

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

DATE: April 9, 2025

TO: Windham Planning Board  
 FROM: Amanda Lessard, Senior Planner/Project Manager  
 Cc: Steve Puleo, Planning Director  
 Andy Morrell, PE, BH2M  
 Andy Lane & Andrew Coppersmith, A-Plus Sale & Service, Inc  
 RE: #25-08 Major Site Plan - A-Plus Auto Sales & Service – 1027 Roosevelt Trail – Sketch Plan Review – A-Plus Sale & Service, Inc  
 Planning Board Meeting: April 14, 2025

### Overview –

The application is for a 24,000 square foot building with associated parking for automobile sales and repair services on a 11-acre undeveloped property.

Tax Map: 21; Lot: 12; Zone: Commercial I North (C1-N) and Stream Protection (SP) in the Hyde Brook/Sebago Lake watershed. Uses: Retail Sales, Automobile Sales; Automobile Repair Services.

A Development Review Team meeting was held on April 7, 2025. Comments received during the meeting are reflected in the memo below.

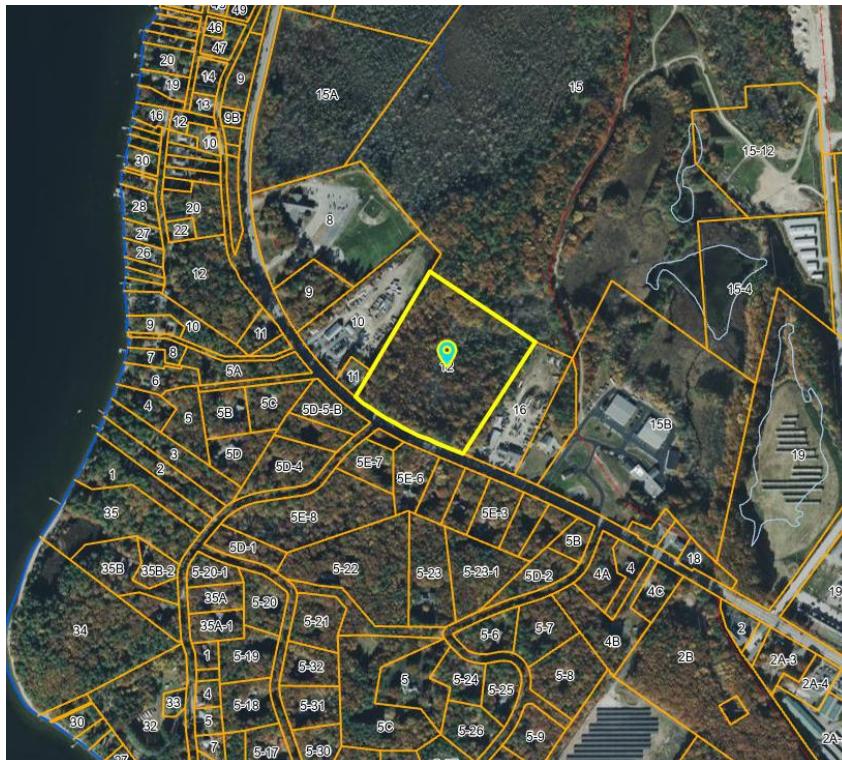


Figure 1. Aerial view of the subject parcel relative to surrounding properties and street network.

## **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 Site Plan application for project #25-08 A-Plus Auto Sales & Service 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.*

**None requested.**

*Waiver of the Site Plan Performance Standards. The Planning Board may waive the requirements of [§120-812](#) if it finds that extraordinary and 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\(2\)](#).*

**None requested.**

3. Public Hearing: The planning board shall determine whether to hold a public hearing on the final plan.
4. Site Walk: The planning board shall determine if a site walk is necessary.

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

**MOTION:** [I move] the Major Site Plan application for the #25-08 A-Plus Auto Sales & Service identified on Tax Map: 21; Lot: 12; Zone: Commercial I North (C-1N) and Stream Protection (SP) and located in the Hyde Brook/Sebago Lake watershed is to be (approved with conditions/denied) with the following Findings of Fact, Conclusions, and Conditions of Approval.

#### FINDINGS OF FACT

**Jurisdiction:** The A-Plus Auto Sales & Service project is classified as a Major Site Plan, which the Planning Board is authorized to review and act on by [§120-803A\(1\)](#) of the Town of Windham Land Use Ordinance.

**Title, Right, or Interest:** The applicant has submitted a copy of a Property Deed between Stanley Sclar and Double A Properties, LLC, dated November 22, 2024, and recorded on November 25, 2024, at the Cumberland County Registry of Deeds in Book 41146 and Page 341. *The applicant shall evidence of the connection between the property owner, Double A Properties LLC, and the applicant, A Plus Auto.*

#### ARTICLE 4 ZONING DISTRICTS

- As shown on the Town of Windham [Land Use Map](#) approved by the Town Council, date April 9, 2024, Tax Map: 15; Lot: 1A, the property is located in the Commercial I North(C-1N) Zoning District, §120-410.1.
- The proposed land uses, Retail Sales, Automobile Sales and Automobile Repair Services are permitted uses in the C-1N District, per [§120-410.1B](#).
- The lot and proposed building conform to the C-1N dimensional standards of [§120-410.1E](#).

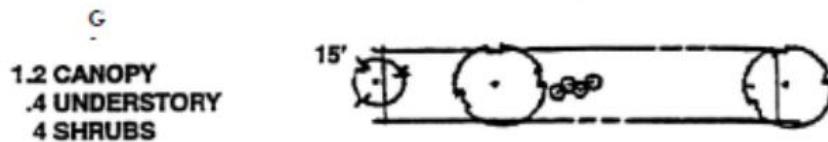
#### ARTICLE 5 PERFORMANCE STANDARDS

##### §120-507 – Automobile Repair Services

- The sale of gasoline or other petroleum products shall not be allowed as an accessory use.

##### §120-511 – Buffer yards

- [C\(3\)\(b\)](#) Commercial District buffer along streets (C1-N is not specified): use Buffer Yard G, see exhibit below.



- [§120-410.1E\(4\)\(a\)](#) requires a 20 feet minimum landscaped buffer strip, which is inconsistent with the Article 5 Buffer Yard performance standard. In accordance with [§120-104](#), the district standard is more restrictive and shall control. The sketch plan shows a 25-foot landscaped buffer.

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

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

- The subject parcel is approximately 11 acres in size. *The sketch plan shows the lot size as 12.51 acres. The referenced boundary survey dated June 2021 should be provided with the final plan submission.*
- The existing use of the property is an undeveloped woodland.
- The applicants are proposing to construct a 24,000 square foot building for automobile sales and repair service.
- No wetland impacts are proposed.
- No development is proposed in the 100-foot Stream Protection shoreland district adjacent to Hyde Brook.
- The site is located in the Hyde Brook/Sebago Lake watershed.

### §120-812B – Vehicular Traffic

- (1) The site is located on the northerly side of Roosevelt Trail and all business vehicular traffic will access the site from Route 302. Route 302 is a paved 3-lane state highway (one travel lane in each direction, and a center-turn lane).

  - (a) The applicant does not expect to impact any road intersections within a half mile of the project.
  - (b) For the *final plan review*, the applicant shall provide a traffic analysis that the existing streets and intersections can be expected to carry traffic (new peak hour trips) generated by the development. The applicant shall provide, for the *final plan review*, a “traffic study,” prepared by a Maine licensed professional engineer, describing the impacts of the proposed project on the capacity, level of service and safety of adjacent streets *when the project generates 50 or more trips during either the a.m. or p.m. peak hour*, per *§120-811B(2)(h)*.

    - The development is located in the *North Route 302 Road Improvement Impact Fee Collection Area*. In accordance with *§120-1204D(2)*, for the *final plan review*, the applicant shall determine the number of new primary trips to be generated by the development that passes through the Route 302/Angler’s Road/Whites Bridge Road intersection. The requisite impact fee total will be specified in Condition of Approval #4.
- (2) The access shall be designed to have minimum sight distance, according to MDOT and *Appendix B Street Design and Construction Standards*, to avoid hazardous conflicts with existing turning movements, to avoid traffic congestion, and to prevent queuing of vehicles entering and exiting the site.
- (3) The applicant proposes that the site will be accessed by one new 40-foot-wide driveway on Roosevelt Trail which has been aligned with Mineral Spring Road on the opposite side of Route 302.

  - (a) The construction activity will require an “entrance permit” from the Town’s Department of Public Works.
  - (b) The driveway access must meet a separation requirement of 75 feet.
- (4) The site shall be designed to allow internal vehicular circulation for the safe movement of customers, delivery vehicles, and emergency vehicles through the site. For the *final plan*

review, turning templates should be provided demonstrating that the entrance and parking area can serve the expected tractor-trailer delivery vehicles.

### §120-812C – Parking and Loading

(1) The applicant has designed a parking layout that accommodates a total of 172 passenger vehicle spaces, and approximately 46 representative spaces for display vehicles for sale. **The required amount of ADA parking spaces shall be shown on the final plan.**

(d) The applicant meets §120-812C(1)(d) Parking and loading by providing 100% of the parking spaces at 10' x 20' parking space size.

(2) For the *final plan review* the applicant should provide evidence that the proposed number of parking spaces is adequate to meet the parking needs for the expanded use.

- At the Development Review Team meeting the staff question the excessive amount of parking spaces and asked the applicant to consider reducing impervious areas or treating its runoff with LID BMPs.

### §120-812D – Pedestrian Traffic

- The applicant is proposing to provide an unspecified-foot-wide sidewalk along the front of the building.
- Per §120-410.1F(7), the Planning Board may require the construction of public sidewalks on Roosevelt Trail (Route 302). The applicant is proposing a 5-foot-wide sidewalk, separated by a 5-7 foot wide esplanade from the road shoulder, located in the Route 302 right-of-way along the frontage of the property. At the Development Review Team meeting the Town Engineer commented that the Public Works Department needs to review the design of a proposed sidewalk to determine if it is more appropriate to construct a sidewalk in this location on Route 302 or collect the impact fee to build a sidewalk that connects to the existing network.

### §120-812E – Stormwater Management

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

(f) Major site plans, regardless of size, shall comply with Sections 4C(2) and 4C(3) of the General Standards of the MDEP Chapter 500 Stormwater Management Law. The applicant states that they development will require a Maine DEP Stormwater Permit.

- The site is located in the Town's Urbanized Area and regulated by the MS4 (Municipal Separate Storm Sewer System). The applicant states that the site disturbance is anticipated to be more than an acre and will be subjected to the annual maintenance and inspection report to the Town required by the Post-Construction Stormwater Ordinance, Chapter 201 Article II, see Condition of Approval #3.
- The site is located in the Sebago Lake watershed, a direct watershed of a lake most at risk from new development as designated in DEP Chapter 502, thus in accordance with §120-807F(6), Town's third-party consulting engineer firm will review the final plan to ensure

compliance with performance standards contained in § [120-812E](#), [F](#), [H](#), [J](#), and [K](#). The review shall include attendance at any scheduled Planning Board site walk.

#### **§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 minimum standards outlined in the Maine DEP Stormwater Rule Chapter 500 Appendix A – Erosion and Sediment Control, Appendix B – Inspections and Maintenance, Appendix C – Housekeeping. Erosion and Sedimentation Control.

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

(1) The new building is proposed to be served for domestic and fire protection (sprinklered) by a Portland Water District (PWD) water main connection from across Roosevelt Trail.

- The applicant shall provide for *the final plan review* a written statement from PWD letter that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.
- At the Development Review Team meeting, the Town Engineer commented that a street opening permit from the Public Works Department would be required to connect to the water main.

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

- For *the final plan review*, the applicant shall provide the permit, design, or evidence from a Certified Site Evaluator that a subsurface wastewater disposal system meeting the requirements of the Subsurface Wastewater Disposal Rules will serve the proposed automobile sales and service use.

#### **§120-812I – Utilities**

- The applicant all utility connections (electrical, telephone, and telecommunication services) will be subsurface.
- A utility and grading plan shall be provided for *the final plan review*.

#### **§120-812J – Groundwater Impacts**

- The new building is proposed to be connected to the PWD public water system, and the wastewater disposal system is not anticipating a disposal system with a capacity of 2,000 gallons per day (GPD).

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

- For final plan review, the applicant should demonstrate how the storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials shall meet the standards of the Maine Department of Environmental Protection and the State Fire Marshal's Office.

- The project is located within a direct watershed of a lake most at risk from development and requires a phosphorus control plan as part of the *final plan review*.
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#### **§120-812L – Hazardous, Special and Radioactive Materials**

- For *final plan review* the applicant shall specify the anticipated handling, storage and use of any materials identified as hazardous, special, radioactive, flammable or explosive.

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

- A portion of the property is in the Stream Protection (SP) shoreland zoning district, 100 feet from Hyde Brook. No development is proposed in the shoreland zone.

#### **§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 shall provide evidence of financial capacity for the *final plan review*.
- (2) The applicant has hired BH2M, for site planning, permitting, and engineering services.

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

- For final plan review, the applicant shall provide for adequate disposal of solid waste. All waste shall be transported to a licensed disposal facility. Any proposed solid waste dumpsters should be shown on the plan, and details provided. In accordance with [§120-554](#), all permanent solid waste dumpsters shall be installed on an appropriate concrete pad and shall be screened on all sides by fencing or vegetation. Vegetation must screen the dumpster within one growing season from the time it is planted.

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

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

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

- The final plan shall include information on the location of the mapped FEMA 100-year floodplain hazard area in proximity to Hyde Brook.

#### **§120-812R – Exterior Lighting**

- A streetlight is located across Route 302 on the north side of the intersection of Mineral Spring Road.
  - (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. For the final plan, the applicant shall meet the required performance standards of the [§120-545D Noise](#) standards for a commercial use.

(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 will provide a landscaping plan and planting schedule for *final plan review*.
- The applicant has not provided a location of a dumpster or details for 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-1N 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.
- Optional: [§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**

1. ~~The plan for development reflects/does not reflect the natural capacities of the site to support development.~~
1. ~~Buildings, lots, and support facilities will/will not be clustered in those portions of the site that have the most suitable conditions for development.~~
2. ~~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.~~
3. ~~The proposed site plan has/does not have sufficient water available for the reasonably foreseeable needs of the site plan.~~

4. 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.
5. 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.
6. The proposed site plan ~~will/will not~~ provide adequate sewage waste disposal.
7. 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.
8. The developer ~~has/does not have~~ the adequate financial capacity to meet the standards of this section.
9. The proposed site plan ~~will/will not~~ alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
10. The proposed site plan ~~will/will not~~ provide for adequate stormwater management.
11. 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.
12. 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.
13. All freshwater wetlands within the proposed subdivision ~~have/have not~~ been identified on the plan.
14. Any river, stream, or brook within or abutting the subdivision ~~has/has not~~ been identified on any maps submitted as part of the application.
15. 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, section 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.
16. The long term cumulative effects of the proposed site plan ~~will/will not~~ unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
17. 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.
18. The timber on the parcel being subdivided ~~has/has not~~ been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.

#### CONDITIONS OF APPROVAL

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated March 24, 2025 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. 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.
3. 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.
4. The development is subject to the following [Article 12 Impact Fees](#), to be paid with the issuance of new building permits for the expanded uses: [North Route 302 Road Improvements Impact Fee](#) of TBD (*TBD per peak hour trip through Route 302/Anglers Rd/Whites Bridge Intersection*); [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](#).