

# Town of Windham

Planning Department  
8 School Road  
Windham, ME 04062

voice 207.894.5902

fax 207.892.1916

## MEMO

DATE: August 2, 2018

TO: Windham Staff Review Committee  
FROM: Amanda Lessard, Planner *AL*  
Cc: Craig Burgess, PE – Sebago Technics  
Jon Earle, PE – Town Engineer

RE: 18-23 – Copart: Minor Site Plan, Final Plan Review  
Staff Review Committee Meeting: August 7, 2018

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### Overview –

This application is for a new 5.65 acre Automobile Auction Facility on Bedrock Terrace. The facility is proposed on Lots 5, 6, and 7 of the Quarry Ridge Business Park, a twelve (12) lot commercial subdivision. Phase 1A of the subdivision, consisting of four (4) commercial lots on Enterprise Drive, was approved in May 2004 and Phase 1B, for an additional eight (8) lots along the extension of Enterprise Drive and Bedrock Terrace was approved in 2006. Development of the Quarry Ridge Business Park is subject to a Maine Department of Environmental Protection Site Location of Development Approval Order #L-18029-39-L-N dated November 16, 2005 as amended.



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

This application has been classified as a minor development as the development is within an approved subdivision.

Tax Map: 21; Lots 15-5, 15-6, and 15-7. Zone: Enterprise Development (ED).

### SITE PLAN REVIEW

#### Staff Comments:

##### 1. Waivers:

###### a) Section 406.I.6.f – Enterprise Development District, District Standards.

The ordinance requires all parking lots to maintain a 30 foot setback from all property lines. The applicant proposes 20 foot setbacks between Lots 5/6, 6/7, and the eastern side of Lot 7. The Staff Review Committee does not have the authority to waive performance standards. The Planning Board only has the authority to waive performance standards in Section 812. Only the Zoning Board Appeals may grant a variance from the dimensional standards of the Ordinance.

##### 2. Complete Application:

**MOTION:** The application for project 18-23 Copart is found complete in regard to the submission requirements based on the application checklist, but the Staff Review Committee retains the right to request more information where review criteria are not fully addressed.

##### 3. Public Hearing: The Staff Review Committee should determine if a public hearing is necessary for this project. A public hearing is not required by ordinance for Minor Site Plans, but the Staff Review Committee has the authority to hold a public hearing, depending on the scope and location of the project.

##### 4. Site Walk: A site walk has not been scheduled for this project. The Staff Review Committee should determine if a site walk is necessary for this project

Findings of Fact and conclusions for the

#### **Windham Staff Review Committee,**

**MOTION:** The Site Plan application for 18-23 Copart on Tax Map: 21, Lots 15-5, 15-6, and 15-7 is to be **(approved with conditions/denied)** with the following findings of fact and conclusions.

### FINDINGS OF FACT

#### **Utilization of the Site**

- The three (3) subject parcels total approximately 10.43 acres and is currently undeveloped. The properties are Lots 5, 6, and 7 of the Quarry Ridge Business Park, a 12 lot commercial subdivision. The majority of the site is relatively flat and is an active quarry operation with multiple stockpiles on site. The parcels are encumbered by 30 foot wide drainage easements along the northerly side of the Lots along Bedrock Terrace and between Lots 5 and 6 and Lots 6 and 7.

### **Vehicular and Pedestrian Traffic**

- The Quarry Ridge Business Park is accessed by a paved public road, Enterprise Drive. The applicant proposes to construct three (3) 24 foot wide entrances (one entrance for each lot) onto Bedrock Terrace, a private road, to serve the project. The paved portion of Bedrock Terrace terminates approximately 150 feet from the intersection of Bedrock Terrace with Enterprise Drive, well before the frontage of the subject property. Both Enterprise Drive and Bedrock Terrace have been constructed to the industrial street standard.
- The site improvements consist of parking lots constructed with reclaimed asphalt surfaces, to be used to the temporary storage of automobiles that are offered for sale by the applicant, an automobile auction business. Sufficient parking for employees is available.
- The project may be subject to the North Route 302 Road Improvements Impact Fee (Section 1204). A traffic analysis shall be conducted in order to determine the traffic impact and requisite impact fee total, as measured by additional vehicle trips to be generated by a development project that pass through the North Route 302 Capital Improvement District in the peak commuter hour.
- The final plan submission states that the use is expected to generate 6 to 8 truck deliveries per day.
- In an email dated July 19, 2018 Town Engineer Jon Earle, PE, questioned if improvements to Bedrock Terrace would be completed in conjunction with this project or if the existing gravel portion of Bedrock Terrace was able to accommodate the proposed development. He also requested a traffic analysis to determine the peak hour traffic.
- In a memo dated July 24, 2018 Derek Caldwell, PE, PTOE of Sebago Technics estimated that 2 carrier vehicles would enter and exit the site during the commuter peak hour and provided an estimate of the North Route 302 Road Improvements Impact Fee of \$765.30.
- In a response to comments submitted July 25, 2018 the applicant confirmed that the approved upgrades to Bedrock Terrace will be completed in conjunction with this project.
- In an email dated July 30, 2019 Town Engineer Jon Earle, PE stated he had no further comments on the project.

### **Sewage Disposal, Water Quality and Groundwater Impacts**

- Test pit soil conditions were considered during the Quarry Ridge Business Park subdivision review. The Maine Department of Environmental Protection Site Location of Development Permit included the provision for up to a 1,000 gallon-per-day subsurface wastewater disposal system on each of the properties.
- The proposed use does not require a sewage disposal system.
- The properties are located in the Sebago Lake Watershed.

- A fuel cube is proposed for fueling of onsite work vehicles. The location on Lot 6 is shown on Sheet 4 of 9. Details of the fuel cube and a Spill Prevention Control and Countermeasure (SPCC) Plan should be provided.
- The proposed use should not have a significant impact on the quantity or quality of area groundwater.

### **Stormwater Management**

- The Maine Department of Environmental Protection Site Location of Development Permit #L-18029-39-L-N dated November 16, 2005 as amended included the design of stormwater ponds and stormwater conveyance infrastructure for the entire Quarry Ridge Business Park development.
- Under the DEP Site Law permit each lot within the subdivision was given an allocation for allowable impervious surface based on 75% lot coverage. Lots 5, 6 and 7 were permitted with 1.46 acres, 2.20 acres, and 1.99 acres of impervious area respectively. The proposed site improvements include gravel parking areas designed so that the total impervious area created on individual lots is less than the maximum allowable limit as approved. Stormwater runoff will be directed to 30-foot wide grassed drainage ditches between each lot, which is consistent with the drainage plan prepared as part of the Site Law permit. Lots 6 and 7 both drain to existing detention pond #3, and Lot 5 drains to existing detention pond #1.

### **Erosion Control**

- A soil erosion and sediment control plan was submitted with the plan set (Sheet 8 of 9). This included a narrative best management practices plan along with construction details of the proposed erosion control measures shown on Sheets 4, 5, 6, and 7.

### **Utilities**

- No new utilities are proposed to serve this project.
- There are existing fire hydrants on Enterprise Drive at corner of Bedrock Terrace and on Bedrock Terrace at the property line between Lots 2 and 5. The hydrant locations are shown on the plan

### **Technical and Financial Capacity**

- A May 2018 bank statement from Bank of America, N.A. has been provided as evidence of financial capacity.
- The applicant has provided information on the licensed professionals working on this project as evidence of technical capacity.

### **Landscape Plan**

- The Final Plan submission Exhibit 15 states that the applicant is not proposing landscaping at this time. Thirty (30) foot wide grasses areas are proposed between individual lots. A perimeter fence with sliding gates at each entrance is shown on Sheet 4 of 9. Fence and gate details are shown on Sheet 9 of 9.
- Section 406.I 5 requires a 40 foot minimum buffer strip along Bedrock Terrace. Section 511 requires that the landscaped buffer strip be covered with trees or shrubs for at least ten (10) percent of its area. The site plans shows the parking area setback 30 feet from the front property line.
- The rear of Lots 5, 6, and 7 abut the Farm Zone, a residential district. Section 406.I requires a 50-foot wide buffer strip. 20 feet nearest the boundary shall be maintained as a landscaped buffer strip as defined, and the remaining 30 feet of the buffer strip shall also be used and maintained as a suitable planting area for lawn with trees, shrubs or other landscape material.

### **Conformity with Local Plans and Ordinances**

1. Land Use
  - This project meets the minimum lot size requirements and minimum lot frontage requirements of the ED zoning district.
  - This project has met the maximum building coverage (50%) and maximum impervious area (75%) requirements of the ED zoning district.
2. Comprehensive Plan
  - This project meets the goals and objectives of the 2017 Comprehensive Plan.
3. Others:
  - Enterprise Development District Standards, Section 406.I
    - All parking lots shall maintain a 30 ft setback from all property lines. The parking lots on the final plan revised July 25, 2018 show a 20 ft setback between Lots 5 and 6 and Lots 6 and 7 and along the easterly border of Lot 7.
    - Automobile Auction Facilities require a 6 foot tall opaque fence to enclose any outdoor storage area. Fence details are shown on Sheet 9 of 9. A 9 foot tall 26 gauge white painted interlocking steel panel fence is proposed.
  - Automobile Auction Facility Performance Standards, Section 506
    - Automobiles shall be kept on the lot for no more than 180 cumulative days
    - All stored automobiles shall be kept in a designated parking area.
    - The designated parking area shall be screened from public ways and abutting properties.
    - The Automobile Auction Facility shall ensure that leaking fluids from damaged or wrecked vehicles are collected or contained per applicable Maine Department of Environmental Protection standards.
    - Automobile Auction Facilities shall require an annual inspection by the Code Enforcement Officer.

### **Impacts to Adjacent/Neighboring Properties**

- The Final Plan submission Exhibit 10 states that no lighting will be installed.
- The use is not expected to generate a significant amount of solid waste so will not need to have a dumpster location on site.
- The impacts of the proposed use to neighboring properties should be negligible.

## 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 not** 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/does not conform** 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 dependant upon, and limited to, the proposals and plans contained in the application dated July 3, 2018, amended July 25 2018, and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Staff Review Committee, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the Staff Review Committee or the Town Planner in accordance with Section 814.G. of the Land Use Ordinance.