



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Draft

### Planning Board

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Monday, March 25, 2019

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 Vice Chair, Keith Elder. Other members present were: Nick Kalogerakis, Griffin Bourassa, Drew Mayo, Kaitlyn Tuttle and Michael Devoid.*

*Planning Director, Amanda Lessard was also present.*

#### 3 [PB 19-025](#) Approval of Minutes: March 11, 2019

**Attachments:** [Minutes 3-11-19 - draft.pdf](#)

*Nick Kalogerakis made a motion to accept the minutes of the March 11, 2019 meeting.*

*Seconded by Griffin Bourassa.*

*Vote: All in favor.*

### **Public Hearing**

4 19-01 515 Roosevelt Trail Condos. Major subdivision preliminary plan review. JTSH, LLC to request review of a five (5) unit residential subdivision. The subject properties are located at 515 Roosevelt Trail and 12 Varney Mill Road and identified on Tax Map: 48 Lot:30 and Tax Map 47 Lot: 3, Zones: Medium Density Residential (RM) and Stream Protection (SP).

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

- *They proposed five single-family dwellings on a little over two acres.*
- *The 207 foot long private road would be 22 feet wide and paved. They requested a waiver of the ordinance requirement for 24 foot wide pavement.*
- *They proposed a stormwater outlet pipe 65 feet from the brook and there would be some grading into the wetland.*
- *Site distance at the driveway location was good.*
- *Power would be underground.*
- *Individual septic tanks would pump to a single leach field.*
- *The nitrate plume analysis had been completed. It went onto an abutting property before going back onto theirs. They requested a waiver.*
- *Test pits had been conducted and soils were suitable for the use; the medium intensity soil survey was adequate. They requested a waiver of the high intensity soil survey.*
- *Pre and post development flow analysis had been completed. There was an increase in treated water leaving the property toward Ditch Brook. They requested a waiver.*

*Drew Mayo joined the Board.*

*Public Comment:*

*Kimberly Morrill Gallant, Varney Mill Road – She lived on, and was greatly affected by the brook. How would this affect the brook and her? She was concerned for her health and property, having installed an expensive drainage system. Where did the water come from? Any impact at all raised the level of the brook. It really concerned her; it would keep eroding her lawn and causing more damage.*

*Mr. Roma explained:*

- They were required to provide treatment to water leaving the site and direct it toward soil treatment devices. There were two proposed and a stormwater buffer which would spread the water out through the woods.*
- The water would come from roof drains, back yards and offsite drainage.*
- Ditch Brook drained Collins Pond and all of the Varney Mill neighborhoods as well as Drive-in Lane and Commons Avenue. Compared to that, their increase would be slight.*

*There was no more public comment. The public hearing was closed.*

## **Continuing Business**

- 5      [PB 19-026](#)      19-01 515 Roosevelt Trail Condos. Major subdivision preliminary plan review. JTSH, LLC to request review of a five (5) unit residential subdivision. The subject properties are located at 515 Roosevelt Trail and 12 Varney Mill Road and identified on Tax Map: 48 Lot:30 and Tax Map 47 Lot: 3, Zones: Medium Density Residential (RM) and Stream Protection (SP).

**Attachments:**    [19-01 515 Roosevelt Trail Condos Prelim 03-21-19.pdf](#)  
[515 Roosevelt Trail Condominium - Response to Comments 2019-03-21.pdf](#)  
[515 Roosevelt Trail Condominium - Revised Plans 2019 3 21.pdf](#)  
[Peer Review 515 Roosevelt Trail 03-13-2019.pdf](#)  
[515 Roosevelt Trail PRELIMINARY SUB PLAN SET 03012019.pdf](#)  
[515 Roosevelt Trail Preliminary Subdivision Application 312019.pdf](#)  
[515 Roosevelt Trail Corrective Deed 1 25 2019.pdf](#)  
[FW 515 Roosevelt Trail - Ability to Serve Request \(SR #441559\).pdf](#)

*The Board commented:*

- Had there been an effort to decrease peak flows?*
- Did nitrates travel outside the property boundary?*
- Did Ditch Brook feed into any endangered water body? Would there be third party review?*
- How much wetland fill would be used?*
- There was concern about the amount of water going into the brook.*
- Where would trash be picked up?*

*Mr. Roma responded:*

- Their original proposal had one soil filter. They now had two and the water was split*

and sent in three directions to maintain the smallest increase they could manage.

- Nitrates went onto the abutting property, crossed back onto the subject property and decreased to below the 10ml per liter before reaching the brook. The abutting property was served by public water so there were no well impacts.
- There would be about 1,600 square feet of wetland fill. DEP generally exempted up to 4,300 square feet.
- Trash would be picked up on Roosevelt Trail.

Amanda Lessard explained:

- The project was receiving peer review.
- Ditch Brook went into the Pleasant River. There were no water standards for the brook or the river watershed. They were complying with stormwater standards and using erosion control best management practices so they were not contributing to erosion or nitrates in the waterbody.

Drew Mayo made a motion to accept the waiver request for the high intensity soil survey submission requirement.

Seconded by Griffin Bourassa.

Vote: All in favor.

Nick Kalogerakis made a motion to accept the waiver request for the major private road standard from 24 feet of pavement to 22 feet.

Seconded by Griffin Bourassa.

Vote: All in favor.

- 6      [PB 19-027](#)      18-37 Roosevelt Trail Self-Storage. Major site plan final 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 Final 03-21-19.pdf](#)  
[Peer Review Harnum Self Storage 03-12-2019.pdf](#)  
[Harnum Self Storage - Design Plans \(3-1-19\).pdf](#)  
[Harnum Self Storage - Town Response \(3-1-19\).pdf](#)  
[Harnum Response 2019\\_2\\_11.pdf](#)

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

- Turning access around the buildings – They had shortened the two end buildings to provide more room to turn large vehicles.
- Stormwater drainage and landscaping were kept on the property.
- They had looked at including a sidewalk on the property but had not done so. They would have to connect to an abutting sidewalk which was located far from the road and acted more as internal circulation. DOT's preferred design in the area was a wide, paved shoulder. The area was a high-speed commuter corridor; the town didn't envision pedestrian traffic there.

Amanda Lessard indicated that the applicant still had to demonstrate adequate right, title or interest for the access drive, grading and landscaping area.

*Griffin Bourassa made a motion to accept the waiver request for the commercial district façade design building standard.*

*Seconded by Nick Kalogerakis.*

*Vote: Four in favor. Drew Mayo opposed. Michael Devoid abstained.*

- 7 [PB 19-028](#) 18-28 Newbury Ridge Subdivision (formerly Nash Road Subdivision). Minor subdivision final plan review. Daigle Financial & Development LLC to request review of a three (3) lot residential subdivision. The property in question is located at 3 Nash Road and identified on Tax Map: 9, Lots: 34, 34-B1, and 34-B2, Zone: Farm (F).

**Attachments:** [18-28 Newbury Ridge Final 03-21-19.pdf](#)  
[holly Tubbs 3 Nash Rd 03-21-2019.pdf](#)  
[Peer Review Newbury Ridge 03-20-2019.pdf](#)  
[Newbury Ridge Roadway Plan & Profile 03-15-19.pdf](#)  
[Newbury Ridge Subdivision Plan 03-15-19.pdf](#)  
[Newbury Ridge Subdivision Response to comments 03-15-2019.pdf](#)  
[Peer Review Newbury Ridge 03-13-2019.pdf](#)  
[Newbury Ridge Subdivision - Response to Comments 2019 3 8.pdf](#)  
[Newbury Ridge Subdivision Plan Set 2019 3 8.pdf](#)  
[holly Tubbs 3 Nash Rd 03-12-2019.pdf](#)

*Dustin Roma, a civil engineer with DM Roma Consulting Engineers, was present representing the applicant. He explained the intersection had been moved to improve site distance so they met the requirement.*

*Drew Mayo made a motion that the Subdivision application for 18-28 Newbury Ridge on Tax Map: 9, Lots: 34, 34-B1 and 34-B2 was to be approved with conditions with the following findings of fact and conclusions.*

**FINDINGS OF FACT**

**A. POLLUTION**

- *No portion of this subdivision is within the mapped 100 year floodplain.*
- *This subdivision is located over a significant sand and gravel aquifer.*

**B. WATER**

- *The existing single family home is served by a private well. The subdivision is proposed to be served by private wells.*
- *The ordinance requires that the subdivision must be served by public water if the closest water main is within a distance equal to 100 feet multiplied by the number of lots in the subdivision. The existing public water main terminates at the intersection of Windham Center Road and Nash Road, a distance of less than 400 feet. On the revised sketch plan, the proposed 3 lot subdivision does not require a water main extension.*
- *The closest existing fire hydrant is located on Windham Center Road at Hawkes Farm Road, approximately 875 feet from the proposed development.*

### C. SOIL EROSION

- An erosion and sedimentation plan, prepared by DM Roma Consulting Engineers, dated January 22, 2019, has been submitted as part of the Final Plan. Notes and details are shown on Drawing D-1.
- A stormwater management plan has been submitted as part of the January 23, 2019 Final Plan submission. The proposed development will create approximately 12,000 square feet (0.28 acres) of new impervious area and 88,000 square feet (2.0 acres) of developed area for the roadway and lots. The project proposes to meet the flooding standard by treating more than 75% of the impervious and developed areas with buffers. The applicant will be responsible for the maintenance of the stormwater facilities until a homeowners' association is created.
- Note 12 on the plan states that the all buildings will require the installation of a roofline drip edge filter for stormwater treatment.
- In an email dated February 1, 2019, Will Haskell P.E. of Gorrill-Palmer, recommended a note be added to the plan that requires the stormwater buffers to be permanently marked as required by Maine DEP, requested a stormwater treatment plan showing all areas that contribute to the minimum 75% of impervious and developed areas being treated by buffers, requested a tree planting plan to ensure the buffer reverts back to forested vegetation or size the buffers for meadow vegetation, and a revision to the maintenance plan to remove reference to infiltration basins and undertrained filter basins.
- The applicant responded to peer review comments on February 11, 2018 and provided a treatment plan which shows the area that is being treated by the proposed buffers. Note 16 was added to the subdivision plan specifying that the stormwater buffers shall be replanted with a grid of deciduous and evergreen trees at a spacing of at least one tree every 30 feet on center though the buffer area. Deciduous trees shall be minimum 1" caliper and evergreen trees shall be a minimum of 4 feet in height.
- In an email dated February 19, 2019, Will Haskell P.E. of Gorrill-Palmer, noted that the grading has been revised with a buffer below the proposed level lip spreader with a 75' flow path but the applicant's property does not appear to meet the design length.
- The applicant submitted revised plans dated March 8, 2019 that relocated the proposed road and updated the roadway grading and proposed stormwater management design.
- In an email dated March 13, 2019, Will Haskell P.E. of Gorrill-Palmer, stated that revised level lip spreader is acceptable, and the buffer length meets required standards.

### D. TRAFFIC

- The subdivision lots will have frontage on a new 360 foot long subdivision street which intersects with Nash Road, a paved public road.
- Section 550.C requires new streets with connections to existing public streets to be built to the Minor Local Street standard.
- Based on the distance to uses that would generate pedestrian trips and no existing sidewalks on Nash Road, sidewalks are not required for this project. 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.
- The sketch plan shows a hammerhead turnaround at end of the proposed street. The Minor Local Street Standard requires a cul-de-sac. A written waiver request should be submitted.
- Sight distance for the new subdivision street should be shown for both directions along Nash Road on the Final Plan.
- The January 7, 2019 sketch plan narrative also indicates that the applicant intends to

request waivers from the Minor Local Street standard roadway centerline radius and tangent distance between reverse curves.

- In an email dated January 17, 2018 Town Engineer Jon Earle asked for clarification about the minimum tangent distance and commented that the proposed roadway slope through the 55' radius is 2% and though a significant reduction for a minimum centerline radius from 180' to 55', having the road at just 2% slope along with a minimal amount of traffic makes the waiver request reasonable.
- The January 23, 2019 final plan shows the sight distance at the proposed roadway intersection at Nash Road looking right exceeds 500 feet, and looking left is approximately 412 feet.
- A road plan and profile, prepared by DM Roma Consulting Engineers, dated January 22, 2019, shown on Sheet PP-1, was submitted as part of the Final Plan. The road cross section is shown on Sheet D-1.
- The final plan submission includes requests for waivers from the street design standards for the roadway centerline radius, the road to end in a hammerhead instead of a cul-de-sac, and a requirement for additional paved shoulders.
- In an email dated February 1, 2019, Will Haskell P.E. of Gorrill-Palmer questioned the proposed grading along the right side of the roadway when a ditch is shown on the typical section on sheet D-1, requested a stop sign at the intersection and that the realigned driveway for Lot A be shown on the plan. He had no technical concerns with the road standard waiver requests.
- The applicant responded to peer review comments on February 11, 2018 and provided revised plans. Grading was revised to include an uphill ditch and cross culvert.
- In an email dated February 19, 2019, Will Haskell P.E. of Gorrill-Palmer, noted that at the request of the Town Gorrill-Palmer made a sight visit on February 19, 2019 to review the distance looking towards Windham Center Road. Due to existing snowbank it is not possible to accurately evaluate the sight distance however they do not believe that the sight distance looking left meet the 350' minimum requirement and asked the Design Engineer to confirm the sight distance of 412 feet shown on the plan.
- The applicant submitted revised plans dated March 8, 2019 that relocated the proposed roadway intersection approximately 30 feet to the south, towards Windham Center Road. The proposed hammerhead was also flipped to the south side of the road.
- In an email dated March 13, 2019, Will Haskell P.E. of Gorrill-Palmer, stated that the applicant has not provide actual sight distance at the revised subdivision entrance.
- The applicant submitted revised plans dated March 15, 2019 that lists the sight distance at 362 feet looking towards Windham Center Road. A note on Roadway Plan & Profile drawing requires removal of the stone wall and flattening the road shoulder to a minimum of 10 feet beyond the existing edge of pavement to create an area for snowbanks.
- In an email dated March 20, 2019, Owen Chaplin P.E. of Gorrill-Palmer, confirmed that the sight distance meets the ordinance requirement.

#### E. SEWERAGE

- The development will be served by one common private subsurface wastewater disposal systems.
- Soil test pit analysis must be included with the Final Plan submission. All lots must have at least one passing test pit. Test pit locations must be shown on the Final Plan.
- Soil test pit analysis prepared by Alexander A. Finamore, LSE dated August 27, 2018 show that each lot has adequate soils to support a private septic system. Test pit locations are shown on the plan.
- The existing septic system for 3 Nash Road, Map 9 Lot 34, should be shown on the final subdivision plan and noted that a new septic system will be required. The Town's Code Enforcement records indicate the leach field is located on Lot 3 in proximity to the

*proposed hammerhead shown on the subdivision plan dated March 15, 2019.*

#### 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 currently exists on the property. A portion of the property was recently cleared of trees. The parcel general slopes away from Nash Road toward a wetland area at the rear of the property.*
- *There are no documented rare botanical features or significant wildlife habitat documented on the site.*
- *Street trees are required at least every fifty (50) feet (§ 911.E.1.b). Street trees are shown on the final plan dated February 11, 2019.*
- *Limits of tree clearing are shown on the final plan. Note 13 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 meet lot sizes of 80,000 square feet and 200 feet of frontage for lots in the F zoning district.*
- *Net residential density calculations are shown on the Plan.*
- *Subdivision Ordinance*
- *Lot and Road monumentation are shown on the plan.*
- *Standard notes and the standard condition of approval must be shown on the plans.*
- *Subdivision plan data compatible with the Town GIS must be submitted as part of the Final Plan submission.*
- *Homeowners association documents were provided with Final Plan submission and specify the rights and responsibilities of each owner with respect to the maintenance, repair, and plowing of the subdivision streets, open space and stormwater infrastructure. The revised homeowners association documents should be revised to reference the Town approved road name.*
- *Lot A, a 1.85 acre parcel of land, is shown on the sketch plan and includes land to be transferred to the abutter. This conveyance should be completed prior to the final plan submission. If this real estate is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot subject to subdivision review.*
- *The final plan submission did not include updated evidence of right, title and interest confirming a land swap with Tax Map 9 Lot 34, labeled as Lot A on the final plan.*
- *The applicant responded to peer review comments on February 11, 2018 and provided an updated purchase and sale agreement and draft deeds for the land swap. The applicant proposes a condition of approval that the properties be transferred prior to the Planning Board signing the final mylar so that the plan accurately depicts the deed transfers.*

- Others:
- Chapter 221 Street Naming and Addressing: The road name approved by the Assessing Department, Newbury Ridge, is shown on the Final Plan.

#### *I. FINANCIAL AND TECHNICAL CAPACITY*

- A letter from Shawn MacDonald at University Credit Union, dated January 24, 2019 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*

- A small portion of the property closest to Nash Road is located in the Black Brook watershed, and the remainder of property is located in the Colley Wright Brook watershed.
- The applicant proposes forested buffers adjacent to the wetlands on property. 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 not 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 not 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.
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 September 4, 2018, as amended March 15, 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 913 of the Subdivision Ordinance.

Seconded by Griffin Bourassa.

Vote: Five in favor. No one opposed.

Michael Devoid abstained.

## **New Business**

- 8      [PB 19-029](#)      19-03 McDonald's Restaurant 2nd Amended Site Plan. McDonald's Corporation to request review of an additional drive-thru, parking lot reconfiguration for ADA compliance, and upgrades to the building façade and signage. The property in question is located at 790 Roosevelt Trail and identified on Tax Map: 18A, Lot: 48A-01, Zone: Commercial 1 (C-1).

**Attachments:**    [19-03 McDonalds 2nd Amendment - 03-22-19.pdf](#)  
[Peer Review McDonalds 03-20-2019.pdf](#)  
[McDonalds Revised Plan Set 3-19-19.pdf](#)  
[Response to Peer Review Comments 3-19-19.pdf](#)  
[McDonalds DEP exemption 2019-03-08.pdf](#)  
[Peer Review McDonalds 03-01-2019.pdf](#)  
[McDonalds Site Plan Amended Plan Set.pdf](#)  
[McDonalds Site Plan Review Application.pdf](#)  
[McDonalds North Windham ME Building Plan.pdf](#)  
[McDonalds Amended Plan Set 09-1998.pdf](#)

Brandon Barry, from Bohler Engineering, was present representing the applicant. He

*explained their proposal:*

- *They would upgrade the drive-through to create two lanes.*
- *Parking and ADA spaces would be moved against the building.*
- *New, ADA compliant sidewalks would be constructed.*
- *The building would be renovated inside and out.*

*Amanda Lessard explained:*

- *The impervious area was being reduced so the project was exempt from a requirement to amend the DEP site law permit.*
- *Notice of the application had been mailed to abutters; no one had responded.*

*Consensus of the Board was not to require a public hearing.*

*Griffin Bourassa made a motion that the Site Plan application for 19-03 McDonald's Restaurant 2nd Amendment on Tax Map: 18A, Lot: 48A-01 was to be approved with conditions with the following findings of fact and conclusions.*

#### **FINDINGS OF FACT**

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

- *The project is located on a 1.17 acre parcel with an existing fast food restaurant and parking located on the site.*

##### **Vehicular and Pedestrian Traffic**

- *The subject parcel has frontage on Route 302 and access is provided by cross access easements over the Wal-Mart property to Landing Road. A right-turn enter only lane exists on Route 302. No changes to the existing site circulation or access drives are proposed.*
- *The amended site plan proposes to reconfigure internal site circulation and parking areas to bring the site into ADA compliance. The parking count will be reduced by 8 spaces (39 existing to 31 proposed). No minimum number of parking spaces are required by the Land Use Ordinance. The applicant has indicated that 31 spaces is adequate for their needs.*
- *The amendment is not anticipated to generate additional traffic.*
- *In an email dated March 1, 2019 Will Haskell, P.E., of Gorrill-Palmer Consulting Engineers asked the applicant to demonstrate that the 95th percentile queue from the drive through will not block the ADA parking spaces.*
- *The applicant responded to comments on March 19, 2019 and revised the plan to shift the ADA stalls to the furthest position from the drive-thru entrance.*

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

- *The amendment will not result in any sewage disposal or impacts to groundwater.*

##### **Stormwater Management**

- *The amendment application states that existing site exhibits a stormwater management system composed of on-site catch basins. Stormwater runoff is then routed off site to two separate location, one drain line running towards the adjacent shopping plaza parking lot and a second running to a catch basin location the Landing Road ROW. The proposed site work will result in a reduction of approximation 1150 sf of impervious coverage.*

- *The original approval is subject to a Maine DEP Site Location of Development Act Permit.*
- *In an email dated March 1, 2019 Will Haskell, P.E., of Gorrill-Palmer Consulting Engineers asked the application to provide a SLDA permit amendment of evidence showing why an amendment is not required.*
- *The application provided correspondence from Jennifer Harris of Maine DEP that the proposed site improvements do not require a SLDA permit amendment.*

#### *Erosion Control*

- *The majority of work is within the existing limits of pavement. The application proposes soil erosion and sediment control of installing inlet filter fabrics in catch basins during construction.*

#### *Utilities*

- *No new utilities are proposed as part of this amendment.*

#### *Technical Financial Capacity*

- *The applicant has provided information on the professional working on this project.*

#### *Landscape Plan*

- *No changes to landscaping are proposed.*

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

##### *1. Land Use*

- *The project meets the minimum lot size requirements of the C-1 zoning district. Since the amendments to the C-1 District were approved in June 2018, the building does not comply with setbacks and is legally non-conforming.*

##### *2. Comprehensive Plan*

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

##### *3. Others:*

- *Design Standards, Section 813. The project meets the design standards of the C-1 zoning district.*
- *Building elevations were submitted as part of the final plan set.*

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

- *Impacts to the 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 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 conforms to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.

8. The developer has adequate financial capacity to meet the standards of this section.

9. The proposed site plan will not alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

10. The proposed site plan will provide for adequate storm water management.

11. 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.

12. On-site landscaping does/does not 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 amended site plan application dated March 19, 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.

Seconded by Nick Kalogerakis.

Vote: All in favor

## 9 [PB 19-030](#)

19-04 Elizabeth Farms. Amended Subdivision. Andrew Cail to request review of a transfer of 18 square feet from the Strawberry Lane right-of-way to Lot 90F. The property in question is located at 23 Strawberry Lane and identified on Tax Map: 19, Lot: 90F, Zone: Farm (F).

**Attachments:** [19-04 Elizabeth Farms Amendmentl 03-22-19.pdf](#)

[Elizabeht Farms Amended Plan.pdf](#)

[Elizabeth Farms Subdivision Amendment packet.pdf](#)

[Elizabeth Farms 07-2015.pdf](#)

David Moore was present representing the applicant.

Amanda Lessard explained:

- The house did not meet setbacks.
- The amendment would transfer 18 square feet of the Strawberry Lane hammer-head. There would be an easement for that 18 square feet that allowed all the current uses of Strawberry Lane to continue.

*Griffin Bourassa made a motion that the Final Plan application for 19-04 Elizabeth Farms Subdivision Amendment on Tax Map: 19, Lots: 90F was to be approved with conditions with the following findings of fact and conclusions.*

**FINDINGS OF FACT  
POLLUTION**

- *No portion of the property within the lots in the Elizabeth Farms subdivision subject to municipal review are within the 100 year floodplain. See Flood Insurance Rate Map included with the April 6, 2015 submission.*
- *The new residential lots will not result in undue air or water pollution.*

**WATER**

- *All lots will be served by individual private wells.*
- *The closest fire hydrant is located on Tandberg Trail near Smith Road, over 1 mile from the closest lot in the subdivision. At the Development Team meeting on February 26, 2014, Deputy Fire Chief Wescott recommended that the new houses in this subdivision include sprinkler systems that meet NFPA standards, based on the distance from a public water supply.*
- *Note 15 on Plan dated April 2015 that states all new homes shall be equipped with sprinkler systems that meet NFPA 13D and the Town of Windham standards.*

**SOIL EROSION**

- *A stormwater management report and plan prepared by Terradyne Consultants, LLC dated February 2, 2011 and last revised December 12, 2011 received approval from the Maine Department of Environmental Protection on April 10, 2012.*
- *A stormwater management plan has been submitted as part of the April 6, 2015 Preliminary Plan submission.*
- *A soil erosion and sediment control plan has been submitted as part of the Preliminary Plan as Sheet 2 of 4, dated April 6, 2015.*
- *Will Haskell, P.E., of Gorrill-Palmer Consulting Engineers has provided peer review comments dated April 10, 2015. He requested numerous notes be added to the plan related to the buffer areas, drainage easements, and maintenance of buffers.*
- *In response to peer review comments, the April 27, 2015 submission revised notes on the plan.*
- *In an email dated April 28, 2015, Will Haskell, P.E. states that all comments had been addressed.*
- *An amended DEP Stormwater permit is required for this project. Permit #L-25470 -NJ-C-M/L-25470-TE-D-N dated July 9, 2015 has been submitted as part of the Final Plan.*

**TRAFFIC**

- *The subdivision lots will have frontage on a dead-end private street.*
- *The existing paved portion of Strawberry Lane was constructed prior to October 22, 2009. The extension of Strawberry Lane must meet the Minor Private Street standards.*
- *Katies Way must meet the Minor Private Street standards.*
- *The applicant has indicated that a gravel base for Strawberry Lane extends beyond the paved portion of the road and that Katies Ways has been mostly constructed to a width of 16 feet. In the Development Team Meeting Will Haskell, P.E., of Gorrill-Palmer Consulting Engineers, indicated that test pits of the gravel portion of Strawberry Lane and*

core sample of Katies Way would be required to verify the depth of gravels.

- A road plan and profile, prepared by Terradyn Consultants, LLC, dated April 6, 2015, was submitted as part of the Preliminary Plan.
- In a letter dated April 10, 2015, Will Haskell, P.E., of Gorrill-Palmer Consulting Engineers, offered several comments regarding the road construction of Katies Way.
- The applicant submitted a report from S.W. Cole Engineering, Inc dated April 2, 2015 on the test boring and soil sampling of Strawberry Lane and Katie's Way.
- In response to peer review comments, the April 27, 2015 submission revised the plans. In an email dated April 28, 2015, Will Haskell, P.E. states that all comments had been addressed.
- The Amended Subdivision plan transfers 18 square feet of the hammerhead right-of-way from Strawberry Lane to Lot 90F. The 18 square foot area shall remain an easement as a portion of Strawberry Lane and be subject to all pertinent existing covenants, restrictions and rights of way, etc. which Strawberry Lane is currently subject to.

#### SEWERAGE

- The project will utilize a subsurface wastewater treatment system.
- Test pit results prepared by James Mancini, S.E., dated November 12, 1997 and March 11, 2015, show that the property has adequate soils to support a private septic system. Test pit locations are shown on the plan.

#### SOLID WASTE

- Private residences in this subdivision will participate in the Town trash bag program.
- Development of these lots should not produce an undue burden on the Town's ability to collect and dispose of solid waste

#### AESTHETICS

- The first 6 lots in the Elizabeth Farms Subdivision were previously developed on Strawberry Lane with single family dwellings. On the remainder of the site there is currently a detention pond and Lots 90F-2 and 90F-4 each have foundation holes. The balance of the undeveloped portion is open fields and wooded areas.
- There are no documented rare botanical features or significant wildlife habitat documented on the site.
- The applicant proposes Note #16 preserving existing trees along Strawberry Lane and Katie's Way to meet the requirement for street trees as part of the subdivision (§911.E).
- In a letter dated April 10, 2015, Will Haskell, P.E., of Gorrill-Palmer Consulting Engineers, recommends that proposed street trees be shown on the plan.
- In response to peer review comments, the April 27, 2015 submission shows street tree locations on both Sheets 1 and 2 of 4.

#### CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
- The plan does meet the goals of the 2003 Comprehensive Plan.
- Land Use Ordinances:
- Each of the lots exceeds the 80,000 square foot minimum lot size and minimum frontage and setback requirements of the F District.
- Net residential density calculations are shown on the plan.
- Transfer to the abutter must be completed and recorded in the Registry of Deeds

*prior to Final Plan approval. A deed from Sanborn to Emerson recorded in the Cumberland County Registry of Deeds Book 32271 Page 18 dated May 13, 2015 has been submitted as part of the final plan.*

- A note referencing preservation of street trees is shown on the plan.*
- The standard note regarding subdivision streets is shown on the plan.*
  
- Subdivision Ordinance*
- At the Development Team meeting on February 26, 2015, Code Enforcement Director Heather McNally noted that the Preliminary Plan must show a hammerhead turn arounds on Strawberry Lane and Katies Way that complies with Section 911.M.5(b)(v). Hammerhead turn arounds are shown on the Preliminary Plan dated April 2015.*
- The Tax Map and Lot numbers provided by the Tax Assessor are shown on the Final Plan.*
- Waivers granted are shown on the Final Plan and listed in a separate location from the plan's general notes and conditions of approval.*
- Digital transfer of the subdivision plan data must be submitted with the Final Plan submission for inclusion with the Town's GIS.*
  
- Others: None*

#### *FINANCIAL AND TECHNICAL CAPACITY*

- The Preliminary Plan application dated April 6, 2015 includes a cost estimate and states that the contractor will place a surety bond per the requirements of the Town Manager.*
- The applicant has provided information on the professionals working on this project as evidence of technical capacity.*
- Evidence of financial capacity has been provided in the form of a letter dated May 7, 2015, from Mike Lyden, VP Underwriting at Coastal Realty Capital, LLC.*

#### *RIVER, STREAM OR BROOK IMPACTS*

- The location of the unnamed intermittent stream is shown on the Preliminary Plan.*
- This 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 does have 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 not 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 do not have a lot depth to shore frontage ratio greater than 5 to 1. (N/A)

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 March 17, 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 913 of the Subdivision Ordinance.

Seconded by Nick Kalogerakis.

Vote: All in favor.

### **Other Business**

#### **10      [PB 19-031](#)      Annual Housekeeping**

**Attachments:**    [PB memo Housekeeping 03-21-19.pdf](#)  
[Rules of the Planning Board 04-09-18.pdf](#)  
[MMA PBmanual Feb2017.pdf](#)

Election of Chair and Vice-Chair

Keith Elder nominated David Douglass to serve as Chair.



*Seconded by Griffin Bourassa.*

*Vote: All in favor.*

*Griffin Bourassa nominated Keith Elder to serve as Vice-Chair.*

*Seconded by Nick Kalogerakis.*

*Vote: Five in favor. No one opposed. Keith Elder abstained.*

#### *Rules of the Planning Board*

*Drew Mayo made a motion to change the order of the agenda so that Public Hearings and the corresponding Continuing Business could be heard at the same time.*

*Seconded by Griffin Bourassa.*

*Vote: All in favor.*

#### *Appointment to Committees*

*Keith Elder made a motion to appoint Nick Kalogerakis to the Long Range Planning Committee.*

*Seconded by Drew Mayo.*

*Vote: All in favor.*

## 11 Adjournment

*Griffin Bourassa made a motion to adjourn.*

*Seconded by Nick Kalogerakis.*

*Vote: All in favor.*