



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Planning Board

Wednesday, May 30, 2018

7:00 PM

Council Chambers

Special Meeting

1 Call To Order

2 Roll Call and Declaration of Quorum

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

Planner, Amanda Lessard was also present.

Continuing Business

- 3 [PB 18-041](#) 18-01 Shared Maintenance Facility. Major site plan final plan review. The Town of Windham to request review of a new 23,400 sf footprint public works and school bus maintenance building. The subject property is located at 185 Windham Center Road and identified on Tax Map: 12 Lot: 28, Zones: Farm Residential (FR) and Resource Protection (RP).

Attachments: [18-01 Shared Maintenance Facility Final 05-24-18 Windham, Town of PWD L27796AN](#)

David Douglass recused himself because he was part of the project Planning Committee.

Drew Mayo disclosed he was also part of the Committee; he did not recuse himself.

Will Haskell, a civil engineer with Gorrill-Palmer Consulting Engineers was present. He told the Board the project had received its DEP site law permit.

Drew Mayo made a motion to grant a waiver of the stormwater flooding performance standard for an insignificant increase in peak flow.

Seconded by Nick Kalogerakis.

Vote: All in favor.

Drew Mayo made a motion that the final site plan application for project 18-01 Shared Maintenance Facility was found complete in regard to the submission requirements based on the application checklist, but the Planning Board retained the right to request more information where review criteria were not fully addressed.

Seconded by Kaitlyn Tibbets.

Vote: Five in favor. No one opposed. Bill Walker abstained.

Nick Kalogerakis made a motion that the Site Plan application for 18-01 Shared Maintenance Facility on Tax Map: 12, Lot: 28, was to be approved with conditions with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- The property is 21 acres and is bounded by Windham Center Road, the Pleasant River and an unnamed stream which is a tributary to the Pleasant River. The site was a former gravel pit and is currently the maintenance garage and offices for the Public Works Department, with a material stockpile area, sand/salt shed, RSU 14 school bus parking, and a fueling island with above ground fuel storage tanks, and a seasonal public brush and recycling drop-off. The site has an existing impervious area of 5.2 acres.*

Vehicular and Pedestrian Traffic

- The subject parcel has approximately 1,070 feet of frontage on Windham Center Road. A new main entrance will be constructed and the existing entrance will be utilized for leaf and brush drop-off.*
- Sight distances for the existing and the new entrance are shown on the final plan Sheet C-5.*
- A traffic impact study is not required as the project is not anticipated to generate fifty (50) or more trips during the a.m. or p.m. peak hour. The final plan submission states the existing traffic is not anticipated to change with the proposed improvements.*
- Parking areas are shown on the plan. The proposed use is not listed in the table of minimum parking space requirements in the ordinance. The sketch plan shows 33 public/visitor parking spaces, 32 school bus parking spaces, 26 public works employee spaces, and 34 school bus driver spaces, and 17 additional parking spaces/outdoor storage area.*

Stormwater Management

- Per Section 812.E., a stormwater plan needs to be submitted that meets the standards DEP Chapter 500 Stormwater Management.*
- This project requires a Maine Department of Environmental Protection (DEP) Site Location Act Permit. The permit must be submitted as part of the Final Plan.*
- This project is in the NPDES (National Pollutant Discharge Elimination System) MS4 area as designated by the Environmental Protection Agency for the Town of Windham. This may mean there are additional permitting requirements, and ongoing requirements for reporting of stormwater infrastructure maintenance if the area of development is greater than one (1) acre. See Condition of Approval #2.*
- A Stormwater Management Report and Maintenance Plan has been submitted as Sections 12 and 14 of the April 2, 2018 Final Plan Submission. The report states that the existing developed area of the 21 acre site is approximately 6.6 acres, of which 5.2 acres is impervious. The redevelopment will result in a total impervious area of approximately 5.9 acres and the total developed area of the redevelopment will be approximately 9 acres. Runoff will be treated with grassed underdrained soil filters and a Focal Point filter.*
- In an email dated April 11, 2018 Town Engineer Jon Earle, PE asked if ACF will be*

providing the long term maintenance for the Focal Point biofiltration system. He also noted that there is a slight increase in peak flow from the 2-year storm that would require a waiver request and is reasonable based on the relatively minor increase.

- In an email response to review comments dated April 16, 2018 Will Haskell, PE of Gorrill Palmer states that ACF will provide one year of maintenance for the Focal Point. DEP requires that the Owner submit a contract for 5 years of maintenance for the Focal Point and additional information will be provided on the maintenance contract soon. He also requested a waiver for an insignificant increase in peak flow. The peak 2-year post-development flow is 0.6 cfs greater than the pre-development peak flow.
- Revised Site Layout and Utility and Grading, Drainage, and Erosions Control Plans submitted May 1, 2018 show a relocated fueling station that is located as far as possible from the Pleasant River or the unnamed stream.
- In an email dated May 2, 2018 Town Engineer Jon Earle, PE requested a revised post development watershed map and a summary of the impacts to water quality and quantity calculation from moving the fuel station.
- In a response to review comments dated May 2, 2018 Will Haskell, PE of Gorrill Palmer provided a revised post-development watershed map and clarified that the movement of the fueling station results in a 557 square foot increase in the impervious area/a 28 cubic foot increase in the required treatment volume. The area of the Focal Point filter will increase 5 square feet. The provided storage is adequate for the increase in treatment volume and remains unchanged.
- In an email dated May 3, 2018 Town Engineer Jon Earle, PE stated that the response adequately addressed all comments.
- The project has been approved and is subject to the conditions of the Maine Department of Environmental Protection Site Location of Development Permit #L-27796-26-A-N dated May 22, 2018.

Erosion Control

- A soil erosion and sediment control plan has been submitted on Sheet C-6 of the plan set dated April 2018. Erosion control details are on Sheet C-12 and erosion control notes are on Sheet C-13 of the plan set.
- A revised Grading, Drainage, and Erosions Control Plan (Sheet C-6) submitted May 1, 2018 show a relocated fueling station that is located as far as possible from the Pleasant River or the unnamed stream

Sewage Disposal, Water Quality and Groundwater Impacts

- The existing building is served by an existing septic system which is shown on the plan. The new facility will be served by a new private subsurface wastewater disposal (septic) system.
- A septic design with test pit information prepared by Brady Frick, LSE of Albert Frick Associates is included in the final submission. The proposed septic system location is shown on Sheet C-5.
- The property is located in the Pleasant River Watershed. The parcel directly abuts the Pleasant River.
- This project requires a Maine Department of Environmental Protection (DEP) Natural Resource Protection Act (NRPA) Permit by Rule for proposed grading activity within the state regulated 75 foot setback from an unnamed stream located along the easterly edge of the site.
- A Groundwater Impact Analysis is not required as the on-site water supply or sewage disposal facility does not have a capacity of 2,000 gallons. The sewage disposal facility is designed for 750 gallons per day.
- A washwater collection system has been designed for two wash bay stations within

the garage to wash up to 20 vehicles per day. A tank within the garage will collect larger sediment. A series of three (3) 1,000 gallon tanks will allow for the settlement of sediment. The washwater will then be recycled back through the system. Excess water will discharge to a 5,000 gallon holding tank that will be pumped periodically. Settling and holding tanks are shown on Sheet C-5.

- The plan proposes above ground storage for 10,000 gallons of diesel fuel and 5,000 gallons of gasoline. The existing fuel pumps and tanks will be removed and relocated to outside of the Resource Protection District. The new fuel dispensing station is shown on Sheet C-5 and a Spill Prevention Control and Countermeasure (SPCC) Plan is included in Section 15 of the final plan submission. The fuel system will consist of dual wall tanks that are electronically monitored for leakage.
- Revised Site Layout and Utility and Grading, Drainage, and Erosions Control Plans submitted May 1, 2018 show a relocated fueling station that is located as far as possible from the Pleasant River or the unnamed stream. The narrative describes that the Focal Point filtration system would provide an opportunity for continuing any spill before they reach the river as the system is lined with an impermeable liner and contains an outlet control valve on the chamber system underdrain that could be closed in the event of a spill.

Utilities

- Underground electric service will be provided to the new building. Utilities are shown on Plan Sheet C-5 dated April 2018.
- Robert Bartels, PE at the Portland Water District supplied an "Ability to Serve" letter dated November 21, 2017. A new 8-inch fire service and a 4-inch domestic service for domestic may be installed from the main in Windham Center Road that should provide adequate flow and pressure for the proposed use. The existing 2-inch domestic water service must be terminated.

Technical and Financial Capacity

- The Town of Windham has appropriated funds for this project with borrowing authorized by the voters in November 2017.
- The final plan submission includes information on the licensed professionals working on this project as evidence of technical capacity

Landscape Plan

- The final plan submission states that due to the existing vegetative buffers along the perimeter of the site, and the location of the proposed developed area below the elevation of Windham Center Road, extensive landscaping is not proposed for this redevelopment.

Conformity with Local Plans and Ordinances

1. Land Use

- This project meets the setback requirements of the FR zoning district.
- This project meets the minimum lot size requirements and minimum lot frontage requirements of the FR zoning district.
- The Farm Residential/Resource Protection Zoning District boundary is shown on the final site plan.

2. Comprehensive Plan

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

3. Others:

- Chapter 199, Shoreland Zoning. This project is a nonconforming use in the Resource Protection District. The applicant should demonstrate that the redevelopment will not be more nonconforming. The final plan submission states that the proposed redevelopment will result in a reduction of impervious area within the RP of approximately 13,000 square feet.
- Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 urbanized area.

Impacts to Adjacent/Neighboring Properties

- A site photometric plan on Sheet SL-100 and fixture detail sheets were submitted on April 1, 2018.
- In an email dated April 11, 2018 Town Engineer Jon Earle, PE stated that the photometric plan meets the ordinance requirement of 0.5 footcandles at the property line.

CONCLUSIONS

1. The plan for development reflects the natural capacities of the site to support development.
2. Buildings, lots, and support facilities will be clustered in those portions of the site that have the most suitable conditions for development.
3. Environmentally sensitive areas, including but not limited to, wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and, sand and gravel aquifers will be maintained and protected to the maximum extent.
4. The proposed site plan has sufficient water available for the reasonably foreseeable needs of the site plan.
5. The proposed site plan will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
6. The proposed use and layout will be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved.
7. The proposed site plan will provide for adequate sewage waste disposal.
8. The proposed site plan conforms to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
9. The developer has adequate financial capacity to meet the standards of this section.
10. The proposed site plan will not alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
11. The proposed site plan will provide for adequate storm water management.
12. The proposed location and height of buildings or structure walls and fences, parking, loading and landscaping shall be such that it will not interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value.
13. On-site landscaping does provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.

CONDITIONS OF APPROVAL

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated December 18, 2017, as amended May 22, 2018, and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and

approval by the Planning Board or the Town Planner in accordance with Section 814.G. of the Land Use Ordinance.

2. Approval is subject to the requirements of the Post-Construction Stormwater Ordinance, Chapter 144. 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.

Seconded by Kaitlyn Tibbetts.

Vote: Six in favor. No one opposed.

David Douglass rejoined the Board.

New Business

- 4 [PB 18-042](#) 18-14 Sabatus Lane Subdivision. Major subdivision amendment. Grondin Corporation to request an amendment to an approved subdivision for a revision to the clearing limits on Lots 1, 3, 4, 5, 8, 9, 10, 11, 12, 13 and 14. The property in question is located at Sabatus Lane and River Road and identified on Tax Map: 11, Lot: 12, Zone: Farm (F).

Attachments: [18-14 Sabatus Lane Amendment 05-29-18](#)

[Sabatus Lane Subdivision Response 05-29-18](#)

[Peer Review Sabatus Lane Amendment 2018-05-23](#)

[Sabatus Lane Subdivision - Amended Subdivision - Application \(2018-05-21\)](#)

[Sabatus Lane Subdivision - Amended Subdivision - Design Plans \(2018-05-21\)](#)

[SABATUS LANE 03-2018 signature sheet](#)

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

- The amendment included lot 15.
- The roadway was substantially built.
- Building permits had been applied for.
- Septic designs were completed.
- Because the lots got narrower toward the back they had found they needed to push the clearing limits in the back so they could appropriately site the houses and septic systems.
- They had lengthened one level lip spreader and added another one.
- Updated stormwater calculations had been reviewed by the town's engineer.
- The applicant had constructed a large cleared area in the woods that was accessed by a Parks and Recreation trail. The cleared area was flat so no stormwater would run off. It would be loamed and seeded so it was a lawn area. They were providing a naturally wooded buffer around the perimeter.
- A knoll had been removed. That material was being used as fill around the road and buildings.

Amanda Lessard explained:

- The peer review comments had expressed that the open space, where the ground had been leveled, was not evident in the stormwater calculations.

- A notation was needed on the plan to specify the area would be revegetated.

Bill Walker made a motion to allow public comment.

Seconded by Drew Mayo.

Vote: All in favor.

Public Comment

Matthieu Speck, Cedar Lane – He said the applicant had agreed to put a fence up for him. They were taking down trees to extend a leachfield. What would he see when it was done?

Mary Ann Dobbins, Sabatus Lane – She was concerned with the old road that was covered with trees.

Mr. Roma replied:

- *The clearing limits were not closer to Mr. Specq's house. A 20 foot buffer would be maintained.*
- *The trail was already adjacent to the pole line.*

There was no more public comment.

The Board commented:

- *What access was there to the lawn area? Who would maintain it? How would it be used? What provision would there be for trash removal? Was it adaptable for future use? Would there be emergency vehicle access?*
- *Was the trail wide enough for maintenance vehicles?*
- *It would be good to keep the existing road.*
- *Was the ground there solid or had it been excavated?*
- *A letter from the Parks and Recreation Department was requested.*
- *The fence should be shown on the plan.*
- *What about stormwater and permitting?*
- *A letter from Code Enforcement was requested that would verify the buffers were still in compliance.*
- *How much material had been removed from the knoll?*
- *The plan for more town recreation area was great. The cleared area was quite an asset.*

Mr. Roma responded:

- *The cleared area was not intended for organized sports. There was no dedicated parking. It would be deeded to the town; mowing would be up to the town.*
- *There was access to the cleared area from Dundee Park.*
- *He would check with the applicant regarding whether the ground had been excavated.*
- *The lots had been sold and were being prepared with building permits.*

Amanda Lessard said:

- *If some lots had been sold then the applicant would need those lot owners' permission to amend the plan.*
- *The Code Enforcement Officer had said that excavation of material to be used on the site was exempt from the mineral extraction moratorium.*

Bill Walker made a motion for a site walk.

Seconded by Drew Mayo.

Vote: Six in favor. No one opposed. Michael Devoid abstained.

The Board requested:

- Dimensions of the adjusted buffers on the plan.*
- Stormwater assumptions including the cleared area.*
- Involvement of the Fire Chief and Parks and Recreation Department regarding emergency access to the cleared area.*

Other Business

Discussion occurred regarding the ability of the Boards' appointee to the Private Roads Ad Hoc Committee to remain unbiased, given that he lived in an area that would be subject to the Committee's attention. Consensus of the Board was that reconsideration of the appointment was not necessary.

5 Adjournment

Keith Elder made a motion to adjourn.

Seconded by Bill Walker.

Vote: All in favor.