



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Draft

### Planning Board

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Monday, April 8, 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 Chair, David Douglass. Other members present were: Keith Elder, Nick Kalogerakis, Drew Mayo, Kaitlyn Tuttle and Michael Devold.*

*Planning Director, Amanda Lessard, was also present.*

#### 3 [PB 19-032](#) Approval of Minutes: March 25, 2019

**Attachments:** [Minutes 3-25-19 - draft.pdf](#)

*Nick Kalogerakis made a motion to accept the minutes of the March 25, 2019 meeting.*

*Seconded by Drew Mayo.*

*Vote: Five in favor. No one opposed. David Douglass abstained.*

### **Continuing Business**

#### 4 [PB 19-033](#) 17-23 Durant Homestead. Major subdivision final plan review. Matt Hancock Properties, LLC to request review of a twenty-five (25) lot residential cluster subdivision. The subject property is located at 60 Chute Road and identified on Tax Map: 6 Lot: 25, Zone: Farm (F).

**Attachments:** [17-23 Durant Homestead Final 04-03-2019.pdf](#)  
[Peer Review\\_Durant Homestead 03-29-2019.pdf](#)  
[2019-03-25 Durant Homestead Response to Comments Final Subdivision Application Revised.pdf](#)

*Kirk Ball, P.E., of Acheron Engineering, was present representing the applicant. He said the one remaining issue was the setback for septic systems. He explained the Code Enforcement Officer had consulted with the State. The answer from that discussion was the State regulations allowed a reduction in the setback from septic systems. On the final plan, it would state that installation of the wells on lots 1, 2, 3, and 5 would be required to meet the regulations.*

*Amanda Lessard stated:*

- *The setback requirement wouldn't apply if the property was not in a subdivision.*
- *Subsurface wastewater disposal rules allowed the reduction in setback with added casing for wells.*

- Staff recommended Planning Board approval.

*Keith Elder made a motion that the final application for project 17-23 Durant Homestead 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 were not fully addressed.*

*Seconded by Kaitlyn Tuttle.*

*Vote: Five in favor. Nick Kalogerakis opposed.*

*Keith Elder made a motion that the Final Subdivision application for 17-23 Durant Homestead on Tax Map: 6, Lot: 25 was to be approved with conditions with the following findings of fact and conclusions.*

#### **FINDINGS OF FACT**

##### **A. POLLUTION**

- *A portion of subdivision is within the mapped 100 year floodplain. The mapped floodplain associated with Black Brook is shown on the plan. It is located in the proposed open space, therefore no development will occur within the mapped floodplain.*
- *This subdivision is not located over a significant sand and gravel aquifer.*
- *A hydrogeologic assessment is not required as the subdivision does not have an average density of more than one dwelling unit per 100,000 square feet. The Board may also require a hydrogeologic assessment in cases where site considerations or development design indicate greater potential of adverse impacts on groundwater quality.*
- *A nitrate impact analysis prepared by MAI Environmental dated May 2018 was included in Section C.3 of the August 2018 preliminary plan submission. The nitrate levels in the groundwater at the property lines are at or below 10 mg/L. Nitrate plumes are shown on the Groundwater Assessment Overall Site Plan. The analysis also indicates that the water usage by the 26 lots is approximately 33% of the available recharge, so there is adequate available water recharge to support the subdivision wells.*
- *In an email dated August 29, 2018, Town Engineer Jon Earle P.E., requested clarification as the nitrate plume from Lot 24 appears to extend just slightly past the property line onto the ROW of Chute Road.*
- *The October 15, 2018 submission clarified that the plume for lot 24 terminates at the ROW for Chute Road and is reflected in a revised Nitrate Impact Analysis dated October 9, 2018 and shown on a revised Nitrate Plume Map.*

##### **B. WATER**

- *The preliminary plan proposes that dwelling units will be served by individual wells.*
- *Section 911.B.1.a states that a subdivision shall connect to the public water system if the closest water main is within a distance equal to 100 feet multiplied by the number of lots in the subdivision, or 2,600 feet for 26 lots shown on the sketch plan. The closest water main is located at River Road. The preliminary plan shows that the property is ~0.4 miles (2,565 feet) to River Road, so public water would be required. The applicant has requested a waiver from the standard.*
- *Section 911.M.5.b.5.b of the subdivision ordinance requires that all dwellings on dead end streets over 1,000 linear feet in length not served by public water have an NFPA 13D monitored sprinkler system.*
- *A written statement from the Portland Water District indicating that there is adequate water supply to service the subdivision must be submitted with the Preliminary Plan.*
- *If a waiver is requested from connection to public water, in accordance with the cluster subdivision standards in Section 911.K3.b the applicant must demonstrate on the*

plan that it is possible to locate a subsurface wastewater disposal field and a well on each lot. When determined that it is necessary for specific lots, by the Planning Board, as a Condition of Approval, the location of these elements shall be elements of the subdivision plan, and any future changes to the location of these elements will require an amended subdivision review. Septic system locations are shown on the Groundwater Assessment Overall Site Plan and should also be shown on the subdivision plan.

- An existing fire hydrant is located on Chute Road just east of the intersection with River Road. At the Development Team meeting on November 2, 2017, Deputy Fire Chief John Wescott stated that if the project is served by public water three (3) additional fire hydrants would be required – one on Chute Road, and two on the proposed street.
- At the Development Team meeting on November 2, 2017, Fire Chief Brent Libby recommended that if the development was not served by public water, that all homes in this subdivision include sprinkler systems that meet NFPA standards.
- The note requiring sprinkler systems should be added to the plan.
- The preliminary plan submission dated October 15, 2018 reduced the total number of lots in the subdivision to 25. All lots will be served by individual wells.
- Note 13 on the preliminary plan states that where bedrock is encountered at a depth of 10 feet or less at any well, install water supply wells with casing set and grouted a minimum of 20 feet below the solid bedrock surface.
- Note 17 on the preliminary subdivision plan states that all residential homes shall be equipped with a sprinkler system in accordance with the latest edition of NRPA-13D.
- The ordinance requires that wells shall not be constructed within 100 feet of the travelled way of any street if located downhill from the street, or within 50 feet of the traveled way of any street if located uphill of the street. The applicant is requesting a waiver from this standard for the wells located on Lots 1, 2, 3, and 5. The waiver request form was included in the March 4, 2019 submission.
- The subdivision plan submitted on March 25, 2019 shows well locations that comply with ordinance setbacks from the traveled way. Note 17 states that Lots 1, 2, 3, and 5 require LPI approval for a reduction in setback between the leachfield and the drilled well, to include greater depth of well casing or liner seal below ground level per the Subsurface Wastewater Disposal Rules.

#### C. SOIL EROSION

- An erosion and sedimentation plan, prepared by Acheron Engineering Services, dated August 2018, has been submitted as Section B.24 of the preliminary plan submission. Proposed erosion and sedimentation controls are shown on the subdivision grading site plan on Sheet 7, proposed lot grading plans on Sheets 8 and 9 and subdivision access road erosion control details are shown on Sheet 16 of the preliminary plan set.
- The applicant must submit 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.
- This project requires a Maine Department of Environmental Protection (DEP) Site Law Permit. A copy of that permit must be submitted with the Final Plan.
- Wetlands were delineated by Burman Land & Tree Company, LLC Associates on July 5, 2018. Freshwater wetlands are shown on the plan. A protected natural resources delineation and verification report was included in Section B.22 of the preliminary plan submission. This project does not require a Maine Department of Environmental Protection (DEP) Natural Resources Protection Act (NRPA) Tier-1 permit for wetland alterations. The total amount of wetland impacts (14,569 square feet) is noted on the subdivision plan.
- A stormwater management plan prepared by Acheron Engineering Services dated August 2018 has been submitted as Section B.25 Preliminary Plan submission. The

project proposes to treat the 17.84 acres of developed area and 3.88 acres of new impervious area with two (2) wet ponds and forested and meadow buffers.

- The stormwater treatment table is shown on Sheet 6 of the preliminary subdivision plan set. A note should be added to the recording plan that describes the assumed impervious and developed area for each lot.
- Section C.6 of preliminary plan submission includes a blasting plan as blasting will be required at storm water pond #1.
- In an email dated August 29, 2018, Town Engineer Jon Earle P.E., stated that the plan meets MDEP flooding standard and requirements to treat 90% impervious and 75% of the developed areas with lot by lot allowances shown on the treatment plan. He asked that the proposed tree line on the plan be reviewed and revise to reflect actual areas to be cleared based on the assumptions made for each lot's impervious and developed areas. He also asked that Tc flow paths for each subcatchment be shown on both the pre and post development plans.
- A note should be added to the plan requiring permanent marking of the stormwater buffers.
- The preliminary plan submission dated October 15, 2018 includes a revised stormwater management plan. The reduction of one lot results in a minor reduction in the amount of impervious and developed area for the project to 17.54 acres of developed area and 3.81 acres of impervious area.
- The preliminary subdivision plan includes a lot developed area summary that specifies the maximum amount of impervious and developed area on each lot.
- In an email dated October 31, 2018, Town Engineer Jon Earle P.E., stated that he had no further comment on the project.
- A Site Location of Development Act Permit Order #L23215-L3-D-N/L-23215-TC-E-N was issued by the Maine Department of Environmental Protection on January 25, 2019. Permit NAE-2018-02825 was issued from the U.S. Corps of Engineers.

#### D. TRAFFIC

- Twenty-three (23) subdivision lots will have access from the new 2,300 foot subdivision street. Section 911.K.3.f requires cluster subdivision roads to be built to the Minor Local Street standard.
- The site is accessed off of Chute Road, a paved public street. Sight distance for the new subdivision street should be shown on the Preliminary Plan for both directions along Chute Road. Site distances should also be shown on the plan for the three (3) lots with driveways on Chute Road.
- At the Development Team meeting on November 2, 2017, Public Works Director Doug Fortier and Fire Chief Brent Libby stated that the second proposed hammerhead shown on the plan was not necessary due to its proximity to the cul-de-sac.
- Section 911.M.3.d requires streetlights at intersections with existing public streets. A new streetlight is shown on Sheet C-2 of the preliminary plan set.
- In order to provide for safe pedestrian or bicycle travel, minor local streets shall provide either a shoulder or a sidewalk. Sidewalks are not required as the subdivision is more than 1,000 linear feet from an existing convenience store or public building. An additional one (1) foot of paved shoulder, on each side of the street, shall be added to the required minimum shoulder width.
- A road plan and profile, prepared by Acheron Engineering Services, dated July 30, 2018, shown on Sheets 10, 11, and 12 was submitted as part of the Preliminary Plan.
- In an email dated August 29, 2018, Town Engineer Jon Earle P.E., asked for clarification of the road profile shading representing gravel and bedrock material below subgrade, stated that the road cross section meets the public road standard with additional paved shoulders, and requested a location and detail for a stop sign, and commented that the waiver for a second hammerhead was reasonable given the proximity

to the cul-de-sac.

- The preliminary plan submission dated October 15, 2018 included a detail for a stop sign. Sight distances are shown on the preliminary subdivision plan.
- A traffic impact analysis must be submitted with the Preliminary Plan submission as the subdivision is projected to generate more than 140 vehicle trips per day.
- A traffic impact study prepared by Maine Traffic Resources dated May 9, 2018 was included in Section C.5 of the August 2018 preliminary plan submission. The proposed 26 lots are expected to generate 248 weekday trips, 20 in the A.M. peak hour, and 26 in the P.M. peak hour. The level of new traffic is not expected to have any significant impact off-site on traffic operations beyond the site drive. The level of service at the unsignalized Chute Road, River Road, and Depot Street is expected to remain at a good LOS "C" during both the AM and PM peak hours.
- Sight distance from the subdivision access drive is 500 feet looking to the left and 355 feet looking to the right. The sight distance looking to the right can be increase to over 400 feet with clearing along the property frontage in front of Lot 1. The required sight distance for the posted 40 mile per hour speed limit is 400 feet. Sight distances for Lots 24, 25, and 26 each exceed 400 feet. The area to clear vegetation on Lot 1 is shown on Sheet 8 of the preliminary plan set.
- In an email dated August 29, 2018, Town Engineer Jon Earle P.E., stated that the sight distances should be shown on the plan and requested that the clearing for sight distance on Lot 1 be shown on the plan and provisions made in the association documents to maintain the clearing.
- The preliminary plan submission dated October 15, 2018 includes identification of the clearing on Lot 1 to improve the sight distance at the intersection on Sheet C-7 and a maintenance requirement in item 16 of the Restated Declaration of Restrictive Covenants.
- There is a large property which abuts the proposed subdivision (Map 6 Lot 29). Section 911.M.3.a (page 9-51) and Section 911.M.5.b.5.iii (page 9-60) allows the Board to require the dedication of a right-of-way to provide continuation of the road where future development is possible. A right-of-way to this abutting property was provided in the vacated 2007 approved subdivision of this parcel.
- The Preliminary Plan shows a proposed right-of-way between Lots 7 and 8 to the abutting property.
- A Final Subdivision Plan Set was submitted on January 28, 2019.
- In an email dated February 14, 2019, Will Haskell P.E., of Gorrill-Palmer noted that the road plan scale exceeds the maximum scale allowed, the grade from Sta. 0+00 to 0+60 exceeds the maximum allowable slope at intersections, and the sag curve at Sta. 5+50 does not meet the required minimum K value for a 25 mph design speed, and roadside ditching does not meet the depth requirements.
- The applicant responded to peer review comments on March 4, 2019 that the road design had been revised to show a grade of 2% from station 0+00 to 0+60, proposes a posted speed of 15 mph, revised the typical section to detail to show the ditch depth, and submitted a waiver request for the plan scale.
- In an email dated March 6, 2019, Owen Haskell P.E., of Gorrill-Palmer noted that if the road is proposed to be presented to the Town for acceptance then state law prohibits speed limits of 15 mph on municipal roads, and recommended that the grading plans be updated to match the typical road section to avoid confusion during construction, and asked how the design engineer plans to avoid subsurface water pockets where drilling /blasting is required.
- The applicant responded to peer review comments on March 7, 2019 stating that the sag curve design will be revised to have a 20 mph speed limit, grading plans will be updated to match the typical section, and a note added to the plans directing the contractor to shatter all rock to a depth of 4-feet below grade.

#### E. SEWERAGE

- *The development will be served by individual private subsurface wastewater disposal systems.*
- *A preliminary wastewater disposal investigation dated August 9, 2017, prepared by Stephen H. Howell, S.E., of Soil Solutions was provided in the October 23, 2017, sketch plan submission and indicates that suitable soils and site conditions were found for the proposed disposal of wastewater. Proposed septic system and test pit locations are shown on sketch plan dated May 10, 2017.*
- *A Class B high intensity soil survey dated June 2006 prepared by Darryl N. Brown of Main-Land Development Consultants, Inc was provided in the October 23, 2017, sketch plan submission.*
- *Soil test pit analysis prepared by Aleita M. Burman, LSE of Burman Land & Tree Company, LLC dated July 13, 2018 show that each lot has adequate soils to support a private septic system. Septic system locations should be shown on the subdivision plan.*
- *The October 15, 2018 submission included a revised Soil Site Evaluation Report dated September 27, 2018 and a revised well and septic system location plan. Septic system locations are also shown on the preliminary subdivision plan. Notes 14, 15, and 16 on the preliminary subdivision include specific requirements for septic systems on Lots 12, 13, 14, 15, 16, 19, 20, 21, and 3.*

#### 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

- *The site is a combination of open field and wooded, with rolling topography. The lot is currently being used for firewood processing.*
- *There are no currently documented rare botanical features or significant wildlife habitat documented on the site.*
- *A landscape plan is required for the preliminary plan submission. Street trees are required at least every fifty (50) feet (§ 911.E.1.b). Street trees are shown on the preliminary plan.*
- *Limits of tree clearing should be shown on the plan. A note should be added to the plan stating 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.*
- *The preliminary subdivision plan includes a lot developed area summary that specifies the maximum amount of impervious and developed area on each lot. As this standard of development is more stringent than a 5 year tree clearing limit, staff find this acceptable. The proposed treeline shown on the preliminary subdivision plan does not appear to allow for any development on several of the lots.*

#### 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 plan.*
- *No more than 30% of the lots have direct vehicular access onto an existing public road.*
- *At least 50% of the land suitable for development is included in the common open space. This calculation must be shown on the plan. The preliminary subdivision plan notes that 56% of developable land is in the open space.*
- *On September 10, 2018 the Planning Board approved a waiver from the requirement to have the open space in a single contiguous block of land. The proposed open space is accessible from the proposed subdivision street and Chute Road.*
  
- *Subdivision Ordinance*
- *A landscaping plan must be submitted with the Preliminary Plan. On September 10, 2018 the Planning Board granted a waiver from this submission requirement.*
- *Standard notes and the standard condition of approval must be shown on the plans.*
- *The Tax Map and Lot numbers provided by the Tax Assessor are shown on the Final Plan.*
- *Subdivision plan data compatible with the Town GIS was submitted as part of the Final Plan submission.*
- *Draft Durant Homestead homeowner association documents were included in Section A.6 of the Preliminary Plan submission and 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: The street name approved by the Assessing Department, Pennywhistle Drive, is shown on the preliminary subdivision plan.*

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

- *A cost estimate for the project and a letter dated April 13, 2018 from John Beaulieu Branch Service Manager of RBC Wealth Management were included in Section A.16 of the preliminary plan submission as evidence of financial capacity.*
- *The applicant has provided information on the licensed professionals working on this project in Section A.17 of the preliminary plan submission as evidence of technical capacity.*

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

- *The project will not adversely impact any river, stream, or brook.*
- *Black Brook runs across the property adjacent to the subdivision to the east but is not shown on the plan. The 100-foot Stream Protection Zone on either side of this brook is shown on the plan.*

#### *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.*
- 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 October 23, 2017, as amended March 25, 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 Kaitlyn Tuttle.*

*Vote: Three in favor. Nick Kalogerakis opposed. Michael Devoid abstained.*



Harnum to request review of 17,675 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 04-04-19.pdf](#)  
[Harnum deeds 04-04-2019.pdf](#)

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

- *The single remaining item was right, title, or interest for the use of the shared driveway.*
- *Corrective deeds had been issued to convey rights over the 50 foot access for the full depth of the lot.*

*Keith Elder made a motion that the site plan application for project 18-37 Roosevelt Trail Self-Storage 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 were not fully addressed.*

*Seconded by Drew Mayo.*

*Vote: All in favor.*

*Keith Elder made a motion that the Site Plan application for 18-37 Roosevelt Trail Self Storage on Tax Map: 12, Lot: 67-3 was to be approved with conditions with the following findings of fact and conclusions.*

#### **FINDINGS OF FACT**

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

- *The 1.38 acre property is currently undeveloped.*

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

- *The subject parcel has 200 feet frontage on Route 302. The final application describes a 50-foot right of way that includes the driveway for the single-family dwelling at 361 Roosevelt Trail. The applicant should provide evidence of this easement. The February 11, 2019 submission stated that the applicant's representative confirmed with the attorneys that are handling the closing of the property sale that the property will be conveyed with the required access easement over the existing driveway for the entire 300 foot depth of the property and suggested a condition of approval. Evidence of right, title and interest is a required submission item and cannot be a condition of approval.*
- *Entrance to the property will be provided from the existing driveway.*
- *At the Development Team Meeting on November 19, 2018 Public Works Director Doug Fortier stated the applicant should check with Maine DOT to determine if a new entrance permit was required for the existing driveway for the change in use.*
- *Sight distances for the entrance must be shown on the final plan.*
- *The final plan submission states that the vehicle sight distance at the driveway exceeds 500 feet in each direction.*
- *The final plan shows five (5) parking spaces. No minimum number of parking spaces are required. The applicant should demonstrate that the number of spaces provided onsite will meet the needs of the anticipated uses on the property.*
- *A traffic impact study is not required as the project will not generate fifty (50) or more*

trips during the a.m. or p.m. peak hour.

- The final plan submission states that the use is expected to generate 9 peak hour trips. The application should provide the trip generation for the AM and PM and Saturday peak hour and daily traffic.
- The February 11, 2019 submission states that the 18,000 SF mini-warehouse project is anticipated to generate 45 total daily vehicle trips, 7 peak hour trips on Saturday, 2 trips in the AM Peak Hour and 5 trips in the PM Peak Hour.
- The ordinance states that site plan shall provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system shall connect the major building entrances/exits with parking areas and with existing sidewalks, if they exist. There is an existing sidewalk on the adjacent Dollar General property.
- At the Planning Board meeting on November 26, 2018 the Board asked to see a sidewalk connection to the adjacent property. No sidewalk is shown on the final plan.
- In an email dated January 27, 2019, Will Haskell P.E. of Gorrill-Palmer, requested turning movements for fire trucks around the perimeter of the site and asked the applicant to address the question regarding the DOT entrance permit.
- The application responded to comments on February 11, 2019 that they have discussed the existing driveway entrance with Maine DOT and they have indicated by phone that a Driveway Entrance Permit modification is not necessary based on the historical use of the property as a commercial use. A response in writing was requested for the file.
- The submission dated March 1, 2019 includes a vehicle turning movement diagram for a 40 foot bus, which is the size of a typical fire truck. The plans have been revised to reduce the size of the and setbacks of the buildings.
- No sidewalk is shown on the plans dated February 25, 2019. The March 1, 2019 submission narrative states that frontage of the site along Roosevelt Trail has been reserved for the required landscaping buffer and stormwater management pond which does not provide space to incorporate the paved side walk. The application does not anticipate the need to provide a connection from this facility to the Dollar General.
- In an email dated March 12, 2019, Will Haskell P.E. of Gorrill-Palmer, stated he had no further technical/engineering comments on this project.

#### *Sewage Disposal and Groundwater Impacts*

- No wastewater will be generated by this use, as no restroom facilities are proposed.
- The final plan submission states that in the event water and sewer utilities are required by the property owner, a new leach field will be installed as a concrete-chambered system under the new parking lot area and an HHE-200 application will be prepared by a licensed site evaluator as part of the building permit process. A site plan amendment will be required if a septic system will be needed as part of this project.

#### *Stormwater Management*

- Per Section 812.E., a stormwater plan needs to be submitted that meets the standards DEP Chapter 500 Stormwater Management.
- If 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 stormwater management plan has been submitted as part of the January 23, 2019 Final Plan submission. The proposed development will create approximately a total of 43,231 square feet of new impervious area and will treat the runoff with one (1) underdrain filter basin to treat 97% of the new impervious surfaces and 96% of the new developed areas. The applicant will be responsible for the maintenance of the stormwater facilities.

- In an email dated January 27, 2019, Will Haskell P.E. of Gorrill-Palmer, requested the HydroCAD summary details of the underdrain soil filter pond (FB-1) before completing review to the stormwater calculations. He also noted that the outlet pipe for the underdrain soil filter extends 20+ feet into the Route 302 right-of-way and asked if that was acceptable to Maine DOT.
- The applicant responded to comments on February 11, 2018 and revised the outlet pipe for the underdrained soil filter so that it discharges at the property line. The road ditch will be graded to allow for positive drainage.
- A revised stormwater management plan was included in the March 1, 2019 submission that raised the emergency spillway and provided calculation to determine if it is adequately sized.
- In an email dated March 12, 2019, Will Haskell P.E. of Gorrill-Palmer, stated he had no further technical/engineering comments on this project.

#### *Erosion Control*

- 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.

#### *Utilities*

- No water service is proposed for this use.
- The closest fire hydrant on Route 302 is near the Hancock Lumber property, approximately 1,700 feet from the project location.
- At the Development Team Meeting on October 1, 2018 Deputy Fire Chief John Wescott stated that property is more than 1,000 feet from the existing hydrant so any buildings over 4,000 square feet require sprinkler systems, per the fire protection code. The building could be separated by firewalls, however sprinkler systems may be required by the building code depending on the materials stored.
- Underground utilities are shown on Sheet GU-1 of the final plan set.
- In an email dated January 27, 2019, Will Haskell P.E. of Gorrill-Palmer, recommend that the underground utility installation be constructed below the liner for the underdrain soil filter and noted that a second utility pole coming from the south is not shown on the development plans that is shown on the survey plan.

#### *Financial and Technical Capacity*

- An estimated cost of development is included in the Final Plan submission.
- A letter dated February 11, 2019 from Matthew Romano, Market Manager at People's United Bank, has been provided as evidence of financial capacity.
- The applicant has provided information on the licensed professionals working on this project as evidence of technical capacity.

#### *Landscape Plan*

- Landscaping with a detailed plant list is shown on the final site plan dated January 22, 2019.
- A 20 foot landscaped buffer must be provided on the frontages for Route 302 and the existing paved driveway right-of-way.
- The landscaped buffer along the driveway right-of-way extends into the right-of-way. The applicant should provide evidence of the right, title, and interest to landscape on this property as well as the right to maintain it.

*Conformity with Local Plans and Ordinances**1. Land Use*

- *The project meets the minimum lot size and setbacks for C-3 zoning district.*

*2. Comprehensive Plan*

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

*3. Others:*

- *Design Standards, Section 813. The project must meet the design standards of the C-1 zoning district.*
  - o *The applicant has supplied a narrative in the January 23, 2019 submission addressing the Standards in Section 813.*
  - o *Building elevations were submitted as part of the final plan set.*
- *Buildings have 5/12 pitched roofs and faux, back-lit windows and a partial stone façade are proposed on the front elevations.*
  - *The building elevations do not comply with the facade standard (horizontal facades greater than 50 feet shall incorporate wall plan projections or recesses). The applicant is requesting a waiver from this standard.*
    - o *If a sign is proposed, a sign detail should be submitted.*
    - o *A detail of the sliding gate should be submitted. The application is proposing to retain an existing chain link fence.*
    - o *Snow storage areas are not shown on the plan. The narrative states that the perimeter of the paved access/driveway, except for the westerly site (Roosevelt Trail frontage associate with the proposed underdrained filter will be designated as snow storage areas.*
    - o *The March 1, 2019 submission included a revised site plan that staggering the depths from the road frontage and a cupola will also be proposed on the middle building to provide a visual break up of the rooftop.*

*Impacts to Adjacent/Neighboring Properties*

- *The final plan submission states that the buildings will include security lighting over the doorway. There are no proposed pole mounted lights. A cut sheet for the lighting fixture is included in the final plan submission.*

*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/does not have 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 November 5, 2018, as amended March 1, 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 Drew Mayo.

Vote: Five in favor. No one opposed. Michael Devoid abstained.

### **New Business**

- 6      [PB 19-035](#)      19-05 Woodside Condos Retirement Community Phase 2. Major subdivision sketch plan review. Weld, LLC to request an amendment to an approved subdivision for an additional thirty-eight (38) residential dwelling units in nineteen (19) duplexes. The property in question is located on Conifer Drive and identified on Tax Map: 9, Lots: 27K and 27E, Zone: Farm Residential (FR) and Retirement Community and Care Facility Overlay District (RCCFO).

**Attachments:**    [19-05 Woodside Condos Retirement Phase 2 Sketch 04-03-2019.pdf](#)  
[Woodside Condominium Phase 2 Sketch Plan 2019 3 18.pdf](#)  
[Woodside Retirement Community Sketch Subdivision Plan Application 2019 3 18.pdf](#)  
[18-21 Woodside Retirement Community Approval Letter 03-21-19.pdf](#)  
[Robert Ackroyd Woodside Condominium - Phase 2 04-08-2019.pdf](#)

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

- This application was an amendment to the recently approved Woodside Condominiums, Phase 1 which would be 14 units along a single access from Gray Road.
- Phase 2 would be an expansion to 50 units.
- There would be a second access from Gray road and an approximately 1,200 foot

long road extension with a hammer head turn-around. The roads would be private.

- They proposed watermain extensions for the length of the road.
- Total impervious area would be just under 3 acres.
- A stormwater permit that included review for both phases of development would be required from DEP.
- Phase 1 wastewater would not change. They anticipated that Phase 2 wastewater would be an engineered system at the end of the road with septic tanks in front of each building.
- Wetland impact for Phase 2 was under the threshold for DEP review.
- They planned to include additional sidewalk along Gray Road and would consider widening the shoulder in that area.

Amanda Lessard:

- Reminded the Board of the waiver from the roadway cross section that had been granted for Phase 1. If the applicant intended to extend the road standards to Phase 2 they would need to request another waiver.
- Asked if the applicant needed additional guest parking or a street light at one of the intersections.

Nick Kalogerakis made a motion to schedule a sitewalk.

Seconded by Drew Mayo.

Vote: All in favor.

Nick Kalogerakis made a motion to schedule a public hearing.

Seconded by Drew Mayo.

Vote: All in favor.

The Board commented:

- Could they get more information regarding what the Public Works Department wanted for a shoulder widening?
- A wider shoulder may be more appropriate for pedestrian connectivity.
- Did the Board have to revisit the Phase 1 road waiver because the second phase would create more traffic?
- Was the proposed road an adequate width for extra parking?
- Would the applicant agree to eliminate the curbed sidewalk in favor of a wider road for on-street parking?
- Could one building be moved to avoid the wetland?
- Would the traffic survey take into consideration the increase in future traffic coming out of the project down the street?
- Could they look at decreasing the speed limit?
- Could they provide a blasting plan in order to address neighbor concerns for the effect on water quality in their wells?

## 7 [PB 19-036](#)

19-06 Week's Farm 2nd Amended Subdivision. JCAP Properties, Inc. to request an amendment to an approved subdivision for the removal of a portion of the 15 foot forested buffer along the lot frontage. The subject property is located at 17 Overlook Road and identified on Tax Map: 10, Lot: 30-14, Zone: Farm Residential (FR).

**Attachments:** [19-06 Weeks Farm 2nd Amendment 04-03-2019.pdf](#)  
[Weeks Farm Lot 30-14 Amended Plan.pdf](#)  
[Weeks Farm Lot 30-14 Amendment application.pdf](#)  
[WEEKS FARM AMENDMENT 09-2017.PDF](#)

*John Caprio was present representing his company. He requested that the buffer be removed from the plan. He explained the orientation of the 15 foot buffer on the plan had resulted in an 18 foot buffer. The house had been constructed and the front porch encroached on the buffer.*

*Amanda Lessard explained:*

- The buffer had been suggested by the developer. There was no ordinance requirement for it. The buffer served the purpose of meeting the street tree requirement but no other purpose.*
- Removal of the buffer would allow the location of the driveway and porch. It had no other impacts on ordinance requirements.*
- When there was a known violation of a subdivision approval the remedy was to amend the plan. There was no reason not to because removal of the buffer still met all the ordinance requirements.*

*Drew Mayo made a motion that the Subdivision application for 19-06 Weeks Farm 2nd Amended Subdivision on Tax Map: 10, Lot: 30-14 was to be approved with conditions with the following findings of fact and conclusions.*

#### **FINDINGS OF FACT POLLUTION**

- No portion of this subdivision is within the mapped 100 year 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.*
- In an email dated June 19, 2017, Town Engineer Jon Earle PE noted that a site plan with contour information showing the nitrate/nitrogen concentration at the property lines should be included as part of the hydrogeologic analysis.*
- In a letter dated June 26, 2017 from Mark Cenci, the applicant requests a waiver from the hydrogeologic assessment submission requirement.*
- The new residential lots will not result in undue air or water pollution.*

#### **WATER**

- All lots are proposed to be served by public water for domestic use and fire protection.*
- A written statement from the Portland Water District indicating that there is adequate water supply to service the subdivision must be submitted with the Preliminary Plan.*
- An email dated June 15, 2017 from Robert Bartels, PE, or the Portland Water District indicates that the 12 inch water main in Albion Road is suitable to serve the proposed subdivision on Overlook.*
- In an email dated June 19, 2017, Town Engineer Jon Earle PE questioned if the water main would be private or public. If proposed to be a public main, easement language for future maintenance by PWD should be provided.*
- Connection to the existing water main on Albion Road will require a road moratorium restoration plan per Public Works Director Doug Fortier.*

- In an email dated June 19, 2017, Town Engineer Jon Earle PE requested that detail for the cross section of the excavation and trench repair of Albion Road in accordance with Chapter 120 Streets & Sidewalks Section 210-14.B should be added to the Final Plan.
- Revised plans dated July 5, 2017 includes Note 6 that a bituminous pavement surface overlay shall be installed on the full width of Albion Road for a distance of 20 feet from the edges of the cut.
- The closest fire hydrant is located on Albion Road east of the Overlook Road intersection. Fire Chief Brent Libby requests that hydrants be spaced every 1,000' and the development as shown will likely require the installation of 2 hydrants. Hydrant locations should be shown on the plan.
- Hydrants and water main locations and details are shown as part of the Preliminary Plan on Sheets 2, 3 and 6. Proposed hydrants, located near the property boundary of Lots 4 and 6, and at Lot 17 are shown on the plan with a revision date of July 5, 2017.
- A revised road plan and profile sheets were submitted on July 19, 2017 that addresses comments from the Portland Water District to show locations of water main valving.

#### SOIL EROSION

- An Erosion and Sedimentation Control Plan prepared by Attar Engineering, Inc dated June 5, 2016 on Sheet 7 has been submitted as part of the preliminary plan set. It takes the form of printed best management practices plan rather than on-the-ground designation of erosion control measures.
- This project may require a Maine Department of Environmental Protection (DEP) Chapter 500 Stormwater Permit. The applicant must submit a stormwater plan that meets the water quality and quantity standards as well as the flooding standard of Section 3, DEP Chapter 500.
- This project is in the NPDES (National Pollutant Discharge Elimination System) area as designated by the Environmental Protection Agency for the Town of Windham. This may mean there are additional permitting requirements, and ongoing requirements for reporting of stormwater infrastructure maintenance if the area of development is greater than one (1) acre.
- Stormwater calculations are shown on Sheet 1 of the preliminary plan prepared by Attar Engineering, Inc dated June 14, 2016. Berm/Forested Buffer sizing is shown on Sheets 7 and 8. The six (6) berms/forested buffers will treat 82% of the proposed impervious and developed area. The applicant is requesting a waiver from the stormwater flooding standard.
- Sheet 8 of the revised plan set dated June 26, 2017 shows the subcatchment areas used to size the berm/forested buffers.
- In an email dated July 12, 2017, Town Engineer Jon Earle PE stated that the waiver request was reasonable and the project meets Chapter 500 water quality standards.
- A note should be added to the plan requiring permanent marking of the stormwater buffers.
- A stormwater operation and maintenance plan was submitted on June 15, 2017.
- Note 10 on the preliminary subdivision plan submitted July 6, 2017 requires temporary and permanent marking of the stormwater buffers.
- The amended subdivision plans prepared by Attar Engineering, Inc dated August 8, 2017 show a revised stormwater buffer on Lot 13. Stormwater calculations are shown on Sheet 1 and Berm/Forested Buffer sizing is shown on Sheet 8. The six (6) berms/forested buffers will treat 83.3% of the proposed impervious and developed area.
- In an email dated August 14, 2017, Town Engineer Jon Earle PE stated that he reviewed the subdivision amendment submission as it relates to Buffer #3 and has no issues with the new stormwater treatment design and calculations.



**TRAFFIC**

- The subdivision lots will have frontage on Overlook Road, which is a private road with public easement for winter maintenance. A 40 foot wide easement provides access to the subdivision from Albion Road. A 50 foot wide right-of-way will be delineated around the existing Overlook Road through the subdivision.
- The standard subdivision private road note should be shown on the plan.
- At the Development Team on March 16, 2017, Public Works Director Doug Fortier requested that driveway locations and site distances be shown on the plan.
- Based on the distance to uses that would generate pedestrian trips, sidewalks are not required.
- At the Development Team meeting, the developer indicated that the roadway may be paved and sidewalks added to one side of the road from the intersection of Albion to the end of the project.
- The preliminary plan submission indicates that the development is expected to generate 170 trips per day. A Traffic Impact Analysis must be submitted for subdivisions projected to generate more than 140 vehicle trips per day.
- In an email dated June 19, 2017, Town Engineer Jon Earle PE requested submission of projected peak hour trips.
- A road plan and profile, prepared by Attar Engineering, Inc dated June 5, 2016 was submitted as part of the Preliminary Plan and is shown on Sheets 4 and 5 of 6. The road cross section is shown on Sheet 6 and appears to indicate the road will be constructed to a major private road standard.
- In an email dated June 19, 2017, Town Engineer Jon Earle PE stated that the construction detail should note that the road will be constructed to a major private road standard. He noted that the Town's understanding is that the construction of the roadway will involve reusing as much of existing gravel as possible. He recommended a gradation of the exiting material and areas with gravel not meeting Type D specifications should be noted on the as-built plan. He also requested that site distances at Albion Road and a construction detail for the hammerhead turnaround be added to the plan.
- A Geotechnical Investigation Report prepared by John Turner Consulting dated May 24, 2017 was submitted on June 20, 2017. Page 5 of the report indicates the existing gravel materials do not meet a Type A nor a Type D gravel specification.
- The July 5, 2017 final plan submission describes the improvements to Overlook. The developer no longer proposes to improve the road to the major private road standard. The revised plan set dated July 5, 2017 shows a road cross section detail on Sheet 6 where Overlook Road will have a 20' wide surface with 3" of pavement, with 2' gravel shoulders on each side, and the 20" aggregate subbase will consist of 10" of reclaimed gravel and 10" of Type D gravel.
- Note 14 on the final subdivision plans states that all roads will remain private roads.
- Driveway locations are shown on the subdivision plan submitted on July 6, 2017.
- In an email dated July 11, 2017, Town Engineer Jon Earle, P.E., requested sight distances at the intersection of Overlook Road and Albion Road, the number of peak hour trips, a hammerhead construction detail, and a stop sign detail.
- Sight distances are shown on the subdivision plan submitted on July 19, 2017. Sight distances looking east and west on Albion Road are in excess of 400 feet.

**SEWERAGE**

- Lots will be served by private subsurface wastewater disposal (septic) systems.
- Soil test pit logs dated March 22, 2017, prepared by Mark Cenci Geologic, Inc were provided in the June 5, 2017 submission. All lots have at least one passing test pit.
- Test pit locations are shown on the Preliminary Plan Sheet 1.

### 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 site is predominately wooded with some forested wetland areas shown on the plan.*
- *There are no documented rare botanical features or significant wildlife habitat documented on the site.*
- *A landscape plan is required for the preliminary plan submission. Street trees are required at least every fifty (50) feet.*
- *A 15 foot forested buffer is shown along the entire frontage of all proposed subdivision lots and does not appear to be stormwater buffer. The applicant should provide additional detail on restrictions of this buffer area and where driveways are permitted to cross.*
- *Limits of tree clearing should be shown on the plan. A note should be added to the plan stating 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.*
- *Note 10 on the subdivision plan states that the 15' forested buffer must remain in its natural state with the exception of 20' wide openings for driveways.*
- *The tree line is shown on the subdivision plan and Note 13 specifies the restriction on clearing.*
- *The amended subdivision plan dated March 2019 removes a portion of the 15 foot forested buffer along the frontage of Lot 14. Removal of this buffer does not impact the required street trees or the subdivision's treatment of stormwater.*

### CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- *Comprehensive Plan:*
- *The plan does meet the goals of the 2017 Comprehensive Plan.*
- *Land Use Ordinances:*
- *All lots exceed the minimum lot size of 50,000 square feet for standard lots in the FR zoning district.*
- *Lots meet the lot width requirement of 150 feet for the FR zoning district.*
- *A piece of land 15,720 square feet is shown on the sketch plan to be transferred to the abutter, Albion Road, LLC. 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.*
- *Net residential density calculations have been provided on the Preliminary Plan submission.*
- *Subdivision Ordinance*
- *Standard notes and the standard condition of approval and waivers granted from performance standards must be shown on the Final Plan.*
- *The Tax Map and Lot numbers provided by the Tax Assessor are shown on the Final Plan.*
- *Subdivision plan data compatible with the Town GIS was submitted as part of the Final Plan submission.*

- Others:

#### FINANCIAL AND TECHNICAL CAPACITY

- A letter dated April 27, 2017 from Dan McCarron, Chief Operating Officer at Maine Capital Group was submitted as evidence of financial capacity.
- A cost estimate for the project must be submitted.
- The applicant has provided information on the licensed professionals working on this project as evidence of technical capacity.

#### 4. RIVER, STREAM OR BROOK IMPACTS

- 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 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 do not 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 March 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.

#### 8 [PB 19-037](#)

Town of Windham Land Use Ordinance, Chapter 140 Land Use. Amendments to sections: 300, Definitions; 400, Zoning Districts; and 500, Performance Standards for the replacement of the definition of Construction Services and the addition of Contractor Services, Contractor Storage Yard, and Heavy Construction Services, Minor as a use in the Commercial 3 (C-3) zoning district.

**Attachments:** [PB packet Construction Services Amendment 4-3-19.pdf](#)

Amanda Lessard explained:

- The Windham Economic Development Corporation (WEDC) and members of the public had asked Town Council to consider allowing construction services as a use in the Commercial 3 (C-3) district.
- A previous request for this had been denied because of concerns for heavy vehicle traffic and residential uses in the area.
- The approach this time was to narrow the definition of construction services to be more specific. What was being proposed now as Contractor Services was landscapers, plumbers, electricians, and well-drillers. They could have vehicles for employees and customers coming to an office. If they could store equipment and other materials indoors then it wouldn't have a great impact of other uses in the C-3 zone.
- Performance standards had been added when materials were stored outdoors. That use would be Contractor Storage Yard which would be accessory to Contractor Services.
- A new definition had been created, Heavy Construction Services, which was larger trucks and equipment that needed to be screened from view of the roads. Town Council wanted to allow small businesses with a few pieces of equipment.
- The proposal differentiated between Contractor Services and Heavy Construction Services based on the Federal highway classification of vehicle types.

The Board commented:

- It seemed the general consensus last time was that it wasn't a good idea. Was this any better than last time?

- *Was there the ability for a storage yard to increase in intensity of use?*
- *Would existing business become prohibited if they currently had heavy trucks, 3 axle and greater?*
- *More information was needed. Was it possible to see the previous Planning Board recommendation?*
- *There was concern for the residential uses in the area.*
- *If the amendment was being proposed for a few that was not a reason to change the ordinance.*
- *There was a possibility that businesses would grow and exceed the regulations. Who would enforce it?*
- *Was there a shortage in other commercial districts for that kind of use?*
- *What effect would large construction equipment have on watersheds in C3?*

*Amanda Lessard responded:*

- *Storage yards were accessory and were related to the use. They couldn't increase to be something else.*
- *Existing businesses would not be made to change unless they amended their plan. If it was a new business, then it likely had a site plan and it would be part of the approval. The application would have to meet DEP standards and prevent run-off and erosion.*
- *Town Council was looking for Board input on how the ordinance could be administered and if it made sense for meeting the land use requirements in the district.*

## **Other Business**

### **9 Adjournment**

*Drew Mayo made a motion to adjourn.*

*Seconded by Nick Kalogerakis.*

*Vote: All in favor.*