



Town of Windham
Planning Department
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STAFF REVIEW AND COMMENTS MEMO

DATE: March 16, 2023

TO: Peter Anania and Simon Beylin
FROM: Steve Puleo, Town Planner
Cc: Windham Planning Board
[Agent]

RE: #23-10 Depot Street Apartment - Amended Major Site Plan Final Review – Peter Anania and Simon Beylin.

Scheduled for Planning Board meeting of March 27, 2023

Thank you for submitting your application on March 6, 2023. The application status is **incomplete**. The staff has reviewed the application and found several outstanding items that need your attention before scheduling a Planning Board amended site plan review. Your application is **scheduled for review on March 27, 2023**. The Planning Board meeting is an "in-person meeting" at the Town Council Chambers in the Town Hall located at 8 School Street. The meeting begins at 6:30 p.m., and your attendance is required.

The application is to amend the approval site plan review to construct 31 dwelling units in three buildings. As required by Condition of Approval #4, in which the Planning Board shall review the proposed building elevations prior to the issuing of building permits. The Board will review the proposed buildings for compliance with Section 120-813.

Tax Map: 38, Lot 37-A. Zone: Village Commercial District (VC)

Planning Department:

- **This application is incomplete for the submission and Board review requirements. The applicant can choose to present their request, but the Board cannot approve the application until it meets the completeness standards.**
- **What are the number of bedrooms in each of these units? It's not specified in the findings from the 2020 approval and we should confirm that the assumptions for parking, traffic and water and wastewater use are the same.**
- **Submit a copy of the previous approved plan.**
- **The narrative notes that minor modification have been made to the sidewalks and landscaping to accommodate the building design – submit a plan calling out those plan changes.**
- **How was the grade plane determined and the building height calculated based on the definitions in the LUO? Label the heights for the high and low roof surface so we can more easily confirm the average.**
- **The commercial district design standard narrative only notes that the transparent openings “substantially conform with the standard”. Provide calculations of transparent openings for “facades that face public street” (Staff should provide a recommendation of which facades are applicable).**
- **Were waivers previously granted to the site plan approval? Is no, include on the plan. There are none on the amended plan but it appears the parking spaces are not 10x20**

- **The project also needs to be reviewed as an amended subdivision because of the proposed change in ownership. Only the technical and financial capacity are applicable for review.**
 - **The subdivision plan needs to show all the required elements of the ordinance (eg net density calculations, easements shown on the plan (PWD), waivers granted, if any)**
- **The DEP Permit needs to be transferred to new owner. Typically, we require this prior to the Town's approval.**
Please add a "Waivers Approved" section and provide the correct "Conditions of Approval" granted by the Board at their July 13, 2023 meeting (see below) on Sheet S-1. Provide an amended subdivision recording plan with the new owners named on the plan and the Maine DEP NRPA Tier 1 permit (#L-28526 TC-B-N dated March 24, 2020), Army Corps permit (#NAE-2020-00604), and NAPR-PBR permit for disturbance within 75 feet of a stream.

CONDITIONS OF APPROVAL (POSSIBLE)

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated August 5, 2019, as amended July 13, 2020, 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 120-913](#) of the Subdivision Ordinance and [Section 120-814](#) of the Site Plan ordinance.
2. Approval is subject to the requirements of the [Post-Construction Stormwater Ordinance, Chapter 201](#). 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 May 1st of each year.
3. Soils excavated on the site should be evaluated by an Environmental Professional (Licensed Engineer or Certified Geologist with experience in environmental assessment) to determine if they are impacted by oil and/or hazardous substances and require special handling if disposed of offsite or reused on site.
4. Prior to issuance of building permits, the Planning must find that elevation for the proposed building meet the Commercial District Design Standards in [Section 120-813](#).

Town Engineer:

- **No comments**

Fire Chief:

- **Truck turning template showing fire truck movement and safe access including fire lane designations.**

Thank you for your attention to these matters. Provide one copy of your response to staff comments with all revised application materials and three (3) plan sets with the required construction details. Email an electronic copy of your response letter, supporting documentation, and plan set. If I receive more comments, I will send them to you ASAP. We will need your response by [date]. Please feel free to call me with any questions or concerns at (207) 777-1927 or email me at sjpuleo@windhammaine.us.