



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Draft

### Planning Board

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Monday, November 26, 2018

7:00 PM

Council Chambers

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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, Bill Walker, Nick Kalogerakis, Griffin Bourassa, and Drew Mayo.*

*Planner, Amanda Lessard was also present.*

3 [PB 18-108](#) Approval of Minutes: October 22, 2018

**Attachments:** [Minutes 10-22-2018 - draft.pdf](#)

*Bill Walker made a motion to accept the minutes of the October 22, 2019, meeting.*

*Seconded by Drew Mayo.*

*Vote: Four in favor. No one opposed. David Douglass and Griffin Bourassa abstained.*

4 Approval of Minutes: November 14, 2018

*Bill Walker made a motion to postpone approval of the minutes from November 14, 2018 until they were ready.*

*Seconded by Keith Elder.*

*Vote: All in favor.*

### **Continuing Business**

5 [PB 18-109](#) 18-12 Highland Woods. Major subdivision preliminary plan review. MTR Development, LLC to request review of a 22 lot residential cluster subdivision. The property in question is located at Highland Cliff Road/Annie's Way and identified on Tax Map: 7, Lot: 36 and 29, Zone: Farm (F) and Stream Protection (SP).

**Attachments:** [18-12 Highland Woods Prelim 11-23-2018.pdf](#)

[Peer Review Highland Woods 11-20-2018.pdf](#)

[Highland Woods - Preliminary Subdivision Plan Set 11-05-2018.pdf](#)

[Highland Woods-Compiled-Preliminary Sub Application \(11-5-18\).pdf](#)

Jason Haskell, of DM Roma Consulting Engineers, was present representing the applicant. He explained:

- They proposed a 22 lot cluster subdivision with 20.5 acres of combined open space in three sections.
- There was another subdivision proposed on an adjacent parcel. To facilitate connectivity the two applicants had agreed to an equal land swap which had not yet been formalized.
- They proposed a road for public acceptance. It would be 22,000 feet long with a 26 foot paved surface and one foot gravel shoulders on each side. They would request a waiver for the requirement of a cul-de-sac.
- Lots would have individual wells and septic.
- Electricity, phone, and cable would be underground.
- A nitrate analysis had been completed.
- Stormwater management would be via five filter basins.
- They would require Site Location of Development approval from DEP.

Amanda Lessard explained:

- The town currently had a mineral extraction moratorium in effect. The proposed cut and fill amounts for the project were within the exemption amount for the moratorium.
- Right, title, or interest was needed for the proposed land swap.

The Board commented:

- It would be helpful to see an overall plan of both subdivisions.
- Connectivity between the projects was really good.
- There was no concern with the public dead end street waiver request as long as the two roads would connect. If that didn't happen the road should end with a cul-de-sac instead of a hammer-head.

## 6 [PB 18-110](#)

18-26 649 River Road Subdivision. Major subdivision preliminary/final plan review. Robie Holdings, LLC to request review of an 8 lot residential cluster subdivision. The property in question is located at 649 River Road and identified on Tax Map: 8, Lot: 23B, Zone: Farm (F) and Resource Protection (RP).

**Attachments:** [18-26 649 River Rd PrelimFinal 11-23-18.pdf](#)  
[649 River Road Response to Review Comments 2018-11-20.pdf](#)  
[Peer Review 649 River Rd 11-19-18.pdf](#)  
[Windham SWPBR RobieHoldingsLLc 11082018.pdf](#)  
[649 River Road Subdivision Final Plan Application 2018 11 5.pdf](#)  
[649 River Road Subdivision Plan Set 2018 11 5.pdf](#)

Jason Haskell, from DM Roma Consulting Engineers, was present representing the applicant. He explained:

- They proposed an eight lot cluster subdivision on 15.5 acres, including 9.5 acres of open space.
- The internal road would have a 20 foot wide paved travel way with two foot paved shoulders and two foot gravel shoulders. It would be offered for town acceptance.
- The development would be served by public water.
- Lots would have individual septic systems.
- Utilities would be underground.
- The Board had required a nitrate assessment for lots 1 and 2. Both plumes went toward the road.

- Stormwater management would be via two filter basins that were located at the entrance.
- DEP had granted the Permit by Rule.
- They had submitted waiver requests:
  - o A High Intensity Soil Survey – The development would be served by public water.
  - o Cluster Subdivision Contiguous Open Space – There were two areas of open space located at the entrance to the subdivision. These would provide a buffer to the road and an area for the filter basins. A third area of open space was adjacent to the river.
  - o Sidewalk/Widened shoulder
  - o Hydrogeologic Assessment – An assessment had been provided for lots 1 and 2. They requested a waiver of the submission requirement for lots 3 through 8 because the properties adjacent to those lots were served by public water.

Amanda Lessard explained the homeowners' association documents had to include responsibility for the open space if it was not accepted by the town.

- Would the open space adjacent to River Road continue to be managed as a field?
- Submission of the homeowners' association documents could be a condition of approval.

Keith Elder made a motion to grant the waiver request for the high intensity soil survey submission requirement.

Seconded by Griffin Bourassa.

Vote: All in favor.

Keith Elder made a motion to grant a waiver from the hydrogeologic assessment submission requirement.

Seconded by Griffin Bourassa.

Vote: All in favor.

Bill Walker made a motion to grant a waiver from the contiguous cluster open space requirement.

Seconded by Griffin Bourassa.

Vote: All in favor.

Bill Walker made a motion to grant a waiver from the sidewalk/shoulder performance standard.

Seconded by Griffin Bourassa.

Vote: Four in favor. Bill Walker and Griffin Bourassa opposed.

Bill Walker made a motion that the application for project 18-26 649 River Road Subdivision 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 are not fully addressed.

Seconded by Keith Elder.

Vote: All in favor.

*Bill Walker made a motion to grant preliminary subdivision approval to application 18-24 Land of Nod Road Subdivision.*

*Seconded by Keith Elder.*

Vote: All in favor.

*Bill Walker made a motion that the final subdivision application for 18-26 649 River Road Subdivision on Tax Map: 8, Lot: 23B is to be approved with conditions with the following findings of fact and conclusions and with the added condition that the applicant will provide homeowners' association documents to staff for review and approval:*

#### FINDINGS OF FACT

##### A. POLLUTION

- *A portion of this subdivision is within the mapped 100 year floodplain. The floodplain is shown on the subdivision plan.*
- *No development is proposed within the mapped floodplain.*
- *This subdivision is not located over a significant sand and gravel aquifer.*
- *A hydrogeologic assessment must be submitted as part of the Preliminary Plan as the subdivision is not served by public sewer and the subdivision has an average density of more than one dwelling unit per 100,000 square feet. The applicant has requested a waiver from this submission requirement.*
- *In an email dated October 11, 2018, Town Engineer Jon Earle P.E., notes that the abutting property to the south does not appear to be served by public water.*
- *The November 5, 2018 submission includes a nitrate-nitrogen assessment dated October 30, 2018 prepared by Stephen Marcotte, CG, LSE. of Summit Geoengineering Services that concludes that the proposed subsurface wastewater disposal systems for Lots 1 and 2 will not result in an increase of nitrate-nitrogen above 10 mg/L in groundwater at the property boundary.*
- *In an email dated November 19, 2018, Town Engineer Jon Earle P.E., requested a map showing the nitrate plumes for Lots 1 & 2.*
- *In an email dated November 20, 2018 Jayson Haskell, PE of DM Roma Consulting Engineers stated that the geologist who prepared the report stated it would be very difficult to delineate these plumes since there are so many factors that could change its direction, but no matter which direction it goes I, the 10 mg/L plume would not leave the property.*

##### B. WATER

- *The eight (8) lots will be served by public water for domestic use.*
- *An email dated September 6, 2018 from Brian Johnson of the Portland Water District an infrastructure map shows the location of the existing water main.*
- *An existing fire hydrant is located on River Road south of Tradition Drive and is shown on the subdivision plan.*
- *At the Development Team meeting on August 28, 2018, Deputy Fire Chief John Wescott stated that no additional fire hydrants were necessary as all lots would be within 1,000 feet of the existing hydrant on River Road.*
- *The proposed 12" water main extension on River Road, and a 4" water main on the proposed subdivision road is shown on Sheet PP-1 of the preliminary plan set.*
- *An Ability to Serve letter dated October 24, 2018 from Robert Bartels, PE at the Portland Water District was included with the Final Plan submission.*

#### C. SOIL EROSION

- An erosion and sedimentation plan, prepared by DM Roma Consulting Engineers, dated October 1, 2018, has been submitted as part of the Preliminary Plan. Notes and details are shown on Drawing D-1.
- A stormwater management plan that meets the water quality and quantity standards as well as the flooding standard of Section 3 DEP Chapter 500 Stormwater Management must be submitted as part of the Preliminary Plan. If this project requires a Maine Department of Environmental Protection (DEP) Chapter 500 Stormwater Permit, it must be submitted with the Final Plan.
- This project is in the NPDES (National Pollutant Discharge Elimination System) area as designated by the Environmental Protection Agency for the Town of Windham. As a result, there will be additional construction inspection 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 plan has been submitted as part of the October 1, 2018 Preliminary Plan submission. The project proposes to treat the 195,126 square feet of new developed area with two underdrain filter basins and roof drip edges on each building.
- The stormwater management plan states that a DEP permit is not required as the applicant will construct the roadway without developing the lots and the roadway will generate less than 1 acre of new impervious surface and less than 5 acres of total development.
- An inspection, maintenance, and housekeeping plan was included with the stormwater management plan.
- Note 12 on the plan states that all buildings will require the installation of a roofline drip edge.
- In an email dated October 11, 2018, Town Engineer Jon Earle P.E., confirmed that the project meets the Chapter 500 standards for erosion and sediment control, water quality and the flooding standard. He commented that the cross culvert near station 0+00 is called out as 12" but the minimum culvert size for public roads is 15" and culvert sizing calculations should be provided. He also requested additional ground topography within the footprints for the two filter basins rather than relying on LIDAR aerial survey.
- A Maine DEP Stormwater Permit by Rule dated October 29, 2018 was included in the final plan submission. The Department approved the PBR on November 8, 2018.
- The final plan narrative states that the grades in the general proximity of the two proposed stormwater ponds and roadway centerline were checked to be within a few inches of the LIDAR contours.
- In an email dated November 20, 2018 Jayson Haskell, PE of DM Roma Consulting Engineers included a revised roadway plan and profile upsizing the culvert to 15" and sizing calculations.

#### D. TRAFFIC

- All lots in the subdivision lots have access from the new 600 foot subdivision street. Section 911.K.3.f requires cluster subdivision roads to be built to the Minor Local Street standard.
- The driveway access to River Road for the existing single family home will be removed and access will be provided to the new subdivision street.
- At the Development Team meeting on August 28, 2018, Public Works Director Doug Fortier stated that the proposed entrance on River Road may be within the urban compact area and the applicant should verify with the MaineDOT. If within the urban compact the MDOT Entrance Permit must be submitted with the Final Plan. He also noted that River Road was recently reconstructed and is still within the 5 year moratorium.

- Based on the distance to uses that would generate pedestrian trips, sidewalks are not required. When sidewalks are not required for local streets, Section 911.M.5.b.6.ii requires that the applicant construct a sidewalk or a street with a widened shoulder. One (1) additional foot of paved shoulder, on each side of the street, shall be added to the required minimum shoulder width.
- Sight distance at the subdivision road for both directions along River Road should be on the Preliminary Plan.
- Section 911.M.3.d states that streetlights may be required at intersections with existing public streets. A streetlight on River Road at the intersection of the subdivision road serving 10 or more lots would comply with the Town of Windham Streetlight Policy, adopted June 25, 2013.
- The October 1, 2018 preliminary plan submission states that the based on the ITE Trip Generation Manual the proposed 8 residential lots are expected to generate 8 peak hour trip-ends.
- A traffic impact analysis is not required for this project. A traffic study is required for subdivisions projected to generate more than 140 vehicle trips per day.
- Public access to the open space is proposed. The applicant proposes that there will be adequate on street parking for the public.
- A road plan and profile, prepared by DM Roma Consulting Engineers, dated October 1, 2018, shown on Sheet PP-1, was submitted as part of the Preliminary Plan.
- The road plan and profile (Sheet PP-1) and details (Sheet D-1) dated October 1, 2018 propose constructing the road with a 20 foot wide paved travel way with 2 foot paved shoulders and 2 foot gravel shoulders. One additional foot of paved shoulder is required. The applicant should revise the cross-section detail or submit a waiver request. The applicant has requested a waiver from this standard.
- In an email dated October 11, 2018, Town Engineer Jon Earle P.E., stated that a waiver request should be submitted for the road standard as proposed and that this cross section is consistent with other subdivisions recently approved. He also requested that sight distance be shown on the plan and a stop sign location added to the plan and a detail provided.
- Sight distances are shown on the Roadway Plan & Profile sheet PP-1 dated November 5, 2018 and a stop sign detail was added to the Details sheet D-2 dated November 20, 2018.

#### **E. SEWERAGE**

- The development will be served by individual private subsurface wastewater disposal systems.
- Soil test pit analysis prepared by Alexander A. Finamore, SWS, LSE of Mainely Soils, LLC dated September 25, 2018 show that seven of the eight lots has adequate soils to support a private septic system. Test pit locations are shown on the plan. No test pit is shown on Lot 5. A test pit analysis for Lot 5 must be provided.
- Additional septic test pit analysis was included in a report prepared by Alexander A. Finamore, SWS, LSE of Mainely Soils, LLC dated October 29, 2018. Test pits are shown on each lot on the subdivision plan dated November 5, 2018.

#### **F. SOLID WASTE**

- Residents of the single family dwellings will participate in the Town's pay-per-bag garbage program.
- Development of these lots should not produce an undue burden on the Town's ability to collect and dispose of solid waste.

#### **G. AESTHETICS**

- A single family home is currently located on the property. The rear of the property is wooded and has steep slopes down to the Pleasant River.
- There are no documented rare botanical features or significant wildlife habitat documented on the site.
- Street trees are shown on the Plan and Profile Sheet PP-1 of the preliminary plan set and Note 13 on the plan states that street trees shall be planted or preserved at an interval no less than one tree every 50 feet of roadway, and in accordance with Section 911.E.1.b of the Land Use Ordinance.
- Limits of tree clearing are shown on the preliminary plan. Note 14 on the plan states 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.

#### H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
  - The plan does meet the goals of the 2017 Comprehensive Plan.
- Land Use Ordinance:
  - All lots fall within the minimum and maximum lot sizes of 30,000-50,000 square feet (one lot 60,000 sf max) for cluster lots in the F zoning district.
  - Net residential density calculations are shown on the Plan.
  - The 250' Resource Protection District around the Pleasant River is shown on the preliminary plan.
  - No more than 30% of the lots have direct vehicular access onto an existing public road.
  - The total area of reserved open space equals or exceeds 50% of the gross land area of the property to be subdivided.
  - At least 50% of the land suitable for development shall be included in the common open space.
- Subdivision Ordinance
  - A landscaping plan must be submitted with the Preliminary Plan.
  - Standard notes and the standard condition of approval must be shown on the plans.
  - The subdivision is utilizing the 20% density bonus to gain an additional lot. In order to be eligible, the open space must be open for general public use, not just homeowners within the subdivision. Access easement for the open space must be recorded in the registry prior to the issuance of building permits. The final plan should note which portion of the open space may be dedicated for acceptance by the Town and a written offer of cessation must be submitted with the Final Plan. See Condition of Approval #3.
  - The Tax Map and Lot numbers provided by the Tax Assessor must be shown on the Final Plan.
  - Subdivision plan data compatible with the Town GIS must be submitted as part of the Final Plan submission.
  - Homeowner association documents were provided with the Final Plan submission. The draft documents do not adequately specify the rights and responsibilities of each lot owner with respect to the maintenance, repair, and plowing of the subdivision streets, open space and stormwater infrastructure.
- Others:
  - Chapter 221 Street Naming and Addressing: A street name approved by the Town Addressing Officer shall be shown on the Final Plan.
  - Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 urbanized area.

- *Chapter 199 Shoreland Zoning: No development is proposed within the 250 foot Resource Protection District adjacent to the Pleasant River.*

*I. FINANCIAL AND TECHNICAL CAPACITY*

- *A letter dated October 12, 2018 from Tina Ireton, Personal Banker at Gorham Savings Bank was submitted as evidence of financial capacity.*
- *The applicant has provided information on the licensed professionals working on this project as evidence of technical capacity*

*J. RIVER, STREAM OR BROOK IMPACTS*

- *This project is adjacent to the Pleasant River and is located within the Pleasant River watershed, the Town's priority watershed.*
- *The project will not adversely impact any river, stream, or brook.*

*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 has 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 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 have a lot depth to shore frontage ratio greater than 5 to 1.*
- 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 August 20, 2018, as amended November 20, 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 913 of the Subdivision 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.

3. A deed transferring ownership of the open space to the Town of Windham or an access easement for public use of the open space must be recorded in the Cumberland County Registry of Deeds prior to the issuance of building permits.

Seconded by Keith Elder.

Vote: All in favor.

## 7 [PB 18-111](#)

18-24 Land of Nod Road Subdivision. Major subdivision sketch plan review. Grondin Corporation to request review of a 34 lot residential cluster subdivision. The property in question is located at 120 Land of Nod Road and identified on Tax Map: 7, Lot: 29 and 36, Zone: Farm (F).

**Attachments:** [18-24 Land of Nod Sketch 11-21-2018.pdf](#)  
[16236.pl2-revpre-appsk-LAnd of Nod Prop-Grondin-11-5-18.pdf](#)  
[Land of Nod sketch plan-181105.pdf](#)

Meeting went into Recess

Meeting Reconvened

Jim Seymour, of Sebago Technics, was present representing the applicant. He explained:

- They proposed a cluster subdivision on 655 acres off of land of Nod Road.
- The plan had been revised to show connectivity with the road from Highland Woods, a subdivision that was currently proposed on an adjacent lot.
- Open space would be adjacent to Cobb Farm Road and Riding to the Top. Continuation of the trail network would be shown on the plan.
- Lots would be located on the property so they were buffered from land of Nod Road

and the neighbors.

Amanda Lessard explained:

- Right, title, or interest was needed for the land swap.
- It was important to remember the two subdivisions were separate projects.
- This project was in excess of 30 lots. There was an ordinance requirement for two connections to existing public streets. The connection to the Highland Woods project was a proposed public street. A waiver could be requested for connection to a public street.

The Board commented:

- Sprinklers were preferred over a cistern, which would have maintenance requirements for the town.
- The layout and connectivity were good.
- Had vernal pools been considered?
- There should be connectivity for the trails between the two projects also.
- If the streets between the two subdivisions were not connected the road should end in a cul-de-sac, not a hammer-head.

Mr. Seymour replied:

- They would discuss sprinklers/cisterns with the Fire Chief.
- Vernal pool information would be provided.
- They would have less than 43,000 square feet of wetland impact for installation of a culvert by the entrance to the street.
- They would be sure the road between the two subdivisions met.

## **New Business**

- 8      [PB 18-112](#)      18-37 Roosevelt Trail Self-Storage. Major site plan sketch plan review. Keith Harnum to request review of 18,000 square feet of public warehousing in three (3) buildings. The subject property is located at Roosevelt Trail and identified on Tax Map: 12 Lot: 67-3, Zones: Commercial 1 (C-1).

**Attachments:**    [18-37 Roosevelt Trail Storage\\_Sketch\\_11-21-18.pdf](#)

[Roosevelt Trail Self Storage - Sketch Plan Application - 2018\\_11\\_5.pdf](#)  
[Sketch Plan - Roosevelt Trail Storage 2018\\_11\\_5.pdf](#)

Jason Haskell, from DM Roma Consulting Engineers, was present representing the applicant. He explained:

- They proposed three buildings, totaling 18,000 square feet on property that was 1.4 acres in a Commercial 3 (C-3) zone.
- The buildings were proposed with a 3/12 pitch with overhead doors and lights on the building. The site would have a chain link fence and gated entrance.
- Access would be from an existing drive. There would be a 30 foot drive aisle and 20 foot aisles between the buildings.
- No office was proposed so there would be no water or septic.
- DEP approval would be required because the impervious surface would exceed one acre.
- Stormwater would be managed via a rain garden and filter basin located along Route 302.

Amanda Lessard discussed items of staff concern:

- A vegetated buffer was required from both the frontage on Route 302 and the frontage on the interior access road.
- The Fire Department would require the buildings to be sprinkled.
- This project was adjacent to a site that had a sidewalk. The Board may want to consider pedestrian connectivity.
- Design standards applied.
- There seemed to be limited snow storage area.

The Board commented:

- There should be windows on the sides and ends of the buildings and cupolas to break up the roof line.
- Was there adequate turning radius for emergency vehicles and trucks.
- Building elevations and compliance with design standards was required. The ordinance required wall plane projections to be every 50 feet.
- The site would be highly visible from Route 302; a good appearance was needed. The fence should be ornamental and a 5/12 roof pitch would be better.
- The existing sidewalk should be continued across the property.
- A traffic study was important.

Bill Walker made a motion to schedule a public hearing.

Seconded by Drew Mayo.

Vote: Five in favor. Keith Elder opposed.

Bill Walker made a motion to schedule a site walk.

Seconded by Keith Elder.

Vote: Four in favor. Griffin Bourassa and Drew Mayo opposed.

**9**      [PB 18-113](#)

18-38 Windham Apartments on Tandberg Trail. Major subdivision and major site plan sketch plan review. DC Predevelopment, LLC to request review of a mixed-use development consisting of a 144 unit apartment development in twelve 12-unit buildings and a 8,000 square foot commercial building. The subject property is located at Tandberg Trail and Manchester Drive and identified on Tax Map: 70 Lots: 1A (portion), Zone: Commercial 1 (C-1).

**Attachments:**    [18-38 Windham Apts Sketch 11-21-2018.pdf](#)  
[Windham Apartments Sketch Application 11-5-18.pdf](#)  
[Sketch Plan Windham Apartments.pdf](#)

David Douglass recused himself from the Board. He had a business relationship with the applicant's company.

Bill Walker disclosed that he and Mr. Bunker belonged to the same non-profit. He had no interest in the project and believed he could remain impartial.

No one on the Board expressed concern with that.

Kevin Bunker, of Developers Collaborative was present with his project development

team. He explained:

- The project was 12 market rate buildings with a total of 144 apartments.
- This would be the first project to be considered under the town's new form based ordinances. They were challenged with creating a viable development while meeting the requirements of the new ordinance.

Nancy St. Clair, of St. Clair Associates described the project:

- It was a nine acre property on the south side of Shaws, in a Commercial 1, (C-1) zone. It had frontage on Tandberg Trail, the Shaw's access drive, and an unnamed access road.
- The site had Shaws septic system on it.
- They also proposed an 8,000 square foot commercial building with a possible drive-through.
- The internal road was in excess of the 1,600 foot ordinance length.
- The buildings had been laid out with circulation for parking.
- They were evaluating the possibilities for trash pick-up.
- Some of their green space would be used for snow storage.
- Septic systems may include pretreatment.
- They anticipated the need for a Site Location of Development permit and maybe a traffic movement permit.

Amanda Lessard stated this application was a test case; it may be necessary to work around some things.

The Board commented:

- There was good connectivity.
- Public transportation was not available so residents would have to drive.
- The project offered many pluses.
- A playground was suggested.

The Board allowed public comment.

Larry DeHoff, Basin Road – He addressed his concern with the increase in groundwater pollution. Several studies had been done which showed elevated nitrate levels and concern with the plume to Collins Pond. 144 units would add to that. Stormwater ran into the existing line on Route 25 and discharged to a failing wetland. The pipe and rip-rap were exposed. The project would add to the traffic burden. It did not seem like a good fit.

Mr. Bunker discussed difficulties with the application:

- Frontage was needed on the interior road. It would limit the number and location of the buildings.
- The lot configuration limited their options.
- They couldn't make the project feasible and meet the required parking standard.

Bill Walker made a motion for a site walk.

Seconded by Nick Kalogerakis.

Vote: All in favor.

Bill Walker made a motion for a public hearing.

Seconded by Drew Mayo.

*Vote: All in favor.*

### **Other Business**

#### 10 Adjournment

*Griffin Bourassa made a motion to adjourn.*

*Seconded by Drew mayo.*

*Vote: All in favor.*