

Town of Windham

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MEMO

DATE: October 18, 2018

TO: Windham Planning Board
FROM: Amanda Lessard, Planner *AL*
Cc: Craig Burgess, PE – Sebago Technics
Development Review Team

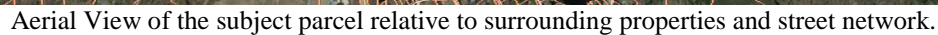
RE: 18-23 – Copart Phase 2: Major Site Plan, Sketch Plan Review
Planning Board Meeting: October 22, 2018

Overview –

This application is for an Automobile Auction Facility consisting of a 7,200 square foot office/warehouse building with a 28.1 acre gravel storage area at 11 Bedrock Terrace. The facility is proposed on the proposed amended Lots 5 of the Quarry Ridge Business Park, concurrently under review by the Planning Board at Project 18-32 Quarry Ridge Business Park 4th Amended Subdivision. The Staff Review Committee approved a minor site plan application on August 7, 2018 for a 5.65 acre Automobile Auction Facility on Lots 5, 6, and 7 of the Quarry Ridge Business Park. Copart Phase 1 was classified as a minor site plan as the development was within an approved subdivision. The proposed subdivision amendment and site plan will require an amendment to the Maine Department of Environmental Protection Site Location of Development Approval Order #L-18029-39-L-N dated November 16, 2005 as amended.

Lots 5, 6, and 7 of the Quarry Ridge Business Park are zoned ED and a portion of Lot 15 is zoned Farm. The Automobile Auction Facility is proposed within the ED zone and a portion of the F zone utilizing Section 404 the Land Use Ordinance that states that where a land use district boundary line divides a parcel the regulations applicable to the less restricted portion of the lot may be extended 50 feet into the more restricted portion of the lot.

Other portions of Lot 15 are zoned Resource Protection. In accordance with the Shoreland Zoning Ordinance, parking facilities are allowed with a permit issued by the Planning Board. The applicant should submit a Shoreland Zoning Permit application with their Final Site Plan application. The development proposed within the RP zone will only be in areas that were previously disturbed during approved gravel pit operations.



New comments related to the Phase 2 site plan application have been added to the staff memo for 18-23 Copart Phase 1 dated August 2, 2018 and appear as underlined text. Comments from the Phase 1 approval are italicized.

SITE PLAN REVIEW

1. Waivers: None

- ~~**MOTION:** The application for project 18-33 Copart Phase 2 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.~~

2. Public Hearing: No public hearing has been scheduled for this project. The Planning Board must determine whether to hold a public hearing on the application.
3. Site Walk: A site walk has not been scheduled for this project. The Planning Board 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 18-33 Copart on Tax Map: 21, Lots 15, 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.*
- The four (4) subject parcels total approximately 42.31 acres and is currently undeveloped. The properties are Lots 5, 6, and 7 of the Quarry Ridge Business Park, a 12 lot commercial subdivision, and a 31.77 acre portion of the remainder of the original subdivision parcel (Lot 13 on the subdivision plan). The majority of the site is relatively flat and is an active quarry operation with multiple stockpiles on site. Stormwater ponds constructed as part of the previous phases of the subdivision are located in the Farm zoned portion of the parcel.
- A portion of the property is identified as significant habit for wading birds and waterfowl and identified as the Resource Protection District on the plan. A portion of the RP area has been excavated for the permitted mineral extraction operation, while the remainder is a forested buffer to the wetland.

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.*
- For Phase 2 of the project the applicant proposed to construct one (1) 30 foot wide entrances onto Bedrock Terrace, widening the entrance to Lot 5 on the Phase 1 approval. The other entrances will be regraded.
- *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.*
- The site improvements consist of a 7,200 square foot office/warehouse building with a paved parking area with 58 parking spaces and a gravel storage area for auction vehicles. The total proposed impervious area is 28.1 acres.*
- The ordinance does not have a minimum number of spaces required but the applicant shall demonstrate that the number of spaces provided onsite will meet the needs of the proposed use.*
- At the Development Team meeting on October 9, 2018 Town Engineer Jon Earle, PE, asked how the proposed traffic generation compared with the assumptions from the prior approval and contributed towards the Enterprise Drive/Route 302 traffic signal warrant analysis.*
- A traffic impact study must be submitted with the final plan set if the project will generate fifty (50) or more trips during the a.m. or p.m. peak hour.*
- 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.*

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.*
- The proposed 7,200 square foot office/warehouse building will be served by a private subsurface waster disposal system.
- Test pit soil analysis should be submitted with the final plan. The test pit location must be shown on the plan.
- The final plan should show the location of the fuel cube and the submission should clarify if a greater amount of fuel will be stored on site than the Phase 1 approval.

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.*
- An amended DEP permit must be submitted as part of the Final Plan submission.

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.*
- A soil erosion and sediment control plan for Phase 2 must be submitted as part of the Final Plan submission.

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.*
- The property must be served by underground utilities.
- The proposed building will be served by public water with a service from the 8" water main in Bedrock Terrace.
- The applicant must submit an Ability to Serve letter from the Portland Water District that confirms the proposed water services conform with its design and construction standards, that the development will not result in an undue burden on the systems, and the water lines will be installed in a manner adequate to provide needed domestic and fire protection flows.
- An existing fire hydrant is located on Bedrock Terrace and is 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.*
- Evidence of financial capacity must be provided as part of the next submission.
- Evidence of technical capacity must be provided as part of the next submission.

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.*
- A landscaping plan must be submitted as part of the final plan set.
- In an ED District where a lot abuts a residential district boundary, a fifty (50) foot wide buffer strip shall be provided. Twenty (20) feet nearest the boundary shall be used and maintained as a landscaped buffer strip.

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.*
- *District Standards, Section 406.I. The project must meet the standards of the ED zoning district.*
 - *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.*
- This project meets the minimum lot size requirements and minimum lot frontage requirements of the ED zoning district.
- This project must meet the maximum building coverage (50%) and maximum impervious area (75%) requirements of the ED zoning district.
- District Standards, Section 406.I. The project must meet the standards of the ED zoning district.
 - In an ED District where a lot abuts a residential district boundary, a fifty (50) foot wide buffer strip shall be provided. Twenty (20) feet nearest the boundary shall be used and maintained as a landscaped buffer strip. The 50 ft buffer strip shown on the sketch plan is located at the proposed property line. It should be relocated to the ED-F zoning district boundary.
 - The existing Lots 5, 6, and 7 are zoned ED and the abutting portion of Lot 15 to be added to the proposed reconfigured lot is zoned Farm. Development proposed within the ED zone may also utilize Section 404 the Land Use Ordinance that states that where a land use district boundary line divides a parcel the regulations applicable to the less restricted portion of the lot may be extended 50 feet into the more restricted portion of the lot.
 - All parking lots shall maintain a 30 ft setback from all property lines.
 - Automobile Auction Facilities require a 6 foot tall opaque fence to enclose any outdoor storage area.
- 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.
2. Comprehensive Plan
- This project meets the goals and objectives of the 2017 Comprehensive Plan.
3. Others:
- Chapter 199 Shoreland Zoning. A portion of the amended Lot 5 is located in the Resource Protection District, a 250 foot area surrounding a wetland complex identified as moderate or high value wading bird habitat by Maine DEP and the Maine Department of Inland Fisheries and Wildlife (IF&W). Parking Facilities are allowed with a permit issued by the Planning Board. The applicant should submit a Shoreland Zoning Permit application with their Final Site Plan application. The development proposed within the RP zone will only be in areas that were previously disturbed during approved gravel pit operations.

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.*
- Site lighting must be shown on Final Plan, and details of fixtures must be included in the submission.

CONCLUSIONS (N/A)

1. ~~The plan for development **reflects/does not reflect** the natural capacities of the site to support development.~~
2. ~~Buildings, lots, and support facilities **will/will not** 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/will not** be maintained and protected to the maximum extent.~~
4. ~~The proposed site plan **has/does not have** sufficient water available for the reasonably foreseeable needs of the site plan.~~

5. ~~The proposed site plan **will/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/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/will not** 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/does not have** adequate financial capacity to meet the standards of this section.~~
10. ~~The proposed site plan **will/will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.~~
11. ~~The proposed site plan **will/will not** 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/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/does not** 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 October 1, 2018, amended _____, 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.