



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Draft

### Planning Board

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Monday, May 22, 2023

6:30 PM

Council Chambers/\*\* Via Zoom

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#### FINAL AGENDA

\To join the meeting remotely, use this link: <https://us02web.zoom.us/j/143936937>. You may also call 1-646-558-8656 and enter meeting ID: 143 936 937.

\*\*Pursuant to the Town of Windham Planning Board's Remote Participation Policy adopted September 13, 2021 (online at <https://www.windhammaine.us/372/Planning-Board>), Zoom is only available to the public if one or more of the Board members cannot attend in person but will be participating remotely\*\*

Zoom will be the meeting platform used by both the Board and the public.

Information about using Zoom is available at

<https://support.zoom.us/hc/en-us/articles/115004954946-Joining-and-participating-in-a-webinar-at-tendee->. Please note that members of the public will need to use the raise your hand feature in Zoom or type \*9 on the phone to be called on and heard during the public testimony portion of the agenda.

#### 1 Call To Order

#### 2 Roll Call and Declaration of Quorum

*Chair, Marge Govoni, called the meeting to order. Other members present were: Shonn Moulton, Christian Etheridge, Evert Krikken, and Kathleen Brown.*

*Town Planner, Steve Puleo, was also present.*

#### 3 [PB 23-037](#) Minutes of the May 8, 2023 meeting.

**Attachments:** [Minutes 5-8-2023-draft.pdf](#)

*Christian Etheridge made a motion to approve the minutes of the May 8, 2023 special meeting.*

*Seconded by Shonn Moulton.*

*Vote: All in favor.*

*Rick Yost joined the Board.*

#### **Continuing Business**

#### 4 [PB 23-032](#) #21-13 - Vintage Subdivision - Major Subdivision, Preliminary Plan Review

- PTG Development, Inc. This item was postponed from the April 10, 2023 agenda to the May 22, 2023 agenda. The applicant is requesting that the Board postpone its decision on the review of the Vintage Subdivision preliminary plan. The Town and applicant are negotiating a resolution to the pending consent agreement. The property is identified as Tax Map 52, Lot 24, in the Commercial I District (C-1).

*The applicant requested the Board to postpone a decision, pending resolution of the Consent Agreement between the applicant and the Town.*

*Shonn Moulton made a motion to postpone the application to a date to be determined.*

*Seconded by Kathleen Brown.*

*Vote: All in favor.*

## **Public Hearings**

- 5      [PB 23-033](#)      #23-17 Amendment to Code of the Town of Windham Chapter 120 Land Use Ordinance, Article 12 Impact Fees to revise the open space impact fee.

**Attachments:**    [PB Memo Open Space 05-18-23.pdf](#)  
[Open Space Fee Methodology 03-17-2023\\_clean.pdf](#)  
[Open Space Fee Methodology 03-17-2023\\_redline.pdf](#)  
[Open space impact fee revised\\_03-17-2023.pdf](#)

*Steve Puleo explained:*

- *Open space was a capital improvement, required by State statute.*
- *Impact fees were charged for all development that caused an impact on the improvement for which the impact fee was created. They had to be consistent with the goals of the Comprehensive Plan.*
- *Town Council periodically reviewed impact fees and could impose changes.*
- *Determination of this impact fee amount was determined by the number of bedrooms within a newly built structure.*
- *The town's Comprehensive Master Plan placed a priority on the acquisition and maintenance of public open space.*

*Public Comment*

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

*Board Comment*

- *What could the town purchase with the increased charges? What would it give the town that it didn't currently have?*
- *The amendment was asking for a 91.3% increase from three years ago. A Board member didn't see that level of increase in the time period.*
- *It would feel better if fees were being collected and put into a fund.*
- *If the objective was to maintain 48 acres per 1,000 people, had someone evaluated whether the ratio had fallen below that?*
- *Was there a way to evaluate the result of the impact fee to see if it was consistent with*

*the Comprehensive Master Plan?*

- *If this could be done, it would provide funds and the town would not need to go to bond to buy open space.*
- *It would be good to have an exact budget for people to see where the money was going.*
- *There were set guidelines on what impact fees could be used for. The fee was only established three years ago. It hadn't had time to collect much.*
- *On multi-family units there was a fee per dwelling unit, not just per building.*

*Kathleen Brown made a motion to recommend approval of the proposed amendments to the Land Use Ordinance Chapter 120 Article 12 Open Space Impact Fee.*

*Seconded by Evert Krikken.*

*A comment was to provide more clarity per specified use or targeted acquisitions and use of the land.*

*Vote: All in favor.*

- 6      [PB 23-034](#)      #23-19 Amendment to Code of the Town of Windham Chapter 120 Land Use Ordinance, Article 8 Site Plan Review and Article 9 Subdivision Review related to MS4 Stormwater Permit requirements.

**Attachments:**    [PB MEMO MS4 SiteSub 051823.pdf](#)  
[Memo MS4 Permit Ordinance Amendments.pdf](#)  
[Site Plan Review Official Draft 4.7.23.pdf](#)  
[Subdivision Review Official Draft 04.7.23.pdf](#)

*Steve Puleo explained:*

- *The State required the land use ordinance to be amended to reflect changes required of MS4 communities regarding DEP changes to the MS4 General Permit of Discharge of Stormwater for Small Municipal Separated Storm Sewer Systems.*
- *The proposed amendments:*
  - o *Applied to minor and major plan review*
  - o *Required additional stormwater drainage narratives and the maintenance and inspection program to be clearly delineated as submission requirements.*
  - o *Revised erosion control standards*
  - o *Required submission of draft Homeowners' Association (HOA) documents and draft deeds, prior to application approval, if those documents were referenced as covenants or restrictions to any kind of maintenance and inspection program for stormwater*
  - o *Added that the soil and erosion control and sedimentation plan must be consistent with the homeowner's documentation*
  - o *Updated references to DEP stormwater design manual and rules to add HOA responsibilities*
  - o *A section of the ordinance that was not applicable to post-construction stormwater management requirements would be removed.*
  - o *A new section regarding maintenance of common elements would be added which required:*
    - ☐ *Submission of HOA documents for Planning Board review*
    - ☐ *The HOA must be recorded in the Cumberland County Registry of Deeds within 90 days of the date of the subdivision plan filing.*
    - ☐ *All deeds must reference the declaration establishing the HOA.*
    - ☐ *Evidence of recording for all deeds, covenants and legal agreements must be*

*submitted to the town.*

*Public Comment*

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

*Board Comment*

- *The HOA responsibility to maintain common property or facilities included the requirement for stormwater improvements. Now would be a good time to add any other things to the “including” clause, like stormwater buffers, so they weren’t overlooked.*
- *Maybe by making the HOA responsible it would prevent the incremental intrusion into buffers which occurred over time.*
- *If the Board saw something that should be included in HOA responsibilities, and the ordinance didn’t require it, how could it be made a condition of approval?*

*Evert Krikken made a motion to approve of the proposed amendments to the Land Use Ordinance Chapter 120 Article 8 Site Plan Review, Article 9 Subdivision Review related to MS4 Stormwater Permit Requirements.*

*Seconded by Kathleen Brown.*

*With the comment to review the “, including” clause in the list of maintenance of common elements.*

*Vote: All in favor.*

- 7      [PB 23-035](#)      #22-17 322 Roosevelt Trail Contract Zone. 322 Roosevelt Trail, LLC is requesting an amendment to the Official Land Use Map and Land Use Ordinance § 120-421 for a contract zone which would permit multifamily dwellings and increase density standards. The property in question is located at 322 Roosevelt Trail, and identified on Tax Map: 12, Lot: 58, Zone: Farm (F).

**Attachments:**    [22-17 PB MEMO 322 RooseveltTrail ContractZone 051523.pdf](#)  
[22-17 SRC MEMO ContractZone 322RooseveltTrail 050523.pdf](#)  
[2023-01-30 Contract Zone Plan.pdf](#)  
[Contract Zone Agreement v.3.pdf](#)  
[ContractZone\\_Map\\_001.jpg](#)  
[Suburban Pines Motel 04-1990.pdf](#)  
[TC memo 322 Roosevelt Trail contract zone 09-23-22.pdf](#)

*Shawn Frank, of Sebago Technics, was present representing the application. He explained:*

- *The property included an existing ten unit motel that pre-dated the current zoning. There were also 13 efficiency apartments, for a total of 23 units. 22 of the units were rented; one was for the caretaker.*
- *The uses were nonconforming. They would like to make them conforming uses in a contract zone and eliminate the motel use. They proposed:*
  - o *To make efficiency units with more stable long-term residency. They didn’t want to add any more units or buildings.*

- o Improve the parking
- o Upgrade the site and landscaping
- An updated plan had been submitted, which reflected DOT acquisition of about 18 feet of right-of-way in the early 2000s.
- Because of the DOT acquisition, they now wanted to eliminate the 15 foot buffer, and find another place for the three parking spaces.

Steve Puleo explained:

- The draft contract had been reviewed by the town's attorney and edited for thoroughness.
- The applicant proposed to redevelop the existing 23 units into long-term residential rental units. Nine of the units would be expanded to provide a separate sleeping area for a one bedroom efficiency configuration.
- The current Farm (F) zone permitted multi-family, but only as an alteration of an existing structure in existence since 1986, and only into three units.
- The history of the property included:
  - o 1987 Zoning Board of Appeals approval for expansion of nonconforming units by 13. Those were built in 1988.
  - o 1990 Planning Board approval of a five-lot subdivision, including the motel.
  - o 2016 Town Council denial of a previous owner's request for a contract zone to permit the motel and multi-family dwelling.
- Any changes or other impacts would require a plan for expansion and had to meet site plan and major subdivision criteria.
- The application met the 2016 Comprehensive Plan goal for increasing multi-family housing.
- The applicant requested reduced parking space sizes of 9 x 18 feet and other exemptions.

#### Public Comment

One written public comment had been received.

Margaret Pinchbeck, Nash Road – She had concerns regarding the contract zone. It had been operating as apartments, not a motel, for some time. Did that mean they were not in compliance with the current ordinance? The previous owner had tried to get approval for one unit but couldn't. Why was the Board now considering changing the zone for the current owner when it wouldn't for the previous owner? Her biggest concern was that the motel sat next to a wetland. How old and in what condition were the septic tanks? If the leach field failed, was there enough usable land to install another? Would changing the zone for one lot make it easier for neighboring lots to get a zone change? She assumed, if it was approved, it would make it easier for her to get a zone change and put up an apartment building. She had received an automatic call from the police department about a sex offender living in the Northeast Motel. She didn't like to think that the neighborhood would be getting more dangerous so that one landowner could increase their profits.

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

Scott Smith, the applicant, explained:

- The apartments rent ranged from \$700 to \$1100 dollars a month.
- Their only plan for expansion was to push out the back wall for a bedroom so there was separate sleeping place.
- They proposed no additional residents. Tenants would likely be single people or couples.
- Traffic flow would not increase.

*Board Comment*

- *There was a big issue with a lack of affordable housing in town. This would help a little bit.*
- *Would they be subject to the impact fees that were just discussed, or would that be built into the contract zone fee?*
- *Was making it a multi-unit in line with the Comprehensive Plan?*
- *With the town's pending rezoning proposals would it be in the area to be rezoned?*
- *Would requested exemptions be waiver requests?*
- *If the project was targeting working class tenants, who may have work trucks, then requesting smaller size spaces may not make sense.*
- *A Board member expressed reluctance to do any contract zoning at all, especially if it was to improve the profitability of one person. As for affordability, add cost to them and they were not affordable. And it would allow people who were living there temporarily to have a permanent Windham address so they could access permanent Windham services.*
- *This would make it easier for others to get a contact zone.*
- *This would set a precedence by allowing multiple contract zones rather than rezoning or saying no.*
- *What did it mean to say there was no restriction on the lot size. Since it ran with the land, what did it mean for future development? The language was confusing.*
- *If this wasn't voted positively by the Planning Board, the Town Council could still vote to override that.*
- *Was there a difference between exemptions in the contract zone vs. making them waivers in terms of how long they last, when they get reviewed, when they may need another waiver.*
- *Up the street was a building that had been a motel and was now all efficiencies. How did that come about?*
- *Assuming the property remained a motel, could the applicant add the addition to the building?*
- *There was nothing preventing the applicant from remodeling rooms and increasing the price.*
- *The buildings were existing and they were not changing the number of units. It was inevitable that the price would increase, so potentially it was benefitting surrounding properties to change zoning and not really much change to the property.*

*Christian Etheridge made a motion to approve, with comments, the proposed amendments to the Land Use Ordinance, Chapter 120 of the Code of the Town of Windham, Section 120-402 Location of districts; Land Use Map, changing the zoning district for the property located at 322 Roosevelt Trail from the Farm District to the 322 Roosevelt Trail Contract Zone of the parcel identified as Assessor's Tax Map 12, Lot: 58, in the Farm (F) District.*

*Seconded by Evert Krikken.*

*Comments*

- *The landowner was trying to upgrade a nonconforming use and make some investment in that improvement. There was a concern that the contract zone seemed to go beyond what the Board member understood contract zoning to be and to include site plan approval simultaneously and that was a concern.*
- *It felt like some of the Board's consideration had been taken out of their hands by the contract. Parking was a good example of that.*
- *If contract zoning popped up all over, that was not what the Comprehensive Plan was about.*

- A Board member expressed not being a fan of contract zoning, and could see the possibility of use and abuse.
- A Board member supported the idea because it was in line with the Comprehensive Plan. It would go from a nonconforming use to something better. It didn't really set precedent with any decision they made. Precedent was a valid concern. The biggest concern was the waivers. Have them come before the Planning Board and they could talk about it better separately. They should minimize the number of allowances that were part of the core definition of the contract zone and make it as small as possible.

Vote: Three in favor. Shonn Moulton, Kathleen Brown, and Rick Yost opposed.

**8**      [PB 23-036](#)

#23-11 Meadowbrook Subdivision Lot 5 - Amended Subdivision - Final Plan Review - Michael Keeley. The application is for the construction of a duplex with associated parking on a lot within the Meadow Subdivision. The duplex will be accessible by a new curb-lane road from Whites Bridge Road. The property is located at 20 Whites Bridge Road; Tax Map: 18 Lot 4-5; Zone: Commercial I (C-1) zoning district.

**Attachments:** [23-11 PB MEMO FINAL PLAN AmdMeadowbrookSub 051523.pdf](#)  
[23-11 SRC MEMO AMD SUB 20WhitesBridgeRdDuplexe 050423.pdf](#)  
[82011-01 Plan Set 23-04-28.pdf](#)  
[82011-01 Subdivision Amendment Compiled 23-04-12.pdf](#)

Chris Taylor, of Sebago Technics was present representing the application. He explained:

- There had been no significant changes since the meeting in April.
- They had incorporated landscaping into their buffer and proposed two street trees on Whites Bridge Road.
- 10 x 10 foot decks were proposed off of the back doors of the duplex.

Steve Puleo reviewed:

- The application had preliminary plan review in April 2023.
- The applicant had submitted the Board's requested information regarding landscaping and street trees.
- This was the final plan review.

Public Comment

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

Board Comment

- The Board expressed appreciation of the applicant's response to their concerns.
- The decks were a nice addition.

Evert Krikken made a motion that the amended subdivision final plan application for project 23-11 - Amended Meadowbrook subdivision on Tax Map: 18, Lot: 5-4 was to be approved with conditions with the following findings of fact, conclusions, and conditions of approval.

FINDINGS OF FACT

120-911 – AMENDED SUBDIVISION REVIEW

*120-911A – Basic Subdivision layout**(1) Lots*

- (a) The size of the parcel is 32,017 SF and there is no minimum lot size nor net residential density requirement in the C-1 zoning district.*
- (b) The proposed development will have multiple dwellings on a single parcel.*
- (c) Further lot divisions are prohibited.*
- (e) Map-lot numbers are provided.*

*(2) Utilities*

- (a) The applicant is proposing to extend all utilities underground from the Whites Bridge Road ROW.*
- (b) Public water will be extended from Whites Bridge Road.*

*120-911B – Sufficient Water**(1) Water supply*

- All dwelling units will be served by public water from an existing water main on Whites Bridge Road.*
- An Ability to Serve letter dated January 25, 2023 from the Portland Water District approving the public water service for the addition of duplex building. PWD has approved two 1.5" domestic/fire service from Whites Bridge Road within the proposed road.*
- The closest existing fire hydrant is located on Whites Bridge Road. Existing hydrant locations are less than 1,000 feet from the development.*

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

- The applicant has provided a surface drainage plan showing the direction of stormwater runoff.*
- Soil erosion and sediment control plan must be submitted as part of the Final Plan.*
- No portion of this subdivision is within the mapped 100-year floodplain.*
- This subdivision is located over a significant sand and gravel aquifer.*
- This project is in the NPDES (National Pollutant Discharge Elimination System) urbanized area as designated by the Environmental Protection Agency for the Town of Windham. The site disturbance is less than an acre and annual stormwater maintenance reporting to the Town is not required, but the Environmental and Suitability Coordinator recommends they should be following an inspection and maintenance plan as required in the ordinance.*
- The property is in the Presumpscot River watershed.*
- The project will not adversely impact any river, stream, or brook.*

*120-911D – Sewage Disposal**2. Private systems.*

- (a) The development will be served by one private subsurface wastewater disposal system. The applicant has provided evidence that the proposed subsurface disposal system is designed to handle the flow of 720 Gallons per day for 8 bedrooms (the existing 2-unit building plus the proposed 2-unit building).*
- The site evaluator, Gary Fullerton from Sebago Technics has certified in writing that the test pit meets the requirements.*
- Soil test pit analysis were included with the applicant and show test pit locations on the plan.*
- The two buildings are connected to a 2,000-gallon septic tank and pipes to the disposal field.*

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

- The applicant will provide more information relating to the natural resource impacts*



for the final review.

- The property does not have shoreline frontage.
- The applicant will show the limits of tree clearing for the final plan review for the duplex buildings. A note needs to be added to the subdivision recording plan stating that clearing of trees is not allowed in areas where tree cover is depicted on the plan for a period of at least five (5) years from the date of Planning Board approval.
- The property is currently developed with a single-family dwelling and is otherwise wooded.
- There are no documented rare botanical features or significant wildlife habitats documented on the site.
- Street trees are required at least every fifty (50) feet (Section 120-911E(1)(b)), Per Planning Board, the applicant is proposing to plant two Japanese zelkova trees along Whites Bridge Road and install three Serbian Spruce trees between 8' and 10' tall along the rear elevation of the new duplex building.
- The applicant is not proposing a tree along White Bridge Road and would need to request a waiver of that section.
- The existing tree line is shown on the final plan.

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

##### *Comprehensive Plan:*

- The plan does meet the goals of the 2017 Comprehensive Plan. The property is in the Growth Area.

##### *Land Use Ordinance:*

- The lot meets the dimensional standards of Commercial District I (C-1), see Section 120-410E.
  - o Front setback for principal building on all other streets but Route 302 0-20-feet. Front, side, and rear setbacks are shown on the plan.
  - o Net residential density calculations are shown on the plan.
  - o No parking is located in within the structure's front setback.
  - o Buildings must be oriented parallel to the front lot line. The existing building is oriented towards Whites Bridge Road and the proposed building is oriented to the proposed curbed lane.
- The development is subject to the following Article 12 Impacts Fees, to be paid with the issuance of a building permit: North Route 302 Road Improvements Impact Fee, Recreation Impact Fee, Open Space Impact Fee, Public Safety Impact Fee, Municipal Office Impact Fee.

##### *Subdivision Ordinance*

- Standard notes and the standard condition of approval and approved waivers must be shown on the plans.
- Subdivision plan data compatible with the Town GIS must be submitted as part of the final plan submission.
- Draft condominium or homeowner association documents must be provided with the final plan submission and must specify the rights and responsibilities of each owner with respect to the maintenance, repair, and plowing of the subdivision streets, open space, and stormwater infrastructure, if the dwellings are to be sold as condominiums.
- The plan shows all parcels in common ownership within the last 5 years.

##### *Others:*

- Section 204-24 Street Naming and Addressing: Following consultation with the Assessing Department, a proposed road name for the subdivision access drive must be shown on the Final Plan.
- Chapter 201Article II Post-Construction Stormwater Ordinance: The site is in the

NPDES MS4 urbanized area.

- Chapter 101 Growth Management Ordinance: Growth permits are required prior to the issuance of a building permit for the construction, creation, or placement of each new dwelling unit within the Town of Windham.
- The final plan submission should describe how solid waste generated by residents at the site is to be collected and disposed of and how stumps and demolition debris will be disposed of.
- For the final plan review, the applicant shall provide the "Grading Easement" with the abutting Apple Tree Self Storage.

*120-911G – Financial and Technical Capacity*

(1) The estimated cost of the proposed project is approximately \$910,000, the applicant did not provide a construction cost worksheet with the application. For financial, the applicant has provided a support letter dated March 6, 2023 from James M. Whelan, Vice President of Saco & Biddeford Saving Bank.

(2) The has shown applicant's technical capacity by completing several residential developments in the Greater Portland area. The applicant has retained the services of Sebago Technics, Inc. Survey, Inc, Architect Deirdre Pio, and Mainly Soils. The consultants have performed as technical advisors and designed many subdivision and site plan reviews in Windham.

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

- No adverse impacts on ground quality or quantity are anticipated.

*120-911I – Floodplain Management*

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

*120-911J – Stormwater*

- The applicant is proposing a stormwater quality and quantity treatment design by using a grassed under-drained soil filter to provide storage and treatment for the increased stormwater runoff caused by the new impervious and landscaped area created by the new development.
- The design ensures the MDEP Chapter 500 Basic standards, General standard, and Flooding standards are being met.
- A Best Management Practice (BMP) plan has been included report. The applicant shall include the BMP plan as part of the Condominium Documents.

*120-911K – Conservation Subdivision*

- The applicant is not proposing a Conservation Subdivision.

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

- The applicant states the site was not involved in timber harvesting activity. All tree removal will be limited in scope and minimal.

*120-911M – Traffic Conditions and Street*

- A new 225-foot-long Curb Lane will serve the development, per Chapter 120 Attachment 2 Appendix B. The applicant has requested waivers from the standards to allow "slip-form" concrete curbing and increase in the curb radius to 15-feet and that intersection.
- Town-approved Street names shall be shown on the final plan.
- The project is subject to the North Route 302 Road Improvements Impact Fee of \$386.65/trip through this Whites Bridge Road and Roosevelt Trail, Section 120-1204. Traffic analysis conducted by the applicant states the project will generate two additional vehicle trips, however the applicant has not determined impact to the North Route 302

*Capital Improvement District in the peak commuter hour.*

#### CONCLUSIONS

- 1. The proposed subdivision will not result in undue water or air pollution.*
- 2. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the site plan.*
- 3. The proposed subdivision will not cause an unreasonable burden on an existing water supply.*
- 4. The proposed subdivision 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 subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.*
- 6. The proposed subdivision will provide for adequate sewage waste disposal.*
- 7. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste.*
- 8. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.*
- 9. The proposed subdivision conforms with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.*
- 10. The developer does have adequate financial and technical capacity to meet the standards of this section.*
- 11. The proposed subdivision is situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.*
- 12. The proposed subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.*
- 13. The proposed subdivision is not situated entirely or partially within a floodplain.*
- 14. All freshwater wetlands within the proposed subdivision have been identified on the plan.*
- 15. Any river, stream, or brook within or abutting the subdivision has been identified on any maps submitted as part of the application.*
- 16. The proposed subdivision will provide for adequate storm water 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, section 480-B, none of the lots created within the subdivision do not have a lot depth to shore frontage ratio greater than 5 to 1.(N/A)*
- 18. The long-term cumulative effects of the proposed subdivision 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. (N/A)*
- 20. Timber on the parcel being subdivided 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 16, 2023, as amended May 8, 2023, 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, and supporting documents and representations is subject to review and approval by the Planning Board or the Town Planner in accordance with Section 120-913 of the Land Use Ordinance.*

*2. Homeowner's Association Bylaws, Convents, and Documentation for the care and maintenance of the private road and open space areas shall be recorded in Cumberland County Registry of Deed (CCRD) prior to the pre-construction meeting and a copy of the recorded documentation shall be submitted to the Planning Department for verification.*

*3. Prior to the issuance of building permits, the applicant shall provide to the Town Planner the recorded and executed Grading Easement with Apple Tree Self Storage.*

*4. Prior issuing the building permits, the applicant shall record the approved plan in the Cumberland County Registry of Deeds (CCRD), per 120-915B.*

*5. At the time of applying for a building permit, the applicant shall pay the North Route 302 road improvement impact fee of \$773.30.*

*Seconded by Christian Etheridge.*

*Vote: All in favor.*

## **Other Business**

### **9 Adjournment**