposals and plans contained in the application dated April 1, 2024 and (*the final plan approval date*) of and on supporting documents and oral representations submitted and affirmed by the applicant, and conditions, If any, imposed by the Planning Board and any variation from such plans, proposals and supporting documents, and representations are subject to review and approval by the Planning Board or the Town Planner in with [§120-815](#) of the Site Plan and [§120-913](#) of the Subdivision Ordinances.
2. 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.
3. At the time of applying for building permits for the 172 residential units, the applicant shall pay the North Windham Route 302 Road Improvement impact fee of (Whites Bridge Road and Anglers Road intersection with Route 302), the Recreation Impact Fee, the Open Space Impact Fee, the Public Safety Impact Fee, and the Municipal Office Impact Fee. All fees will be determined and collected for any building, or any other permits necessary for the development, §120-1201C

### PLEASE NOTE, THE APPLICANT WILL PROVIDE EVIDENCE FOR THE FINAL MAJOR SUBDIVISION AND SITE PLAN REVIEW.

Findings of fact, conclusions for the:

**Windham Planning Board,**

**MOTION:** I move to (~~approved with conditions, denied, postponed~~) the final major site plan application for the Windham Village Apartments on Tax Map: 70, Lot 1A with the following findings of fact and conclusions.

#### [§ 120- 812](#) - MAJOR SITE PLAN PERFORMANCE STANDARDS

##### [§ 120-812A](#) - Utilization of the Site

- See above in § 120-911 Subdivision for details.

##### [§ 120-812B](#) - Vehicular Traffic.

- See above in § 120-911 Subdivision for details.

##### [§ 120-812C](#) - Parking and Loading.

- The proposed development will provide 306 total parking spaces (ratio of 1.96 per unit) based on similar developments constructed by the applicant. Over 30% of the parking space will be 10' by 20' parking stall size.

**§ 120-812D - Pedestrian Traffic**

- The applicant is showing a system of pedestrian ways within the development by providing sidewalks and connections from Tandberg Trail and access to the new building.

**§ 120-812E - Stormwater Management.**

- See above in § 120-911 Subdivision for details.

**§ 120-812F - Erosion Control**

**(2)** The applicant has a plan for Erosion and Sedimentation Control practices during the site improvement construction activities that will meet the Basic Standards per § 4(A) of the MeDEP Chapter 500 Stormwater Rules.

- The application includes an inspection, maintenance, and housekeeping plan and an erosion and sedimentation control plan sheet that generally meets the requirements of Maine DEP Chapter 500 Basic and General Standards.
  - A minimum of three construction inspections must be completed during the active earth-moving phase of construction (with one of these being completed at project completion to ensure permanent site stabilization and temporary ESCs are removed) and a minimum of one inspection must be completed annually until a project reaches substantial completion.
  - Corrective actions will be included in the inspection and must be implemented in a timely manner. Remediation tasks not completed are eligible for enforcement action.

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

- See above in § 120-911 Subdivision for details.

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

- See above in § 120-911 Subdivision for details.

**§ 120-812I - Utilities**

- See above in § 120-911 Subdivision for details.

**§ 120-812J - Groundwater Impacts.**

- See above in § 120-911 Subdivision for details.

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

- See above in § 120-911 Subdivision for details.

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

- The proposed residential uses do not anticipate handling, storing, or using any material identified by the federal or state governments as hazardous, special, or radioactive. The applicant will provide a list of any materials that would fit in those categories for the final plan review.

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

- See above in § 120-911 Subdivision for details.

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

- See above in § 120-911 Subdivision for details.

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

- See above in § 120-911 Subdivision for details.

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

- There are no known historic and archaeological resources onsite.

**§ 120-812Q - Floodplain Management**

- See above in § 120-911 Subdivision for details.

**§ 120-812R – Exterior Lighting**

- See above in § 120-911 Subdivision for details.

**§ 120-812S - Noise**

- The proposed commercial uses shall not exceed 65 dB between 7:00 AM to 10:00 PM and 55 dB between 10:01 PM to 6:59 AM.

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

- See above in § 120-911 Subdivision for details.

**§ 120-814 – Multifamily development standards.**

**§ 120-814A – Building Architecture**

- (1) Architect style. The applicant shall provide architectural rendering and designs for the final site plan review submission.
- (2) Façade. The applicant shall provide architectural rendering and designs for the final site plan review submission.
- (3) Orientation. The applicant is showing the entrances oriented to face the access drives, Tandberg Trail, and Manchester Drive.

**§ 120-814B – Site Design**

- (1) Parking. See above in §120-911 Subdivision for details.

- (2) Screening. The applicant shall provide a landscaping plan with the preliminary plan submission.
- (3) Bicycle/Pedestrian. The applicant has provided a plan showing a network of walkways and bicycle parking pads in front of the buildings.
- (4) Recreation and open space. The applicant is proposing a dog park where the existing Shaw's Plaza septic wastewater field is located.
- (5) Landscaping and lighting. The applicant shall provide a landscaping and light plan with the preliminary submission showing a minimum of 10% landscape area in the parking areas and lighting fixture used to in the driveways and parking lots.
- (6) Access drive standards. The access drive shall remain private and shall meet the design standards set forth in C1.

### CONCLUSIONS

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 for 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** adequate financial capacity to meet the standards of this §.~~
10. ~~The proposed site plan **will/will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.~~
11. ~~The proposed site plan **will/will not** provide for adequate storm water 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 or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value.~~  
~~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.~~