

Town of Windham

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MEMO

DATE: March 6, 2019

TO: Windham Planning Board
FROM: Amanda Lessard, Planner *ALZ*
Cc: Jim Seymour, P.E., Sebago Technics Consulting Engineers
Development Review Team

RE: 18-17 CRR Landscaping - Major Site Plan, Final Plan Review
Planning Board Meeting & Public Hearing: March 11, 2019

Overview –

The subject property is located at 8 Self Storage Drive, off of Roosevelt Trail, opposite Haven Road near the town line with Westbrook. The applicant is seeking after-the-fact approval for developing an area greater than 1 acre and altering wetlands without a permit. The application is for a 34,000 square foot landscaping material and equipment storage yard. Office space associated with the use will be located in the existing building at 2 Self Storage Drive, also owned by the applicant.

The proposed facility will occupy what were two lots in a 4-lot subdivision called, “Division of Lot 3 originally for F.S. Plummer Co. Inc.” A subdivision amendment approved by the Planning Board on March 28, 2011 and signed on April 11, 2011, discontinued several easements on the property and has a condition of approval that “Lots 3.1 and 3.2 must be combined prior to the issuance of any building permits.”

This application appeared on the Planning Board’s agenda on July 9, 2018 as a sketch plan. Since that meeting the applicant has received an after-the-fact Natural Resource Protection Act Permit from Maine DEP for altering wetlands. No DEP stormwater permit is required as the applicant proposes to revegetate some filled area so the total disturbance is less than an acre.

New comments from the staff memo dated July 6, 2018, appear as underlined text below.

Tax Map: 25; Lot: 9A-3A1, 9A-3B2. Zone: Commercial III (C3)

SITE PLAN REVIEW

Staff Comments:

1. Waivers: None
2. Complete Application: *Before the application is found complete, staff recommends the applicant submit estimated traffic to be generated by the project.*

MOTION: The site plan application for project 18-17 CRR Landscaping 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.

3. Public Hearing: A public hearing has been scheduled for the March 11, 2019 Planning Board meeting.
4. Site Walk: A site walk for the 2011 approval was held on Saturday, October 23, 2010. At the Planning Board meeting on July 6, 2018, the Board voted to the schedule a site walk. A site walk was not scheduled prior to the March 11, 2019 meeting in accordance with Rules of the Planning Board as the conditions of the site (snow cover) preclude the Planning Board from making an adequate judgement on characteristics of the site. The Board should discuss the need to reschedule the site walk.

Findings of Fact and conclusions for the

Windham Planning Board,

The Site Plan application for 18-17 CRR Landscaping on Tax Map: 25, Lots: 9A-3A1 and 9A-3B2 is to be **(approved with conditions/denied)** with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- The site is currently undeveloped but was recently filled and leveled.
- The project is located on a 1.69 acre parcel, to be created from the merger of two existing lots of less than one acre each. A condition of approval on the 2011 amended subdivision plan states that Lots 3.1 and 3.2 must be combined prior to the issuance of building permits.
- The proposed 34,000 square foot landscaping material and equipment storage yard will be served by office space located in the existing building owned by the applicant on the abutting property at 2 Self Storage Drive.

Vehicular and Pedestrian Traffic

- Vehicular access will be via Self Storage Drive. Note 9 on the Sketch Plan states that access will be obtained internally through an existing 50' access easement over Lot 3.3.
- A sidewalk is not required for this project's frontage along Route 302, as there are no residential, recreational, or commercial facilities in the vicinity that would benefit from such a sidewalk. There are also no schools, bus stops, or existing sidewalks, or parks or open space on or adjacent to the site.
- No parking spaces are shown on the sketch plan but the narrative describes space for up to 20 spaces along with various equipment pieces for employee and customers. The applicant is proposing the office/administrative space associated with the landscaping use be located at 2 Self Storage Drive, which is also owned by the applicant and is occupied by the Coastal Road Repair offices.
- The sketch plan shows a 20' paved gated access on Route 302 for delivery and EMS only. Additional detail on this entrance should be provided and site distances should be shown on the final plan.
- The Final Site Plan calls out the entrance to Lot 9A3-C3 as the paved primary site entry for use by all patrons. The gated entrance at Route 302 is called out on the final plan as a paved access drive for deliveries and EMS only. A stop sign and breakaway gate detail is shown on Sheet 9. A truck turning radius figure was included in the final plan submission dated November 5, 2018.
- The final site plan narrative describes space for 20 parking spaces and the final site plan labels 35 parking spaces.
- In an email dated March 1, 2019, Owen Chaplin P.E. of Gorrill-Palmer, requested an estimated number of daily and peak hour trips to be generated from the project and sight distance at the proposed southerly and existing northerly entrances be shown on the plan; asked for clarification on the number of parking spaces and to show an ADA space and for details on the construction of the parking lot islands.

Sewage Disposal and Groundwater Impacts

- No wastewater will be generated by this use, as no restroom facilities are proposed.

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) Chapter 500 Stormwater Permit. The permit must be submitted as part of the Final Plan.
- A DEP Tier 1 NRPA permit is required for impacting over 5,000 square feet of wetlands.
- A stormwater management plan has been submitted as part of the November 5, 2018 Final Plan submission. The proposed development will create approximately a total of 42,566 square feet of new developed area and 35,793 square feet of new impervious area and will treat the runoff with one (1) subsurface sand filter basin to treat 100% of the new impervious surfaces and 85.67% of the new developed areas. BMP Construction Plan is shown on

Sheet 5 of the final plan set. The applicant will be responsible for the maintenance of the stormwater facilities.

- A DEP permit is not required since the project will not disturb more than one (1) acre of land area.
- A Natural Resources Protection Act Permit #L-28066-TB-A-N (after-the-fact) was issued by the Maine Department of Environmental Protection on February 11, 2019 for approximately 7,729 square feet of total wetland impacts.
- In an email dated March 1, 2019, Owen Chaplin P.E. of Gorrill-Palmer, stated that the stormwater quantity and quality calculations appear to meet Town requirements. He stated that is unclear how the landscaping materials will be contained and asked how the applicant will prevent the stockpiled materials from entering the stormwater system. He also recommended that designs plans for the Modular Block Retaining Wall should be provided prior to the start of construction as a condition of approval. See Condition #2.

Erosion Control

- An erosion and sedimentation plan, prepared by Sebago Technics, dated November 5, 2018, has been submitted as part of the Final Plan. Notes and details are shown on Sheet 7.

Utilities

- The site may be served by public water depending on if there is a need for a watering supply or hosing down of equipment. An Ability to Serve Letter from the Portland Water District must be submitted with the Final Plan.
- Electrical service will be brought to the site from Route 302. Utility lines must be placed underground.
- The final plan narrative states that there is no need for public water and there will be underground electrical service provided from the existing poles located along Roosevelt Trail for potential lighting of the lot and entrance areas. The Final Plan set does not show any proposed underground electric or any proposed lighting locations.
- The closest fire hydrant on Route 302 is just north of the Pope Road intersection, approximately 840 feet from the project location.

Financial and Technical Capacity

- A letter dated December 4, 2018 from Mara Pennell, Vice President of Commercial Lending at Bath Savings Institution, has been provided as evidence of financial capacity to complete the project as proposed.
- The applicant has provided information on the licensed professionals working on this project as evidence of technical capacity.

Landscape Plan

- A Landscape Plan with a detailed plant list was included on Sheet 6 of final plan set dated November 5. A chain link fence is shown on the site plan and detail on Sheet 9.
- The ordinance requires that exposed nonresidential storage areas shall have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets. The Planning Board should determine if the landscaping material storage area is sufficiently screened from the public street.

Conformity with Local Plans and Ordinances

1. Land Use

- The project meets the minimum lot size and setback requirements of the C-3 zoning district.
- Service Business, Landscaping is a permitted use in the C-3 zoning district.
- The proposed emergency gravel access entrance on Route 302 meets the performance standards for a curb cut in the C-3 district.

2. Comprehensive Plan

- This project meets the goals and objectives of the 2017 Comprehensive Plan.
- Others: Design Standards, Section 813. The project must meet the design standards of the C-3 zoning district.
 - The final plan submission narrative does not address the Standards in Section 813.
 - An 8x8 attendant shelter is shown on the final site plan dated November 5, 2018. Building elevations should be submitted.
 - A sign location is shown on the Landscape Plan Sheet 9. A sign detail should be submitted.
 - Snow storage areas are not shown on the plan.

Impacts to Adjacent/Neighboring Properties

- The sounds proposed by the activity on the site shall be limited by the time period and by the abutting land uses listed in the ordinance.
- No exterior lighting is proposed.
- Impacts to nearby properties should be minimal, based on the proposed use.

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

CONDITIONS OF APPROVAL

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated June 12, 2018, as amended February 11, 2019, 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. Design plans for the Modular Block Retaining Wall prepared by a professional engineer licensed in the State of Maine should be provided prior to the start of construction.