



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Planning Board

Monday, April 23, 2018

7:00 PM

Council Chambers

1 Call To Order

2 Roll Call and Declaration of Quorum

The meeting was called to order by Chair, David Douglass. Other members present were: Keith Elder, Bill Walker, Nick Kalogerakis, Griffin Bourassa, Drew Mayo, and Kaitlyn Tibbets.

Planner, Amanda Lessard was also present.

3 [PB 18-029](#) Approval of Minutes: April 9, 2018

Attachments: [Minutes 4-9-18 - draft](#)

Bill Walker made a motion to accept the minutes of the April 9, 2018 meeting.

Seconded by Nick Kalogerakis.

Vote: All in favor.

Public Hearings

4 18-01 Shared Maintenance Facility. Major site plan final plan review. The Town of Windham to request review of a new 23,400 sf footprint public works and school bus maintenance building. The subject property is located at 185 Windham Center Road and identified on Tax Map: 12 Lot: 28, Zones: Farm Residential (FR) and Resource Protection (RP).

David Douglass recused himself because he had been a member of the Shared Maintenance Facility project team.

Will Haskell, of Gorill-Palmer Consulting Engineers was present representing Allied Engineering, which was the prime engineering firm for the project.

- The site was on Windham Center Road, where the existing public works facility was located. The parcel was about 21 acres with almost 100 feet of frontage on Windham Center Road. It was bordered by the Pleasant River, the RSU14 playing fields, and Windham Center Road.*
- The goal of the project was to increase the operational efficiency of the site; to separate the multiple school bus/public works vehicle/recycling uses; and to separate work areas from public areas.*
- A 250 foot resource protection district, adjacent to the Pleasant River,*

extended into the site.

- An unnamed street ran between the site and the playing fields with associated wetlands. They would not impact the stream or wetland but they did have DEP Permit by Rule along that side because they were impacting the 75 foot buffer to the stream.
- The DEP Site Location of Development Permit had not yet been obtained.
- The proposal would increase impervious surface by .7 acres.
- The existing driveway would remain. A new driveway would be built.
- Parking spaces would be added and the parking layout would be reconfigured. The area would be gated and have key-cards to limit access to the working part of the site.
- There would be a wash bay with treatment and storage collection systems.
- The stormwater management system had underdrain soil filters and a bio-infiltration system in the fueling island. It would collect the stormwater and treat it before it was discharged into the river. Impervious surface had been pulled back and reduced within the 250 setback to the river by 113,000 square feet. They were treating the majority of the impervious area. The systems would also detain the flow to meet the stormwater quantity requirement.
- They requested a waiver of the stormwater quantity for the two-year flow. They had submitted the waiver to DEP, which had not expressed any concerns.
- The fueling station would have a canopy and double walled, above ground fuel tank. The area between the tank walls would be continually monitored for leaks. It would be located outside of the resource protection setback to the river. Drainage from the fueling station would be collected in the drainage system and run into stormwater treatment ponds. A spill kit would be kept at the fueling station.
- A 2,900 square foot cold storage building, for public works equipment, would be located below the salt shed.
- The wash bay was for heavy equipment and school buses. It would have a recycling system where water would be collected, run through treatment tanks and pumped through a filtration system. Then it would be reused. The 5,000 gallon holding tank would need to be maintained.
- Floor drains in the garage bay would be discharged into another 5,000 gallon holding tank.

Public Comment

Margaret Brown, Moses Little Drive – She expressed concern regarding the fuel tanks and their position to the river. She had searched for failed fuel tanks in Maine; there were at least 13 pages of information. Windham had such a beautiful site there; she was thrilled to see people fishing on the river. She wanted the Board to understand there were concerned citizens in town.

There was no more public comment. The public hearing was closed.

5 Amendment to Town of Windham Land Use Ordinance, Chapter 140. Proposed Amendments to Sections 800 and 900 to improve water quality in the Highland Lake watershed. Proposed changes include a change to the phosphorous allocation for stormwater management plans for site plans and subdivisions, prohibiting the use of the stormwater phosphorus compensation fee option, and prohibiting subdivision density bonuses.

Amanda Lessard explained:

- The ordinance amendments were proposed by the Highland Lake Association and forwarded to the Planning Board by the Town Council. The amendments would be restricted to subdivisions and site plans in the Highland Lake watershed.
- Site plans and subdivision would need to meet the current DEP phosphorous allocation of .02 pounds per acre per year.
- A subdivision could not pay a fee in lieu of meeting the phosphorous allocation.
- An applicant who proposed public access to open space in a cluster subdivision would not get any density bonuses if the project was in the Highland Lake watershed.
- The Highland Lake Association had requested the ordinance language to be made retroactive to September 5, 2017, the date on which a moratorium on development in the watershed was effective.
- Two items of written public comment had been received:
 - o Dennis Brown had asked to make a presentation to the Board.
 - o A draft memo from Cumberland County Soil and Water Conservation District, which was working with the Highland Lake Leadership Team's Ordinance Subcommittee to review ordinance language for consistency between the Windham and Falmouth ordinances. They were also reviewing priorities identified by the Lake Association and had made some recommendations regarding ordinance changes.

Public Comment:

Rosie Hartzler, Chair of the Highland Lake Association was present with Dennis Brown, a member of the Leadership Team.

Mr. Brown explained that it had been the fourth year in a row the lake had experienced a pico cyano bacteria bloom, which was very unusual. Two large developments were also proposed. They needed to pause; see what was going on; and then move forward.

They believed the issues that the Lake Association was pushing should be town-wide. There were six lakes and ponds, not including streams and rivers, that were on the State's list of waterbodies most at risk of new development. They had provided their data to DEP, which had in turn, reduced the phosphorous budget amount for Highland Lake.

They were working to pin down the source and solutions of this serious problem. There would be a watershed survey between the towns of Windham and Falmouth. They held a scientific forum to try and figure out what had caused the bloom. They had developed an Ordinance Committee and Education and Outreach Committee. They had proposed the ordinance because they believed it should be retroactive so no pending application project could slip through.

There was an issue of being able to pay a fee for a phosphorous level the developer couldn't meet. Windham could opt out of that law. There was an issue with the open space bonus. The lake was in trouble and they needed to weigh what was more beneficial, public open space or the watershed. It was about taking care of town resources.

Ms. Hartzler explained Highland Lake had been on the impaired list in 1999. They had worked to mitigate it from 2000 to 2007. From 2007 to 2010 the

phosphorous had levelled off and the lake had been removed from the impaired list. It had remained on the list of lakes most at risk from development. Changes in lake chemistry take time to show up.

The Board Chair said the phosphorus was an existing problem; it was not new. It was not caused by new development. It was caused by people who wouldn't walk away from their dream of being on the lake. What were the existing homes going to do to fix it?

Ms. Hartzler responded that things would happen based on results of the watershed survey. They would identify the most egregious sites and work on those first. Their buffer project would be a key line of defense for erosion into the lake. Highland Lake was the only lake in New England exhibiting the cyanobloom phenomenon. It was clear that something was causing it. They had to look at the entire chemistry of the lake. It could be a combination of things. They would study multiple aspects this summer.

Mr. Brown stated that education, meetings, and forums would make a difference. He had changed his behavior; the neighborhood was more aware. The lack of a town ordinance had contributed. It was a shared responsibility. A significant effort was going on; the challenge was forever. Development was a key contributor to phosphorous in the lake.

Amanda Lessard explained:

- *There were some sites that couldn't meet the phosphorous standards; that was why DEP offered a buy-out. DEP made the approval for that, not the town.*
- *Cumberland County Soil and Water Conservation District had recommended both Windham and Falmouth should have stricter standards or restrict how the fee in lieu was allowed.*
- *Other proposed changes may be appropriate, such as: changing the threshold; a one-time fee; an annual fee; prohibition for a short time.*

Ray White – He said his wife had been working tirelessly. They had remediated things on his property. It was not only the people on the lake. They had no control over development in the watershed.

Dustin Roma – He thought it sounded like DEP had already changed the phosphorous budget for the lake. If DEP had made the change you didn't need a special ordinance to say the same thing. Every lot had to meet its budget. It didn't matter how many lots there were. If you could engineer a solution you should have that flexibility. One way to meet the phosphorous allowance was to provide mitigation for existing contributing sources. One of the easiest things to do for a developer was off-site compensation, a major off-site compensation project. That would be included in Planning Board review and it would get done with the project.

Fee in lieu was discretionary. You could propose it to DEP, which would review it. The money in that fund had been there for a long time. That evidenced that it wasn't widely used. Phosphorous calculations didn't work for small projects, the numbers didn't work out. That was why DEP didn't require them. The tools were there for a reason. He was not in favor of enacting an ordinance to try to regulate it because of the unintended consequences that people would have to live with.

Mr. Brown stated they had chosen not to remove the mitigation aspect; they just recommended that the fee go away. It was important to understand their real concerns regarding a lot of problems with the process that needed to be examined.

There was no more public comment. The public hearing was closed.

Continuing Business

6 [PB 18-030](#) 18-01 Shared Maintenance Facility. Major site plan final plan review. The Town of Windham to request review of a new 23,400 sf footprint public works and school bus maintenance building. The subject property is located at 185 Windham Center Road and identified on Tax Map: 12 Lot: 28, Zones: Farm Residential (FR) and Resource Protection (RP).

Attachments:

[18-01 Shared Maintenance Facility_Final 04-18-2018](#)
[CommentResponse_Shared Maintenance Facility 04-16-2018](#)
[Peer Review_Shared Maintenance Facility 04-11-2018](#)
[Shared Maintenance_Lighting 11April2018](#)
[Shared Maintenance_SitePlanAppl 02April2018](#)
[Shared Maintenance_Plan Set 03.30.2018](#)

Bill Walker made a motion to take Continuing Business for the Shared Maintenance Facility out of order.

Seconded by Nick Kalogerakis.

Vote: All in favor.

The Board commented:

- *Was there any requirement or documentation required from other agencies with a distance that pumps had to be from the river? Would the pumps be within those guidelines?*
- *How was traffic visibility leaving the facility?*
- *Wouldn't it make more sense to move the fueling station away from the river and situate it somewhere else?*
- *Was the oil spill kit the same as the gas spill kit?*
- *How many school busses were there? They wanted to make sure the site was ready for growth over time.*
- *The pad appeared to pitch toward the river. There should be some containment around the tank so a spill didn't go down the embankment.*
- *The plan showed a 75 foot setback to the river. Why not do the 100 feet that was requested by Inland Fisheries and Wildlife (IF & W)?*
- *What about capacity for the 25 and 50 year storms?*
- *Was there any landscaping proposed between Windham Center Road and the facility?*
- *Should they have a third party reviewer because the Town was the applicant?*
- *There was much discussion and concern expressed regarding drainage and the proximity to the river.*
- *Would there be automatic deployment fire suppression systems?*

Will Haskell replied:

- *It was important to keep the pumps out of the 250 foot setback but he didn't think there were any other requirements relative to that.*
- *Site distance for the new driveway to the east was about 950 feet. Looking to the west it was 435 feet. Both ways exceeded requirements for the speed limit. Site distance for the existing driveway was 600 feet to the east and 580 feet to the west.*
- *They had a difficult time trying to reconfigure and fit everything into the site. There were challenges with grades and other things. They had tried to get the fuel facility in a spot that worked well for all uses of the site. They had looked at options of where they could fit it but it hadn't worked in a lot of the spaces. If they moved it away from the river it would be closer to the brook, which flowed to the river. They felt that grading it so the fuel area drained into the stormwater treatment systems was very important.*
- *There were several spill kits throughout the facility. One would be dedicated to the fuel area. Another one would be inside the building. They had to prepare and submit a Spill Containment Plan to DEP which dealt with containing all the different fluids. The plan would be stored at the facility.*
- *He thought there were 30 school buses, and 8 or 10 passenger vans. Several of the school buses were kept in Raymond. They were maintained and worked on in Windham.*
- *Should they need to expand, the parking spaces on the left side of the site could accommodate buses if they parked parallel. The leaf drop off area could ultimately be converted into parking spaces. The building itself could expand into the public works parking area.*
- *DEP required a 75 foot setback to the river. IF & W requested 100 feet. They could take away parking spaces and move things around. Asking DEP for a waiver was an allowed process.*
- *They were treating 60 percent of the developed area of the site. The 25 year storm would flow over but would infiltrate into the treatment layer in the underdrain soil filters.*
- *The general thought of the joint project team was that they were providing grassed areas and the town may add landscaping over time. They hadn't been asked to prepare a full landscape plan. The property was fairly well buffered around the outside edges.*
- *The fueling station would have its own fire suppression system. The new building would be fully sprinkled.*

Amanda Lessard explained:

- *The State Fire Marshall's Office permitted above ground fuel tanks that DEP also reviewed for containment systems.*
- *The Pleasant River's status was impaired for high e coli and low dissolved oxygen. It was the town's priority watershed.*
- *DEP would require annual inspection of the stormwater infrastructure and a report to the town. There was also extra scrutiny for town owned projects.*
- *The town engineer didn't think it was a conflict of interest to review the application.*

The Board requested:

- *Although the setback requirement was 75 feet, the watershed was impaired. It should be more restrictive.*
- *The fueling island should be moved or there should be additional containment around it.*

Meeting went into Recess

Meeting Reconvened

7 [PB 18-031](#) 18-02 627 Roosevelt Trail Self-Storage. Major site plan final plan review. Robie Holdings, LLC to request review of 38,000 square feet of public warehousing in 8 buildings. The subject properties are located at 625 and 627 Roosevelt Trail and identified on Tax Map: 53 Lots: 37 and 37C, Zones: Commercial 1 (C-1).

Attachments: [18-02 627 Roosevelt Trail Storage Final 04-18-18](#)

[Peer Review_627Roosevelt 04-11-2018](#)

[627 Roosevelt Self Storage Response to Comments 2018 3 30](#)

[627 Roosevelt Storage Plan Set 2018 3 30](#)

[627 Roosevelt Storage Building Elevations](#)

Dustin Roma, a civil engineer with DM Roma Consulting Engineers, was present representing the applicant.

- *They had adjusted building locations to provide additional space for vehicle turning movements internally on the site.*
- *There was a 50 foot stretch of depressed landscaped area where stormwater could go.*
- *A large snow storage area was provided behind the parking.*
- *A driveway connection had been added to the back building.*
- *HVAC equipment would be located in an alcove in the building. It would not be visible from the road.*
- *Building elevations had been revised to show pitched roofs. There had been a request to add shadow lines. They would request the most pronounced flashing material for an accent. Cupolas were proposed across the front of the building.*

The Board commented:

- *Was the Fire Chief ok with the turning movements?*

Amanda Lessard commented:

- *The Fire Chief had signed off on it, but not in writing. He had been in her office and said their truck would work with the SU30 standard.*
- *The plans in the packet were representative of what was proposed and were subject to the condition of approval.*

The applicant had submitted a waiver request of the façade standard requiring horizontal facades greater than 50 feet to incorporate wall plan projections or recesses. Gable end flashing and faux windows were proposed to break up the longer wall, which faced Roosevelt Trail.

Keith Elder made a motion to accept the waiver as written.

Seconded by Nick Kalogerakis.

Vote: All in favor.

Keith Elder made a motion that the final site plan application for project 18-02 627 Roosevelt Trail Self-Storage was found complete in regard to the submission requirements based on the application checklist, but the Planning Board retained the right to request more information where review criteria were not fully addressed.

Seconded by Nick Kalogerakis.

Vote: All in favor.

Griffin Bourassa made a motion that the Site Plan application for 18-02 627 Roosevelt Trail Self Storage on Tax Map: 53, Lots: 37 and 37C was to be approved with conditions with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- *The site is currently used for boat sales and repair and outside storage and includes an existing 3,000 square foot building.*
- *The project is located over two parcels that when reconfigured as proposed on the site plan will total 2.39 acres.*

Vehicular and Pedestrian Traffic

- *The subject parcel has approximately 40 feet of frontage on Route 302.*
- *A forty foot wide entrance is shown on the final plan, utilizing an existing curb cut. In accordance with Section 406.E.6.d, new, enlarged or rebuilt uses on an arterial road, shall be limited to one (1) curb cut.*
- *The deed describes an access and utility easement across the property to the single family home located at 629 Roosevelt Trail identified on Tax Map 53 Lot 36. Based on the deed included in the March 1, 2018 submission, this easement has been extinguished.*
- *Sight distances for the entrance must be shown on the final plan.*
- *The final plan submission states that the sight distance at the existing driveway exceeds 500 feet in each direction.*
- *The plan shows eleven (11) parking spaces. The minimum parking spaces required by the ordinance for public warehousing is ten (10) parking spaces (0.25 spaces per k.s.f.). 30% of these spaces must measure 10'x20'.*
- *The applicant should verify that the spacing between Buildings 3 thru 7 allows for turning and backing for a minimum of SU-30 vehicles.*
- *A traffic impact study is not required as the project will not generate fifty (50) or more trips during the a.m. or p.m. peak hour.*
- *The project may be subject to the North Route 302 Road Improvements Impact Fee (Section 1204). A traffic analysis shall be conducted in order to determine the traffic impact and requisite impact fee total, as measured by additional vehicle trips to be generated by a development project that pass through the North Route 302 Capital Improvement District in the peak commuter hour.*
- *The final plan submission states that the personal warehousing use is expected to generate 10 peak hour trip ends.*
- *In a revised grading and utility plan dated March 1, 2018, shared driveway access to Lot 37 is shown on the plan.*
- *In an email dated March 1, 2018 Town Engineer Jon Earle, PE, requested a detail on the closure of the existing entrance and sidewalk construction, the sight distance shown on the plan and address vehicle maneuverability on the site.*
- *Revised plans dated March 30, 2018 show sight distances at the entrance exceeding 500 feet in each direction, construction details for the repair of the sidewalk, and revised building locations to provide a minimum of 30 foot wide turning aisles at the end of buildings 4 and 5 to improve vehicle circulation.*

- *The submission dated March 30, 2018 includes a turning template for an SU-30 vehicle can maneuver throughout the site.*

Sewage Disposal and Groundwater Impacts

- *The development will be served by a private subsurface wastewater disposal (septic) system.*
- *A septic design with test pit information from James Mancini, LSE is included in the final submission. The proposed septic system is shown on Sheet GU-1.*
- *Existing septic systems on site should be shown on the plan.*

Stormwater Management

- *Per Section 812.E, a stormwater plan needs to be submitted that meets the standards DEP Chapter 500 Stormwater Management.*
- *The sketch plan submission states that there will not be an increase in runoff as a result of the proposed redevelopment as the existing site is almost entirely impervious surface.*
- *This project is in the NPDES (National Pollutant Discharge Elimination System) MS4 area as designated by the Environmental Protection Agency for the Town of Windham. This may mean there are additional permitting requirements, and ongoing requirements for reporting of stormwater infrastructure maintenance if the area of development is greater than one (1) acre.*
- *The final plan submission explains that the development proposed to revegetation approximately 22,000 square feet that is currently a gravel surface used for boat storage and that stormwater infiltration structures that will collect stormwater runoff close to the point source and infiltrate the water back into the ground.*
- *In an email dated March 1, 2018 Town Engineer Jon Earle, PE, requested additional information about the maintenance of the stormwater drainage area and infiltrator catch basins and verification whether the infiltration catch basins will need to be registered with Maine DEP through the Class V injection program.*
- *The submission and revised plans dated March 30, 2018 includes a construction detail/cross section for the proposed stormwater infiltration area, a maintenance plan for the stormwater facilities, and a copy of the Class V Underground Injection Control registration form. The applicant proposes that registration with Maine DEP of the Class V underground injection control (UIC) wells is a condition of approval. See Condition #2.*
- *In an email dated April 11, 2018 Town Engineer Jon Earle, PE, stated that the drainage area detail is adequate but requested clarification that the stormwater basin will not be used for snow storage.*

Erosion Control

- *A soil erosion and sediment control plan has been submitted on Sheet D-1 of the plan set dated February 18, 2018.*

Utilities

- *The project will be served by public water for domestic use.*
- *An email dated February 28, 2018 from Robert Bartels at the Portland Water District indicating that there is adequate water supply to service the use and that a new service must be installed and the existing service must be retired when the existing building is demolished.*
- *Based on the size of the proposed new buildings sprinkler systems are not required by the Fire Protection Ordinance; however sprinkler systems may be required by the*

building code depending on the materials stored.

- *Utility lines must be placed underground.*
- *The closest fire hydrant on Route 302 is just north of the Page Road intersection. The hydrant location is shown on the plan.*

Financial Capacity

- *Evidence of financial capacity has been provided in the form of a letter dated February 12, 2018 from Kimberly A. Donnelly, Senior Vice President at Gorham Savings Bank.*

Landscape Plan

- *Landscaping of the front landscape buffer and driveway entrance are shown on sheet S-1 of the final plan set. A 50 foot landscape buffer is identified adjacent to the RM zoning district boundary on the south side of the property.*
- *In an email dated March 1, 2018 Town Engineer Jon Earle, PE, asked if the landscape buffer will include any additional plantings or vegetation.*
- *The submission dated March 30, 2018 states that the landscape buffer strip will be maintained as lawn area along the southern property line. The existing stand of large pine trees, along with the existing fence, provides adequate buffering.*
- *In an email dated April 11, 2018 Town Engineer Jon Earle, PE, stated that the existing stand of pine trees should be shown on the plan.*

Conformity with Local Plans and Ordinances

1. Land Use

- *The project meets the minimum lot size and setback requirements of the C-1 zoning district.*
- *The two proposed entrances on Route 302 do not meet the performance standards for a curb cut in the C-1 district.*

2. Comprehensive Plan

- *This project meets the goals and objectives of the 2017 Comprehensive Plan.*

3. Others:

- *Design Standards, Section 813. The project must meet the design standards of the C-1 zoning district, along with a minimum of eight (8) of the elective Design Standards.*
 - o *The applicant has supplied a narrative in the February 19, 2018 submission addressing the Standards in Section 813.*
 - o *A detail of the proposed freestanding sign should be submitted.*
 - o *Building elevations were submitted as part of the final plan set. Snow storage areas and landscaping are shown on the site plan.*
 - *The building elevations do not appear to comply with the roofline standards (pitch roof at least 5/12 or flat roofs provided that the design creates no horizontal line greater than 50 feet). Buildings 1 and 3 have 3/12 roofs and the remaining buildings have 0.5/12 roofs.*
 - *The building elevations do not appear to comply with the façade standard (horizontal facades greater than 50 feet shall incorporate wall plan projections or recesses).*
 - o *The applicant has submitted revised building elevations shown on Sheet EL-1 dated March 1, 2018 and is requesting a waiver from the façade standard.*

- Cupolas have been added to buildings 1 and 3 to break up the flat roofline.
- The mechanical equipment is visible in the East and West Elevations.
- False windows have been added to buildings 1 and 3 to break up the visual appearance of the longer wall facing Roosevelt Trail.
 - The applicant has submitted revised building elevations shown on Sheet EL-1 dated March 30, 2018 as well as a detail of the proposed freestanding sign and a photograph depicting the proposed black steel gate.
 - Each building will have a matching 3/12 roof pitch.
 - Flashing at the gable ends provide for an overhang appearance, shown on included photographs.

Impacts to Adjacent/Neighboring Properties

- The final plan submission states that the buildings will include security lighting of approximately one fixture every 50 feet. A lighting cut sheet was included with the submission. No pole mounted lights are proposed.
- The property is abutted by the Brookhaven Subdivision in the Medium Density Residential District on the south side at the rear. Section 406.E.6.b states that all properties in the C1 district that abut a residential use, or undeveloped parcel, located in a residential zoning district shall provide a fifty (50) foot buffer along the zoning district boundary line. The buffer may be open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.
- The final plan shows the existing fences along the RM District Boundary and the proposed 50 foot landscape buffer.
- The submission and revised plans dated March 30, 2018 includes a photometric plan and lighting details.

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 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 provide for 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 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 ground water.
11. The proposed site plan will 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 not interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable

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.

CONDITIONS OF APPROVAL

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated December 18, 2018, as amended March 30, 2018, and 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 accordance with Section 814.G. of the Land Use Ordinance.

2. The infiltration wells shall be registered with the Maine Department of Environmental Protection Class V Underground Injection Control (UIC) program prior to installation.

Seconded by Nick Kalogerakis.

Bill Walker amended the motion to include Keith Elder's written comments:

- Buildings were sandstone and hunter green roofs and doors.
- No external HVAC units.
- Soffits and rakes are greater than six inches.

Griffin Bourassa agreed to the amendment.

Nick Kalogerakis agreed to the amendment.

Vote: All in favor.

New Business

8 [PB 18-033](#)

Amendment to Town of Windham Land Use Ordinance, Chapter 140. Proposed Amendments to Sections 800 and 900 to improve water quality in the Highland Lake watershed. Proposed changes include a change to the phosphorous allocation for stormwater management plans for site plans and subdivisions, prohibiting the use of the stormwater phosphorus compensation fee option, and prohibiting subdivision density bonuses.

Attachments: [PB packet_HL ordinance changes_04-18-18](#)

[Section800Section900_HLA changes_04-18-18](#)

[HLA_comments_03-26-18](#)

[Dennis Brown_Maine DEP List of Phosphorus Budget](#)

[Parameters_04-19-18](#)

[Appendix C Table](#)

[20180226 Highland Lake Ordinance Subcommittee CCSWCD](#)

[Recommendations Mem...](#)

Keith Elder made a motion to take continuing business out of order.

Seconded by Bill Walker.

Vote: All in favor.

Board Comment:

- *What about fee in lieu for a small project? Fee in lieu did not stay in the community.*
- *How many projects were on hold because of the moratorium? How important was the retroactivity?*
- *Until now the town had relied on DEP. What did they have as a data point? What mechanism should be put in place?*
- *The phosphorous number could change constantly and the ordinance would have to change.*
- *The problem happened because people built where the zoning allowed them to. If a change wasn't made did it create a bigger issue? Was this in the right direction for the watershed?*
- *Could an applicant ask for a waiver to get a bonus lot?*

Amanda Lessard replied:

- *They hadn't seen an example of fee in lieu. Money currently in the fund had been there for a long time because there hadn't been a project that met the criteria. The fee stayed in the watershed.*
- *One project had submitted an application and was affected.*
- *DEP set the phosphorous budget allocation. Applications always met the data point. The Windham ordinance didn't say it, but that was the standard projects had to meet. The town was not the entity that should set the phosphorous budget for watersheds. That went beyond municipal jurisdiction. It was something that was DEP's responsibility, looking at historical data and setting standards. It was the best resource for the town. Regardless of the amendment they knew that DEP had changed their standards and that was what every new project had to meet.*
- *The bigger piece of the amendment was making the standard apply to smaller projects where it didn't apply now.*
- *A waiver request for a bonus lot wouldn't be prohibited.*

Bill Walker made a motion to recommend approval of the proposed amendments to Sections 800 and 900 and of the Land Use Ordinance regarding stormwater management and cluster subdivisions within the Highland Lake watershed.

Seconded by Nick Kalogerakis.

Bill Walker clarified the motion was for what was put forth by the town's attorney.

Amanda Lessard explained it was the April 18th amendment for sections 800 and 900 with the retroactivity language added.

Nick Kalogerakis accepted the clarification.

Vote: Five in favor. Nick Kalogerakis and Keith Elder opposed.

Bill Walker made a motion to take a break.

Seconded by Keith Elder.

Vote: All in favor.

Meeting went into Recess

Meeting Reconvened

9 [PB 18-032](#) 18-09 Mayberry Two Duplexes. Minor subdivision sketch plan review. Mayberry Associates, LLC to request review of two (2) duplexes on two (2) lots. The subject property is located at 29 Smith Road and identified on Tax Map: 19, Lot: 94, Zone: Medium Density Residential (RM).

Attachments: [18-09 Mayberry Duplexes Sketch 04-12-2018](#)

[Peer Review Mayberry 04-10-2018](#)

[Mayberry Sketch Application Letter](#)

[Mayberry Duplex Elevation](#)

[Mayberry Minor Subdivision Plan](#)

Shawn Frank, from Sebago Technics, was present representing the applicant.

- *The site was located at the corner of Smith Road and Tandberg Trail.*
- *There was an existing duplex. They proposed to build a second duplex and then split the lot so each duplex would have its own property.*
- *A triangular piece of the property would be transferred to an immediate abutter.*
- *Public water was available.*
- *A subsurface wastewater disposal system would be installed.*
- *They proposed stormwater to sheet flow into the wetlands and associated buffers.*

Consensus of the Board was that a sidewalk and a public hearing were not needed.

Bill Walker made a motion for a sidewalk.

Seconded by Keith Elder.

Vote: One in favor. David Douglass, Keith Elder, Nick Kalogerakis, Griffin Bourassa, Drew Mayo, and Kaitlyn Tibbets opposed.

Other Business

10 Adjournment

Keith Elder made a motion to adjourn.

Seconded by Nick Kalogerakis.

Vote: All in favor.