



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Draft

### Planning Board

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Monday, July 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, Griffin Bourassa, Drew Mayo, Kaitlyn Tuttle and Colin Swan.*

*Planner, Jenn Curtis, and Planning Director, Amanda Lessard, were also present.*

#### 3 [PB 19-060](#) Approval of Minutes: June 10, 2019

**Attachments:** [Minutes 6-10-19 - draft](#)

*Drew Mayo made a motion to accept the minutes of the June 10, 2019 meeting.*

*Seconded by Keith Elder.*

*Vote: All in favor.*

### **Public Hearings and Continuing Business**

#### 4 [PB 19-063](#) Amendment to Town of Windham Land Use Ordinance, Chapter 140, Section 400 District Standards and Section 900 Subdivision Review. Proposed changes related to subdivision development in the Farm and Farm Residential zoning districts by requiring subdivisions be designed as either a Conservation Subdivision or a Country Estate Subdivision.

**Attachments:** [PB packet Conservation Subdiv 07-03-19.pdf](#)  
[Windham CONCEPT Conservation 04292019.pdf](#)  
[Windham CONCEPT Country Estate 04292019.pdf](#)  
[David Foster\\_public comments\\_ConservationSubdiv.pdf](#)

*Amanda Lessard explained there was public concern regarding rapid growth and character of the community. The ordinance amendments focused on the process of how subdivisions were designed.*

- Conservation was a priority. An existing resources and site analysis would be required. The Planning Board would have more say over what land was in open space. Vistas, open fields, and areas of historic and archaeological importance would be set aside before lots were established.*
- Buffers would be required along existing public and private roads.*
- Subdivisions in the Farm (F) and Farm Residential (FR) districts would be required to*

meet standards for one of either two types of subdivision.

- o Conservation Subdivision – Reduced lot size and open space
- o Country Estate Subdivision – Eight-acre minimum lot size
- Cluster subdivision references would be removed from the ordinance.
- Construction of a recreational trail system would be required in Conservation Subdivisions.

Nick Kalogerakis joined the Board.

*Public Comment:*

Amanda Lessard reviewed a public comment email correspondence from David Foster. He liked the concept of open space but didn't think two different types were necessary. The minimum lot size should be at least one acre and reflect the actual intent of rural areas. The amendment missed setting a maximum total of lots in a subdivision.

Jeanne Rhein, Chute Road – She wanted to know if there were waivers for the new ordinance. What was the benefit for the Town? Who would make the decisions for the conservation aspect of it? Could there be a good incentive to require the developer to give the open space to the town? Were there provisions to protect already endangered areas for different phases of a development?

Linda McDonald, Studio Drive – She asked about the requirement for a 100 foot setback from public and private streets and wondered what ordinance would affect land owners.

Gary Plummer, Gray Road – He had 30 plus acres. Sometimes if felt that his rights were slipping away. He wanted to give land to his children and grandchildren and had bought rights to an abutting road with that plan in mind. His concern was that it was looking as if it would be difficult and expensive to do so. He hoped the ordinances would consider that situation. He was leery of plans for open space that would spread development out.

Barry Bernard, Shore Road – He was the treasurer of the Windham Drifters Snowmobile Club. They maintained trails in town which were a viable public recreation resource. They were losing sections of those trails to subdivisions. He wanted to be sure they could be proactive in working closely with land owners for maintenance of the trails.

Michele Newton, Cobb Farm Road – She asked, if there were only two types of subdivisions did that mean you couldn't divide your property for your kids with a standard two or three acre subdivision? The Planning Board should address that. She was concerned regarding growth and community in Windham. Would the changes achieve the desired goals of slow growth; keeping the rural character; preserving open space; and protecting environmentally sensitive areas? She was hard-pressed to think of 10,000 square foot lots as rural. They should consider the environmental impact of smaller lots. Who would oversee the development to be sure the open space was contiguous? She did not think the changes would keep the rural nature and she loved the idea of identifying vulnerable areas.

Sarah Bronson, Johnson Road – She sought clarification regarding minimum lot sizes with and without access to public water and sewer.

Dustin Roma, Harvest Hill Road – He had concern regarding the 10,000 square foot minimum lot size. The State required 20,000 square feet if sewer was not available; there wasn't much sewer in Windham. People would be requesting waivers; it should be 20,000 square feet. How would the Board deal with amendments to approved

*subdivisions if someone wanted to split a lot? The five-acre minimum qualification should be removed. Single family condo layouts were currently permitted, would that type of development still be allowed?*

*Bill McDonald, off Nash Road – It seemed that generational owners would be affected by an expensive private road ordinance. It was forcing more requirements for cluster housing. The remedy may be how to deal with private roads. Savings things was nice, but you had to consider landowners who had paid taxes.*

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

*The Board commented:*

- *Consensus was the Planning Board needed to know the results from the upcoming public zoning forum before deciding.*
- *Why not direct growth where it was wanted?*
- *The amendments didn't address the whole issue.*
- *There was concern with the change in minimum lot size.*
- *Was a developer responsible to provide a 100 foot setback for environmental areas on abutting properties?*
- *Would the 100 foot setback have to be outside of the lots?*
- *On an eight acre property most houses would be located up near the road because of the expense of locating them further back. It was a waste of property.*
- *What would the minimum lot size be for two condos? 250,000 square feet was 12 acres.*
- *The 100 foot setbacks were good.*
- *Some people liked neighborhoods.*
- *Not a fan of making the Planning Board in charge of design. Preserving vistas, open fields, and areas of historic and archaeological importance was too much responsibility.*
- *Liked being able to affect design.*
- *A way to incentivize growth in the growth areas was needed.*
- *More options for development were needed.*
- *The amendments were an improvement over the current ordinance.*
- *Cul-de-sacs with small homes in the woods was not rural.*

*Drew Mayo made a motion to table the application.*

*Seconded Griffin Bourassa.*

*Vote: All in favor.*

## **Continuing Business**

- 5      [PB 19-064](#)      18-41 Anglers Road Commons Apartments. Major subdivision final plan review. Tim Clinton to request review of a residential development consisting of forty-two (42) units in twenty-one (21) duplexes. The property in question is located at Anglers Road identified on Tax Map: 80, Lot: 66, Zone: Commercial 1 (C-1) and Aquifer Protection Overlay District B (APB).

**Attachments:** [18-41 Anglers Road Commons\\_Final\\_07\\_03\\_19](#)  
[Anglers Road Commons Apartments - Final Subdivision Application 2019\\_6\\_3](#)  
[Anglers Road Commons Plan Set 2019\\_6\\_3](#)  
[03 - Subdivision Plan Revised 6-24-19](#)  
[DEP signoff of stormwater basin accession](#)  
[Peer Review Anglers Rd Commons 6-12-2019](#)  
[Stormwater Management Report](#)  
[Public Comment - Bobbi Yurrita 6-26-2019](#)  
[443458-Anglers Road, WI - Ability to Serve Determination](#)  
[Anglers Road Commons Apartments- Grading and Utility Plan \(7-2-19\)](#)  
[Dustin Roma Anglers Road Commons Apartments - Water Service](#)

*Meeting went into Recess*

*Meeting Reconvened*

*Dustin Roma, of DM Roma Consulting Engineers, was present representing the applicant. He reviewed outstanding items:*

- The DEP Stormwater permit had been granted.*
- The State had approved the engineered subsurface wastewater system.*
- Portland Water District preferred a private service. A four inch main with a private meter pit would be installed.*
- One hydrant would serve the project. The Fire Chief had agreed it was adequate.*
- They proposed additional tree buffering along the property lines and would preserve the buffer on Anglers Road, near the Momentum building.*
- Two lots were created because the interior road divided the property. They would create cross-easements to benefit the infrastructure and parking.*

*Griffin Bourassa made a motion that the Final Subdivision Plan application for 18-41 Anglers Road Commons Subdivision, was found complete in regard to the submission requirements based on the application checklist. 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.*

*Consensus of the Board was to allow public comment.*

*Public Comment:*

*Barry Bernard, Shore Road – He was concerned regarding the volume of apartments on a small lot. Would the traffic exceed Anglers Road capacity? The owner would not be present. He was concerned about the appearance and that it would not be a negative to the neighborhood. Also, if the Anglers Road intersection was busy people would drive down Shore Road and that road would be beat up.*

*Norma Jean Clemmer, Anglers Road – She was greatly concerned with the number of units; the volume was not reasonable. The neighborhood was a nice private area. Anglers Road was needed for access. This would add probably 84 more trips and could*

be a hardship and detriment to the neighborhood. Chaffin and Pettingill Ponds, and Little Sebago Lake were nearby. You had to be careful of the lake and ponds. Had waivers been given? This would be too much of a burden in terms of sheer volume for the waterbodies.

Bobby Yurita, Anglers Road – She was worried about school overcrowding. This was not a rural use. At the traffic light you had to watch traffic turning from Whites Bridge Road. How would this improve the community? Where would the bus stop be?

- Mr. Roma explained:
- The traffic study had been reviewed by the town engineer and staff who had concurred it would not pose undue hardship on the road, infrastructure or the traffic signal.
- DEP had approved the watershed study.
- The school bus would use the interior road to turn around.

Griffin Bourassa made a motion that the Final Subdivision Plan application for 18-41 Anglers Road Commons Apartments on Tax Map: 80, Lot: 66 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.
- A hydrogeologic assessment must be submitted as part of the Preliminary Plan when the subdivision is not served by public sewer and the subdivision is located over a sand and gravel aquifer or has an average density of more than one dwelling unit per 100,000 square feet.
- A hydrogeologic assessment was not included in the February 4, 2019 preliminary plan submission.
- The April 1, 2019 submission includes a hydrogeologic assessment dated March 29, 2019 prepared by Stephen Marcotte, CG, LSE of Summit Geoengineering Services that concludes that the proposed subsurface wastewater disposal systems serving the proposed development will not result in an increase of nitrate-nitrogen above 10 mg/L in groundwater at the property boundary.

##### B. WATER

- The development will be served by public water for domestic use, and would connect to the main in Anglers Road.
- A written statement from the Portland Water District verifying that there is public water in proximity to the subdivision must be submitted with the Preliminary Plan.
- Correspondence with PWD was not included in the February 4, 2019 preliminary plan submission.
- An Ability to Serve letter from the Portland Water District approving the public water service to the subdivision must be submitted with the Final Plan.
- An existing fire hydrant is located on Anglers Road in the middle of the parcel frontage. At the Development Team Meeting on December 3, 2018 Deputy Fire Chief John Wescott stated that a new hydrant should be located at the rear of the property near the island between units 32 and 33.
- Existing and proposed hydrant should be shown on the plan.
- At the Development Team Meeting on November 19, 2018 Deputy Fire Chief John Wescott stated that all the new buildings would require sprinklers and alarms.
- The preliminary plan has been revised to be a residential development with duplexes.

*Sprinklers are not required in one and two-family dwellings.*

- In an email dated April 11, 2019 Will Haskell, P.E of Gorrill-Palmer requested a note on the plan that the water main will be owned and maintained by the Portland Water District.*
- Note 17 was added to the preliminary plan dated April 26, 2019 stating that all facilities and appurtenances associated within proposed water main within the proposed ROW shall be owned and maintained by the Portland Water District upon acceptance.*
- The applicant indicated in a phone conversation to Jennifer Curtis, Town Planner, on June 18, 2019, that they intend to install a private water main for water service, and that it will connect to the Portland Water District public main. The applicant will submit a letter of approval from Portland Water District authorizing the connection.*

#### **C. SOIL EROSION**

- An erosion and sedimentation plan, prepared by DM Roma Consulting Engineers, dated February 4, 2019, has been submitted as part of the Preliminary Plan. Notes and details are shown on Drawing D-1.*
- A stormwater management plan that meets the water quality and quantity standards as well as the flooding standard of Section 3 DEP Chapter 500 Stormwater Management must be submitted as part of the Preliminary Plan.*
- This project requires a Maine Department of Environmental Protection (DEP) Chapter 500 Stormwater Permit, which must be submitted with the Final Plan.*
- No freshwater wetlands exist on the property.*
- A bioinfiltration pond, a component of the stormwater system for the Town's Anglers Road Realignment project is located on the property. The pond was required as part of the Maine DEP Stormwater permit and, therefore, any modifications will require an amendment to the Maine DEP Stormwater permit for the Anglers Road Realignment Project.*
- A stormwater management plan has been submitted as part of the February 4, 2019 Preliminary Plan submission. The project proposes to treat the 4.12 acres of new developed area and 1.49 acres of new impervious surface to an underdrained filter basin.*
- The preliminary subdivision plan dated February 4, 2018 notes that the existing stormwater infiltration basin is to be removed.*
- In an email dated February 15, 2019 Will Haskell, P.E. of Gorrill-Palmer had several comments on the erosion control plan and the stormwater plan and noted that the applicant requests a waiver from the flooding standard and the phosphorous impact analysis.*
- A revised stormwater management plan has been submitted as part of the April 1, 2019 Preliminary Plan submission that reflect the reduction of the number of dwelling units and the addition of a parking area. The project proposes to treat the 4.04 acres of new developed area and 1.51 acres of new impervious area with an underdrained filter basin and roof drip edges installed around each of the apartment buildings. The Planning Board approved a waiver from the phosphorous standards where the MDEP allows the project to meet the General Standards as an acceptable alternative.*
- In an email dated April 11, 2019 Will Haskell, P.E. of Gorrill-Palmer stated that a sediment forebay or forebays should be provided for the filter basin at the storm drain inlets, it does not appear that Anglers Road was included in sizing the proposed filter basin, requested a spillway analysis of the filter basin to ensure that there is one foot of freeboard within the emergency spillway, verify that the water quality volume will be release from the filter basin in 24-48 hours as recommend by MDEP BMPs, and address the removal of temporary erosion control measures once the site has been stabilized.*
- The applicant responded to review comments and provided revised plans and revised stormwater management plan has been submitted as part of the May 15, 2019 Preliminary Plan submission.*

- In an email dated May 22, 2019 Will Haskell, P.E. of Gorrill-Palmer noted that it appears that the filter basin area has changed from the previous submission and the stormwater quantity analysis should be revised to reflect the changes.
- In an email dated June 07, 2019 Will Haskell, P.E. of Gorrill-Palmer stated that it appears that the filter basin area has changed from the previous submission. The stormwater quantity analysis should be revised to reflect the changes.
- The applicant responded to review comments and submitted an email dated June 13, 2019 from MDEP acknowledging the change in the filter basin area and approving of the change, and a revised stormwater management plan on June 18, 2019 as follow-up to the Preliminary Plan submission.
- In an email dated June 20, 2019 Will Haskell, P.E. of Gorrill-Palmer stated that the revised Stormwater Management Report includes revised Hydrocad Outputs and revised peak flows for the 2, 10, and 25 year storms as requested in the previous review dated June 7, 2019. No further action is required.
- Staff and the applicant agreed in a phone conversation on June 18, 2019 that a release of the Town-held stormwater easement will be added to the Conditions of Approval.

#### D. TRAFFIC

- The development will have access from the new internal network of subdivision streets.
- Two curb cuts on Anglers Road area shown on the sketch plan. Section 518.2.a states that in the C-1 District a parcel shall be limited to one (1) curb cut on the same street. The applicant is requesting a waiver from this standard.
- Sight distance in each direction for the proposed street on the existing public streets should be shown on the Preliminary Plan.
- Section 911.M.3.d states that streetlights may be required at intersections with existing public streets. A streetlight on public portion Anglers Road at the intersection of the first street entrance to the subdivision should be shown on the plan. The Planning Board should discuss if a streetlight at the second entrance will be necessary.
- Per Section 911.M.5.a.6 access drive standards for condominium subdivisions shall meet the major private road standard (right-of-way width is not applicable).
- The applicant should specify the street classification that will be used to provide frontage/setbacks for the proposed buildings: Curbed Lane, Commercial Street, or Residential Street.
- At the Development Team Meeting on December 3, 2018 Deputy Fire Chief John Wescott commented on concerns about fire equipment being able to access Unit 40 based on the layout of the parking area.
- The sketch plan shows the roads with a paved sidewalk for pedestrian access.
- The paved public portion of Anglers Road ends in the middle of the parcel.
- At the Development Team meeting on December 3, 2018 the applicant stated that they would propose to rebuild the private portion of Anglers Road to the road standard to the proposed second entrance.
- The property is currently utilized as a school bus stop. The applicant should clarify if this use will continue to be accommodated on the site.
- The February 4, 2019 preliminary plan submission does not provide distances at the proposed street intersections with Anglers Road.
- A road plan and profile, prepared by DM Roma Consulting Engineers, dated February 4, 2019, shown on Sheets PP-1, PP-2 and PP-2 and details on Sheet D-1, was submitted as part of the Preliminary Plan. The subdivision plan also shows a 5' wide footpath to the abutting Town park property.
- The road plan and profile (Sheet PP-1) dated July 23, 2018 propose constructing the road with 2-10' travel lanes, a 3' grassed shoulder on one side, and a 4' sidewalk.

- The sketch plan shows 132 parking spaces. The ordinance does not have a minimum number of spaces required but the applicant shall demonstrate that the number of spaces provided onsite will meet the needs of the proposed uses (24 two-bedroom residential apartments, 16 three-bedroom residential apartments, and 11,500 square feet of office, retail or service business).
- The February 4, 2019 preliminary plan shows driveways with off-street parking for 2 vehicles for each duplex.
- The February 4, 2019 preliminary plan submission states that the project is expected to generate 28 peak hour trip-ends and 280 total daily vehicle trips.
- A traffic impact analysis is required for subdivisions projected to generate more than 140 vehicle trips per day and should be submitted with the Preliminary Plan. A traffic impact analysis was not included in the February 4, 2019 submission.
- If the project generates over 100 peak hour trips and requires a Traffic Movement Permit from the Maine Department of Transportation, it must be submitted with Final Plan.
- The project is subject to the North Route 302 Road Improvements Impact Fee (Section 1204). A traffic analysis shall be conducted in order to determine the traffic impact and requisite impact fee total, as measured by additional vehicle trips to be generated by a development project that pass through the North Route 302 Capital Improvement District in the peak commuter hour.
- In an email dated February 15, 2019 Will Haskell, P.E. of Gorrill-Palmer requested sight distances, a stop sign, details for accessible ramps and detectable warning, curb tip downs and crosswalk details, a footpath detail and a typical roadway section for the reconstruction of Anglers Road. He also questioned if the road should be designed to the minor local street standard.
- The April 1, 2019 preliminary plan shows driveways with off-street parking for 2 vehicles for 40 of the 42 units. A parking lot is proposed to provide off-street parking for 2 vehicles for 2 units and an additional 10 visitor parking spaces.
- A Traffic Assessment dated March 26, 2019 prepared by William Bray, P.E. was included in the April 1, 2019 submission. It notes that 44 apartments can be expected to generate 293 daily trips; 22 trips in the morning peak hour, and 27 trips during the afternoon peak hour. The proposed site driveway entrances each have a clear line-of-site in excess of 300-feet in each direction.
- In an email dated April 11, 2019 Will Haskell, P.E. of Gorrill-Palmer had no comments on the traffic assessment, notes that the parking lot that contains spaces extending beyond the front facade of adjacent units and the driveways do not provide adequate length so that a vehicle could be parked without extending beyond the front building facade.
- The April 26, 2019 preliminary plan revised the proposed parking lot by eliminating two parking spaces such that there is no parking in front of Unit 8 and Unit 9. The lot now is proposed to provide off-street parking for 2 vehicles for 2 units and an additional 8 visitor parking spaces.
- In an email dated May 22, 2019 Will Haskell, P.E. of Gorrill-Palmer noted that the parking spaces in each driveways are located beyond the front building façade and asked the Board to consider if this standards was intended more for commercial development and parking lots rather than residential development and driveways. He also noted that all the parking spaces in the parking lot are 9ft x 18ft and the ordinance requires that 30% of the spaces to be 10 ft by 20 ft. The parking lot should be revised, or a waiver should be requested. He also noted that the road has been deigned to meet the residential street standard. The standard calls for granite curb and the proposed typical section calls for slipform concrete curb. The residential street standard does not include any geometric standards; however, it appears that the general geometric design will accommodate the type of traffic that is anticipated for this type of development.
- At the May 29, 2019 meeting the applicant requested and was granted a waiver from



*the Section 812.c.1.D – Parking Space Dimensions, Performance Standard*

**E. SEWERAGE**

- *The development will be served by a single engineered on-site subsurface wastewater disposal system.*
- *The April 1, 2019 submission includes a preliminary soils investigation report and Mounding & Transmission Analysis dated March 29, 2019 prepared by Stephen Marcotte, CG, LSE of Summit Geoengineering Services Soil that includes test pits logs and concludes that the areas shown on the site plan meets first-time system criteria listed in the Maine Subsurface Wastewater Disposal Rules and that site soils have sufficient capacity to prevent wastewater from surfacing downgradient of the disposal field. Test pit locations are shown on the Preliminary Plan. An Engineered Subsurface Wastewater Disposal System Application and technical specifications of the Advanced Treatment Units was submitted for review.*
- *Maine DHHS approval of the septic system to service 12 three-bedroom apartments and 30 two-bedroom apartments that includes a waiver from the State mandated minimum lot size standard must be submitted with the Final Plan.*

**F. SOLID WASTE**

- *A dumpster location should be shown on the plan and screening detail provided.*
- *The February 4, 2019 preliminary plan submission states that the residential lots will utilize the Town's curbside trash collection program to dispose of solid waste.*

**G. AESTHETICS**

- *The site is partially wooded and partially clear and is undeveloped.*
- *There are no documented rare botanical features for significant wildlife habitat documented on the site.*
- *The Beginning with Habitat map referenced in the April 1, 2019 submission should be provided.*
- *A landscape plan is required for the preliminary plan submission. Limits of tree clearing is shown on the February 4, 2009 preliminary plan. Note 12 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.*
- *Street trees are shown on the April 1, 2019 plan but do not appear to meet the requirement for being spaced every 50 feet. The preliminary plan dated April 26, 2019 also does not show enough street trees to meet the ordinance requirement.*
- *Proposed building elevations were included in the April 1, 2019 submission.*
- *The June 3, 2019 Plan shows street trees spaced every 50 feet or less along the street.*

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

- *Comprehensive Plan:*
- *The plan does meet the goals of the 2017 Comprehensive Plan. The project is located in the North Windham growth area.*
- *Land Use Ordinance:*
- *The lot meets the minimum frontage (100 feet) for lots in the C-1 zoning district.*
- *A portion of property is located in the Aquifer Protection Overlay District B that has a 50% maximum impervious area for non-residential uses. The APB Overlay boundary is shown on the plan. This standard is not applicable for this proposed residential use. The*

stormwater management report included with the April 1, 2019 submission states that the project has 1.51 acres of new impervious area.

- Net residential density calculations should be shown on the Plan.
- The preliminary plan meets the setback requirements of the C-1 districts. Buildings must be setback 0-20 feet and parking shall not be located within a structure's front setback area.
- The April 1, 2019 preliminary plan includes a parking lot that contains spaces extending beyond the front facade of adjacent units and the driveways do not provide adequate length so that a vehicle could be parked without extending beyond the front building façade. This is a District Standard that cannot be waived by the Planning Board. The April 26, 2019 preliminary plan removed 2 parking spaces so that the parking lot does not extend beyond the adjacent units.
- The façade of all buildings must be oriented parallel to a front lot line.
- Subdivision Ordinance
- 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 must be shown on the Final Plan.
- Subdivision plan data compatible with the Town GIS must be submitted as part of the Final Plan submission. GIS data may need to be updated based on changes to water delivery system.
- Documents should be provided with the Final Plan submission and must specify the rights and responsibilities of the 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: Street names approved by the Town Addressing Officer shall be shown on the Final Plan.
- The June 3, 2019 plan shows street name "Forsythia Lane".

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

- A letter dated March 22, 2019 from Kimberly Donnelly, Senior Vice President at Gorham Savings Bank was submitted as evidence of financial capacity.
- The applicant has provided information on the licensed professionals working on this project as evidence of technical capacity.

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

- This project is located in the Chaffin Pond watershed, a lake watershed most at risk from new development as designated in Maine DEP Chapter 502.
- The applicant should demonstrate that the project will not adversely impact any river, stream, or brook.
- The April 1, 2019 subdivision plans shows the 250 foot Resource Protection District around Chaffin Pond 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/does not conform 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 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/will not 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/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/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 November 19, 2018, as amended May 14, 2019, and June 3, 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.*

*2. Prior to the issuance of building permits, the applicant shall obtain a release of the Stormwater easement on the property from the Town Council.*

*3. Prior to the issuance of building permits, the applicant shall obtain approval from staff of reciprocal easements language between the two separate parcels and then have*

*the resulting easements recorded in the Cumberland County Registry of Deeds.*

*Seconded by David Douglass.*

*Vote: All in favor.*

## **New Business**

- 6      [PB 19-065](#)      19-13 Franklin Drive Daycare. Major site plan sketch plan review. Natural Wonders to request review of a 6,948 square foot daycare facility. The property in question is located on Franklin Drive and identified on Tax Map 18, Lot 26-2, Zone: Commercial 1 (C-1).

**Attachments:**    [19-13 Franklin Drive Daycare Sketch](#)  
[Cover Letter and Supporting Documents-6-21-2019](#)  
[Site Plan II](#)

*Steve Blake, from BH2M Engineers, was present representing the applicant. He explained:*

- They proposed a day care facility for 100 children and 25 staff. It would be located off of Franklin Drive, behind Hannaford and Home Depot.*
- It would be necessary to amend previous Site Location of Development and Traffic Movement permits.*

*The Board commented:*

- More information was requested regarding building elevations.*
- Consideration should be made for possible future expansion.*
- It was a good location.*
- Did industrial traffic from Home Depot get that far down the road?*
- The property was in the C-1 zone. How would the division of the lot affect the district block standards and future connectivity?*

## **Other Business**

### 7 Adjournment

*Drew Mayo made a motion to adjourn.*

*Seconded by Griffin Bourassa.*

*Vote: All in favor.*