



PLANNING BOARD MEMO • MAJOR SITE PLAN • FINAL PLAN REVIEW

DATE: April 2, 2024

TO: Windham Planning Board
FROM: Steve Puleo, Town Planner
Cc: Craig Sweet, PE, Terradyn Consultants, LLC, Inc.
Michael Lewis, 868 302, LLC
Amanda Lessard, Planning Director

RE: #24-01 – Commercial Building Conversion – 868 Roosevelt Trail – Final Plan Review –
868 302, LLC
Planning Board Meeting: April 8, 2024

Overview –

The application is to transform the remainder of the existing retail building into a Commercial structure by adding a bakery to the existing 59-seat premium restaurant. The remaining space in the structure is intended for marijuana manufacturing and private warehousing for the property owner. The applicant proposes keeping nine (9) parking spaces in front of the current structure, adding five (5) new parking spaces behind the building, and the adjacent property share access, vehicle parking, and pedestrian use between the businesses. Tax Map: 71; Lot: 50E: Zone: Commercial I District (C-1) and the Stream Protection District (SP) in the Sebago Lake watershed.

A Development Review Team meeting was held on December 28, 2023 and the Planning Board will hold a site walk on April 8, 2024. Comments received during the meeting are reflected in the memo below.



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

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.

The applicant was notified that the proposed site improvements had changed significantly since the Board's sketch plan review on January 8th. The changes included the elimination of five (5) parking spaces proposed above the wastewater disposal field on the adjacent property, Hair Gone Wild. More importantly, the changes resulted in an expansion of the parking area in the Stream Protection (SP) zoning district, in the northeast portion of the site, directly in front of the building. By ordinance, an expansion of a commercial use is prohibited (see Land Use Table per §185-14. Furthermore, on February 28th, staff conducted a site visit with Jeff Kalinich, the DEP Assistant Shoreland Zoning Coordinator, to establish the stream channel of Outlet Brook, allowing the Town to determine the 100' SP zoning district. Staff had agreed with DEP shoreland rules regarding nonconforming existing parking area to be reestablished to their original condition. The remaining area will be revegetated, and pavement runoff will be treated in a bio retention rain garden before being discharged into the Outlet Brook riparian buffer.

The applicant resubmitted a revised application and plans, which were deemed incomplete at the time of submission on March 4th. The town had mailed public notices for a public hearing at the March 25th Planning Board meeting. The applicant requested a postponement until the board's meeting on April 8th. The staff review and completeness memo, dated March 29th, informs the applicant that the application status remains incomplete to scheduled board meeting on April 8th. The applicant responded to staff review comments on April 1, 2024. The Board shall decide either:

- **Determine the final plan is substantially difference for the sketch plan and a revised sketch plan review is required.**
- **Whether the application is complete for review and allow public comment for review and make a final determination on April 8th.**
Or postpone the final decision until the April 22nd board meeting, as continuing business.

Staff Comments:

1. Complete Application:

MOTION: [I move] the major plan application for project #24-01 Commercial building conversion 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 an 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\(2\)](#).

The applicant should consider the following waiver request(s).

(1) [Section 120-812C\(1\)\(b\) Parking and Loading.](#)

The applicant is requesting to locate pavement to the rear parking spaces within five feet of the abutting property, 862 Roosevelt Trail.

The applicant provided a waiver request explaining why a waiver is necessary. Staff supports the waiver request due to common access rights between the three property owners and desire to minimize site disturbance.

MOTION: [I] move to approve the waiver request of [§120-812C\(1\)\(b\) Parking and loading](#), to locate pavement to the rear parking spaces within five feet of the property line.

(2) [Section 120-812C\(d\) Parking and Loading.](#)

The applicant is requesting a reduction of the 30% requirement for 10' x 20' parking spaces to 21%. The applicant is proposing to provide no 10' x 20' parking spaces of the total 30 spaces provided, which signifies only 0% of the parking will be 10' x 20' in size. The applicant is requesting the waiver request due to size of the site and being within the 100' Stream Protection Shoreland Zoning District of Outlet Brook, which drains to Sebago Lake.

The applicant has provided waiver request explaining why a waiver is necessary. Staff defers the recommendation to the Board.

MOTION: [I] move to approve the waiver request of [§120-812C\(1\)\(d\) Parking and loading](#), to reduce the required 10-foot by 20-foot parking spaces from 30% to 0%.

3. Public Hearing: A public hearing is schedule on April 8, 2024.
4. Site Walk: A Board site walk was conducted on April 8, 2024.

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

MOTION: [I move] the major plan application for the #24-01 Commercial Building Conversion identified on Tax Map: 71; Lot: 50E in the Commercial 1 district (C-1) and Stream Protection district (SP) is to be **(approved with conditions/denied)** with the following Findings of Fact, Conclusions, and Conditions of Approval.

FINDINGS OF FACT

Jurisdiction: The Commercial building Conversion project is classified as a Major Site Plan, which the Planning Board is authorized to review of the 9,180 SF building and act on by [§120-805A\(2\)\(a\)](#) of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted a copy of a Warranty Deed from 537 Forest Avenue, LLC to the 868 302, LLC, dated October 15, 2020, and recorded on October 20, 2020 at the Cumberland County Registry of Deeds in Book 37323 and Page 167.

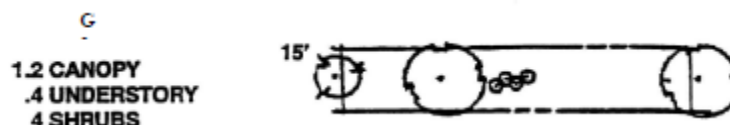
ARTICLE 4 ZONING DISTRICTS

- As shown on the Town of Windham [Land Use Map](#) approved by the Town Council, date August 15, 2023, Tax Map 71 Lot 50 E is located in the C-1.
- The building is within 100-foot Stream Protection District (SP), per [§120-405](#), and is governed by the provisions of [Chapter 185, Shoreland Zoning](#).
- The existing uses are “restaurant” and “marijuana manufacturing facility”, and the proposed additional uses are a restaurant (bakery) and private warehouse for the property owner’s use. The proposed uses are permitted in the C-1 District [§120-410B](#).
- Per [§120-410E](#) Dimensional standards, the building is an existing non-conforming principal building relative to the front setback along Route 302. The existing building was constructed in 1983 with an addition built in 1987 and has a 60-foot front setback from Route 302 instead of the required 10 feet to 20 feet.
- According to [§120-410F](#) District standards, the applicant is showing nine (9) parking spaces in front of the structure, which is an existing non-conforming condition per [§120-410F\(1\)](#). The applicant is proposing to remove four (4) parking spaces in front of the building because the spaces were located on Route 302 ROW.
- Per [§120-410F\(5\)](#), the applicant is proposing to remove the pavement and provide a landscape buffer yard along Roosevelt Trail frontage of 15 feet in width. For the final plan review, the applicant shall provide a landscape plan for the Buffer yard.

ARTICLE 5 PERFORMANCE STANDARDS

§120-511 – Buffer yards

C(3)(b) Commercial Districts (C-1, C-2, C-3, C-4, VC and WC Districts): use Buffer Yard G, see exhibit below.



§120-537 – Marijuana Businesses

- This section regulates marijuana businesses as defined uses within the Town of Windham. The permitting standards outlined here shall be adhered to for all marijuana businesses, in addition to other applicable standards in this chapter and other ordinances or state law.

§120-545 – Restaurants

- Restaurants established after December 14, 2010, shall meet the following standards:
 - A.** Trash/dumpster. All trash containers or dumpsters located outside of a building shall be stored so as to be screened from view.
 - B.** Grease removal. All new or expanded restaurants shall install a grease trap as required by the Maine State Plumbing Code.
 - C.** Buffer. A buffer strip, as defined, shall be provided between the restaurant and any abutting dwelling, existing single-family detached; dwelling, existing two-family; dwelling, existing multifamily; existing housing for older persons; or any residential zoning district.
 - D.** Noise. The restaurant shall comply with the noise standards contained in **§120-812S** of this chapter.
 - E.** Smoke. Indoor or outdoor cooking that produces smoke from grills, smokers or open fires shall be located at least 100 feet from any abutting dwelling, existing single-family detached; dwelling, existing two-family; dwelling, existing multifamily; existing housing for older persons; or any residential zoning district.
 - F.** Outside seating. Outdoor seating located within 100 feet of any dwelling, existing single-family detached; dwelling, existing two-family; dwelling, existing multifamily; existing housing for older persons; or any residential zoning district shall be limited to the following hours:
 - (1)** Sunday to Thursday: daytime hours, as defined.
 - (2)** Friday and Saturday: 7:00 a.m. to 9:00 p.m.
 - G.** Septic. All new or enlarged restaurants shall provide evidence that the septic system is in compliance with the Maine State Plumbing Code.

§120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS

§120–812A – Utilization of the Site

- The subject parcel is approximately 1.52 acres (66,073 SF) in size.
- The site fronts along Roosevelt Trail (Route 302).
- The applicants are proposing to expand the existing permitted uses of the 9,180 SF principal and accessory garage structures, improvements to existing parking areas, additional parking area behind the building, improved building ingresses and egresses, a deck area for the existing restaurant use, and stormwater Best Management Practices (BMPs).
- The principal building is situated approximately 20 feet from the southern property line, approximately 60 feet west of the Roosevelt Trail ROW, and approximately 100 feet from the northern property boundary. The site’s existing disturbed area is approximately 21,000 SF of

the 66,073 SF (31% of the parcel), in which the remaining area of the lot is forested or wetland areas, and stream.

- The area in question is comprised of a combination of concrete pavement and gravel. The pavement is located in front of the building and leads into a gravel travel lane that is about 15 feet wide. This lane is situated between the property of the applicant and a hair salon business. The travel lane leads to a garage that measures 25' x 25'. Additionally, the applicant has installed a surface wastewater disposal field that is also accessible via the gravel travel lane. There is a gravel parking area situated atop the disposal field. The plans show an existing 40' wide driveway access from Roosevelt Trail to the site. The applicant is proposing to reduce the access driveway width.
- The site's principal building is situated between 42 and 58 feet from the high-water level of Outlet Brook. The brook flows from east to west under Roosevelt Trail, and along the northern part of the site through a complex of wetland areas. A riprap-lined ditch is present to provide drainage from Route 302 into the forested area before it flows into the wetlands, and then finally drains into Outlet Brook.
- A portion of the site in the [Stream Protection District \(SP\)](#) and shall be governed by the provisions of [§185-13D Establishment of districts](#), and in the [100-year floodplain](#) as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps. The applicant **has provided** a survey line on the site plan sheet showing where the FEMA flood hazard boundaries are located on the site.

§120-812B – Vehicular Traffic

- (1)** The site is located on the westerly side of Roosevelt Trail and is approximately quarter mile south of the White's Bridge/Anglers Road and Roosevelt Trail signalized intersection. **The applicant's Traffic Engineer states the bakery use will produce 51 a.m. peak hour trips in which 34 trips are expected to pass through the Whites Bridge Road and Anglers Road intersection with Route 302.**
- (a)** The applicant does not expect to impact any road intersections within a half mile of the project.
- (b)** The Traffic Engineer expects the 51 peak hour trips generated by the bakery will not have an adverse impact on the existing streets and intersections.
- The development is located in the [North Route 302 Road Improvement Impact Fee Collection Area](#), and the Traffic Engineer determined that for the 34 trips through the Whites Bridge Road and Anglers Road intersection with Route 302, 89 % are "pass-by" trips netting 4 additional a.m. peak hour trip see Conditions of Approval #3. The Condition of Approval amount is set by Traffic Engineer and the Town Planner.
 - The impact fees are applied to the improvements of Anglers Road with White's Bridge Road, per [§120-1204J\(1\)](#) Roadway infrastructure improvements.
- (2)** The access is 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. 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\(2\)\(h\)](#).

- (3) The site can be accessed through a common driveway connected to Roosevelt Trail, which serves both 862 and 866 Roosevelt Trail. All property owners must follow the cross-easement requirements for vehicle and pedestrian traffic over the existing parking area and driveway. This easement is recorded in Cumberland County Registry of Deeds in Book 6870 Page 160. **The applicant provided legal analysis of the property owners' rights under the recorded cross travel easement. All three (3) property owners have vehicle access rights, shared parking rights, and pedestrian rights, although, the applicant is the only property owner that has right across, via 25' ROW, the rear of the properties to access the 868 Roosevelt Trail property. The Town Attorney reviewed the applicant's legal opinion and concurred. The applicant is proposing to have entrance and exit gate across the 25' ROW to prevent the use of the ROW by the building tenants and customers.**
- (a) The applicant is proposing to realign the private entrance and exist to the site from Roosevelt Trail. The construction activity will require an "opening permit" from the Town's Department of Public Works.
- (b) The realigned private accessway is separated for the accessways servicing 862 Roosevelt Trail of 90 feet, meeting a separation requirement of 75 feet.
- (4) The applicant is a site designed to allow internal vehicular circulation in common with the other property owner for the safe movement of passenger, service, and emergency vehicles through the site. The warranty deed conveys a twenty-five easement for foot and vehicle travel and the applicant is provided an 18-foot-wide two-way travel lane to provide access to five (5) rear parking spaces. **The applicant is proposing to have entrance and exit gate across the 25' ROW to Trails End Road. This will prevent the use of the ROW by the building tenants and customers. Trails End Road in a private road and the applicant does not have right to improve the road to Town standards.**

§120-812C – Parking and Loading

- (1) The applicant has designed a parking layout that includes 14 spaces for all uses within a mixed-use commercial building. The common travel ways through the parking area are designed with cross-travel easements to allow adjoining property owners. Customers can park and walk between properties to the different businesses, provided their business doesn't interfere with others. The plan includes nine (9) parking spaces in front of the building, one of which is designated for handicapped individuals, and a 24' wide travel lane to back out and leave the site. The realigned access driveway will connect with a proposed eighteen-foot (18) wide two-lane travel lane to the building's rear, where the applicant intends to build five (5) additional parking spaces, **The applicant, per the existing easements and travel rights, is the only property owner who can access the rear of the applicant's property across a 25-foot easement for foot and vehicle travel; therefore, the applicant is proposing to install an entrance and existing gate on the applicant's property to prevent the use of the 25-foot easement located adjacent to Trails End Road. Trails End Road is a private road, and the applicant would be required to upgrade the road to town road standards or request a waiver from the Board.**
- (d) The applicant has not provided the layout of 10' x 20' parking spaces. The applicant will need a waiver of [§120-812C\(1\)\(d\) Parking and loading](#) to reduce the 30% requirement for 10' x 20' parking space to 0% for the final major site plan application.

- (2) The applicant states that the proposed number of parking spaces is adequate to provide parking and will meet the parking needs of the anticipated uses. If all use were open at the same time 55 space would be necessary, the straggled opens of the business will provide adequate parking for all uses.
- Yolked Farm to Table (59 seats; open after 12 p.m., closed Sunday): 20 spaces.
 - Waxwing (7 a.m. to 2 p.m. closed Monday and Tuesday): 7 spaces.
 - Manufacturing: 1 space.
 - Hairs Gone Wild (From 9 a.m. to 7 p.m.): 4 spaces.
 - Star Nails (From 9 a.m. to 6 or 9 p.m.): 6 spaces
 - Kelly Sebago Diner (50 seats; open 7 a.m. to 2 p.m.): 17 spaces

§120–812D – Pedestrian Traffic

The applicant is proposing provide ground floor access through the southern side of the building for the use of a rear parking area. An existing ADA ramp and stair provides access in front of the building, and a walkway behind the building for kitchen service deliveries and access to the restaurant.

§120–812E – Stormwater Management

- (1) The applicants have provided a a stormwater management system design for the collection and disposal of all the stormwater that runs off of parking areas, roofs, travel ways, and other surfaces. **The Town Engineer has reviewed the report and support the plan.**
- (f) Major site plans, regardless of size, shall comply with Sections 4C(2) and 4C(3) of the General Standards of the DEP Chapter 500 Stormwater Management Law. The applicant has designed the stormwater Best Management Practice (BMP) to collect, store, sand treat the runoff from the site impervious areas prior to discharge form the site. Runoff from the developed areas of the site will be directed through a bioretention area, to then be discharged on site. All the runoff for the site drains to Outlet Brook approximately 50’ north of the site.
- The site is located in the Town’s Urbanize Area and regulated by the MS4 ([Municipal Separate Storm Sewer System](#)). The applicant states that the site disturbance is anticipated to be less than an acre and is not subjected to the annual maintenance and inspection report to the Town, see COA #4. The applicant shall provide an annual inspection and maintenance report to June 1st the Environmental and Sustainability Coordinator.

§120–812F – Erosion Control

- (2) The applicant has provided for the final plan review an erosion and sedimentation control plan that meets the Basic Standards per Section 4(A) of the MeDEP Chapter 500 Stormwater Rules.

§120–812G – Water Supply Provisions

- (1) The existing building is served by a Portland Water District water main extended from the Roosevelt Trail ROW.
- The applicant provided a PWD email stating the 5/8” line shall be upgraded to a 1” line increase the capacity for the new proposed bakery and private warehousing uses.
 - At the Development Review Team meeting, the Deputy Fire Chief commented, “There is an existing public fire hydrant within 1,000 feet of the site.”

§120-812H – Sewage Disposal Provisions

- The applicant has provided their HHE-200 Subsurface Wastewater Disposal System permit for the existing system. The applicant provided statement from a Certified Site Evaluator certifying the existing system can accommodate the existing restaurant and marijuana manufacturing facility uses and the new bakery and private warehousing uses.
- The applicant and the property owner of 866 Roosevelt Trail, Robert Babb, have entered into an easement deed to install and maintain a wastewater disposal field.

§120-812I – Utilities

- The applicant installed underground utility connection (electrical, telephone, and telecommunication services).
- A utility and grading plan has been provided for the final plan review.

§120-812J – Groundwater Impacts

- The building conversion is 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

- The applicant states the conversion of the existing into a multi-tenanted building is designed to protect Windham’s water quality by using a public water system, a state-approved wastewater disposal system, and stormwater management system to provide treatment to runoff. The day-to-day operations do not require substances that are hazardous, such as fuels, industrial chemicals, waste, etc.

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

- (1) The proposed wastewater treatment facility does not anticipate handling, storing, or using any materials identified by the federal or state as hazardous, special, or radioactive. The applicants have provided a list of any materials that would fit in those categories for the final plan review and have made provision for safe storage and handling of the materials.

§120-812M – Shoreland Relationship

- (2) A portion of the existing building and site is located in a Stream Protection District (SP), and where applicable, the plan shall meet the requirements of [Chapter 185 Shoreland Zoning](#). The proposed deck for the existing restaurant in the location shown in the plan may be within 100 feet of Outlet Brook and may not be permitted: see [§185-14 Table of Land Use](#). The applicant shall provide zoning district delineation areas for the final plan review.

§120-812N – Technical and Financial Capacity

- (1) The applicant estimates cost of improvements of \$40,050, and redacted bank account from Norway Saving Bank dated March 19, 2024 showing \$150,529 and has provided 868 302, LLC’s Secretary of State Certificate of Good status.
- (2) The applicant has hired Terradyn Consultants, LLC, for site planning, permitting, and engineering services for the conversion of the building and site.

§120-812O – Solid Waste Management

- To ensure proper disposal, the waste will be stored inside the building in a solid waste container until it can be transported to a licensed disposal facility.

§120-812P – Historical and Archaeological Resources

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

§120-812Q – Floodplain Management

- A portion of the site is located in the mapped FEMA 100-year floodplain hazard area. All uses and development of the site in the special flood hazard shall be consistent with the Town's floodplain management provisions in [Chapter 82](#).

§120-812R – Exterior Lighting

- (1) The applicant has provided 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 daycare 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 restaurant 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 has not provided a landscaping plan, a planting schedule, or a location for snow storage. The applicant shall address this standard for the final plan review.
- The applicant has provided a location for a dumpster, a concrete pad, and screening for the dumpster enclosure. The applicant is proposing to .
- For the final plan, the applicant shall meet the required performance standards of the [§120-545A Trash/dumpster](#) standards for restaurant use.

§120-813 Commercial District Design Standards for Commercial District *(In addition to meeting all the Design Standard in the C-1 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 existing building has refinished to have window along the front façade with two gamble features.
- Required: [§120-813A\(2\)](#): Materials. The applicant used common wood siding.
- Required: [§120-813A\(3\)](#): Color. The building is gray with white trim.
- Required: [§120-813A\(4\)](#): Roofline. The existing building roof line is 5/12 pitch.
- Required: [§120-813A\(5\)](#): Facades. The building's front façade faces Roosevelt Trail and is similar to appearance of other building in the area. There are no vendor machines or ATM's, the front façade is 662.5 SF with 365.25 SF resulting in 55% transparent openings, exceeding the required 40%,

- 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 building details and trim are proportional to the scale of the entire building and coordination with the floor plan.

§120–813B – Site/Parking

- Optional: [§120–813B\(2\)](#): Internal Traffic Flow: Not applicable
- Optional: [§120–813B\(3\)](#): Interconnected parking lots. The mixed used building will utilize the existing shared parking along Roosevelt Trail between the 4 properties. A crosswalk has been provided between 868 and 866 Roosevelt Trail properties.
- Optional: [§120–813B\(5\)](#): Screening, parking. The abutter to the north is the only residential neighboring property and is naturally screened by the forest wetland area. On the other side of the property has commercial property.
- Required: [§120–813B\(6\)](#): Screening, Utility, and Service Areas. The dumpster will be screened with fencing and landscaping. The utility connections are located along the northern side of the building and the service areas are located in rear of the building.
- Optional: [§120–813B\(8\)](#): Low Impact Stormwater. The stormwater proposed for the development is a rain garden along the property frontage. The BMP will collect and treat stormwater runoff from the majority of the upper parking lot area which currently exists with SP shoreland zone and untreated area.

§120–813C – Landscaping/Lighting

- Required: [§120–813C\(1\)](#): Lighting/Photometric Plan. The existing building lighting along the front of the building is soffit , mounted, there are approximately 12 lights spaced out , there are no additional lights proposed along the front of the building.
- Required: [§120–813C\(2\)](#): Lighting Coordinated with Architecture. Lighting feature area soffit mounted to best coordinate with the architecture of the building. No glare is caused by the light.
- Required: [§120–813C\(3\)](#): Lighting Coordinated with Landscaping. The proposed landscaping will not interfere with lights.
- Optional: [§120–813C\(4\)](#): Existing Trees Preserved. The existing site is developed, and no additional tree removal is required, preserving the existing trees on site.
- Required: [§120–813C\(5\)](#): Snow Storage Areas Designated. Snow storage areas have been designed on the site plans. Snow is proposed to be stored at the rear of the property.

§120–813D – Bicycle/Pedestrian

- Required: [§120–813D\(1\)](#): Continuous internal walkways. A crosswalk is proposed from the ADA ramp to connect to the parking lot on 866 Roosevelt Trail.
- Required: [§120–813D\(2\)](#): Links to community. The applicant is connecting the site to the abutting property.
- Optional: [§120–813D\(3\)](#): Outdoor activity. Not applicable.
- Require: [§120–813D\(4\)](#): Sidewalks and planted esplanades. There are no sidewalks along Roosevelt Trail. The applicant is willing to contribute to future sidewalk improvements with MDOT.

- Required: [§120-813D\(5\)](#): Crosswalks for sidewalks. Not applicable.
- Required: [§120-813D\(6\)](#): Bicycle parking and racks. A bicycle parking rack is provide and is show on the site plan drawings.

CONCLUSIONS (N/A)

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 not** 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** 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 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** the 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 groundwater.
11. The proposed site plan **will** provide for adequate stormwater management.
12. The proposed location and height of buildings or structure walls and fences, parking, loading, and landscaping shall be such that it **will** interfere with or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonably affect its value.
13. On-site landscaping **does** provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.
14. All freshwater wetlands within the proposed subdivision **have** 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.

CONDITIONS OF APPROVAL (REQUIRED)

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated December 18, 2024, revised on February 20, 2024, March 4, 2024, March 27, 2024, and amended April 8, 2024, 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 or [§120-815](#) of the Land Use Ordinance.
2. 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.

3. The development is subject to the [North Route 302 Road Improvements Impact Fee](#) of \$1,530.60. As per [Article 12 Impact Fees](#), this fee shall be collected upon the issuance of a building permit.
4. 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.