



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Staff Review Committee

Monday, July 8, 2019

1:00 PM

Conference Room #1

Not Televised

1 Call To Order

2 Roll Call and Declaration of Quorum

The meeting was called to order by Chair, Amanda Lessard. Other members present were: Fire Chief, Brent Libby; Director of Code Enforcement, Chris Hanson; Public Works Director, and Doug Fortier.

3 [SR 013](#) Approval of Minutes: June 11, 2019

Attachments: [Minutes 6-11-19 - draft](#)

Brent Libby made a motion to approve the minutes of the June 11, 2019 meeting.

Seconded by Chris Hanson.

Vote: All in favor.

[SR 012](#)

19-12 C.N. Brown Convenience Store Reconstruction. CN Brown to request review of a minor site plan for the reconstruction of a 4,360 square foot convenience store, replacement of existing underground fuel storage tanks, and reconfiguration of the pump island. The subject property is located at 355 Roosevelt Trail and identified on Tax Map: 12 Lot: 67E, Zone: Commercial 3 (C-3).

Attachments: [19-12 CN Brown Minor Final 07-03-2019](#)

[CN Brown Application 06-11-19](#)

[CN Brown compiled drawing set 06-11-19](#)

[CN Brown ZBA NOD](#)

[Peer Review Comments 6-21-19](#)

[compiled response to peer review 06-28-19](#)

[compiled response to peer review 7-1-19](#)

[Peer Review Comments 7-1-19](#)

[Peer Review Comments 7-3-19](#)

Jim Seymour was present representing the applicant. He explained that currently there

was a convenience store and fueling canopy, and a house on the property. They proposed to:

- Demolish the store and rebuild it, 4,300 square feet.
- Expand the fueling canopy and provide two additional fueling pumps.
- Two existing curb cuts would stay the same.
- A new septic system would be installed.
- Water was private.
- Electricity was underground.
- The site used propane.
- An enclosed storm drain system would be installed.
- They were not changing the use of the property and did not reach the trip generation requirement for a warrant.

They requested a waiver of the Stormwater Submission Requirement for stormwater calculations. No new impervious surface was being created. Drainage channels would be maintained in the front. A closed drainage system would be installed. They were so close to a 36 inch culvert there would be no effect to peak flows.

Doug Fortier made a motion to waive the Stormwater Submission Requirement for peak flows.

Seconded by Brent Libby.

Vote: All in favor.

Brent Libby made a motion that the application for project 19-12 C.N. Brown Convenience Store Reconstruction was found complete in regard to the submission requirements based on the application checklist, but the Staff Review Committee retained the right to request more information where review criteria were not fully addressed.

Seconded by Chris Hanson.

Vote: All in favor.

Amanda Lessard explained she had received one public comment regarding lighting and noise concerns from a resident on Nash Road, behind the site.

Consensus of the Committee was not to require a site walk and public hearing.

Design standards were applicable.

The Committee reviewed outstanding issues:

- There were two entrances. Total access had to be reduced to 60 feet.
- The existing access to an abutting property was limited to a 24 foot width.
- The building would need sprinklers which should be shown on the plan.
- The building façade was required to include projections or recesses.

Chris Hanson made a motion the Site Plan application for 19-12 C.N. Brown Convenience Store Reconstruction located at 355 Roosevelt Trail on Tax Map: 12 Lot: 67E was to be approved with conditions with the following findings of fact and conclusions in addition to the four outstanding issues.

FINDINGS OF FACT

Utilization of the Site

The property is 3.28 acres, with 210' of road frontage on route 302. The site is currently utilized as a retail store and gas station. The lot also has a residential dwelling on it, and a wooded area. The lot and the uses are legally existing. Residential and retail store uses are allowed in the Commercial III District (C3). The automobile gas station is non-conforming.

The proposed reconstruction of the retail store space will expand the building space by 21% (from 3,600 SF to 4,360 SF) and the pump islands from 3 to 4. This expansion was approved by the Zoning Board of Appeals on May 2, 2019.

Vehicular and Pedestrian Traffic

The subject parcel has approximately 210' of frontage on Roosevelt Trail (Route 302)

A trip generation report was produced by Traffic Solutions. It states that the proposed development would increase AM peak hour trips by 73, from 98 to 171; and PM peak hour

trips by 95, from 119 to 214. It concludes that where the projected net increase in site generated trips for the proposed expansion is below Maine DOT's threshold value of 100 trips per hour, a Maine DOT Traffic Movement Permit is not required.

The plan shows 15 18'x9' parking spaces with adjacent granite curb and concrete walkway which wraps around the convenience store on the entryway and driveway side. One of the parking spaces is handicap accessible with adjacent crosswalk and ramp.

The four existing spaces near the entry/exit way will be removed.

The current plan shows the existing curb cuts will remain. Both openings to be used for ingress and egress. Stop signs and stop bars to be installed at each opening for traffic exiting onto Rt. 302. The combined width of the openings exceeds 60 feet.

812.2.(h)(2) states that: "No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all accessways shall not exceed sixty (60) feet."

812.2.(h)(3) states that: The Planning Board or Development Review Committee may limit a development to one (1) point of ingress/egress onto Routes 302, 35 and 115."

The applicant should propose a conforming driveway entry and exit plan.

In an email to the applicant dated June 21, 2019, Town Engineer Mark Arienti, P. E. stated that: "Ordinance Section 812.C.1(d) requires that thirty percent (30%) of the parking spaces be created with a stall width of 10' and a depth of 20'. The Site Plan shows all parking spaces to have 9'x18' spaces. Please adjust accordingly."

In a response to comments dated June 28, 2019, the applicant proposes to meet the requirement of 812.C.1.(d) with the parking areas under the canopy associated with the pump islands. The dimensions on the plan indicate 10'x20' or greater dimensions adjacent to both sides of each dispenser.

Existing conditions allow for vehicles to drive directly onto the adjacent lot (Map 12, Lot 67- E2). The applicant should indicate if they intend for there to be an access way for traffic to continue to flow between the lots without the use of Route 302, and if so, demonstrate their rights to.

Sewage Disposal and Groundwater Impacts

The site will be served by a replacement upgraded subsurface wastewater disposal system.

The application included a subsurface wastewater disposal system application prepared by

Licensed Site Evaluator David Moyse, S.E.

A new pump station and treatment tanks will be installed, and the disposal field will be expanded to provide adequate wastewater disposal. The existing sewer serving the on-site single-family residence and truck cap business on the adjacent property will be upgraded.

The new wastewater treatment tanks, pump system, and septic tanks will be over 105' from the existing on-site well, which is an improvement from the 80' setback of the existing septic tanks.

The subsurface wastewater disposal system application includes a variance request to the Maine Center for Disease Control and Prevention, to reduce the setback from a public water system from 150' to 105' for grease tank and within 150 feet for septic tanks in series. The reason for the request is that the new tanks cannot be located at least 150 feet away and allow for the new building to fit property on the lot. As stated in the note above, it will be an improvement over the current 80' setback.

Stormwater Management

In an email to the applicant dated June 21, 2019, Town Engineer Mark Arienti, P. E. stated that: "Section 812.E.1 of the Windham Land Use Ordinance requires adequate provisions be made for the collection and disposal of all stormwater that runs off proposed parking areas, roofs, etc. through a stormwater management plan, which demonstrates that the development shall not have an adverse impact on abutting or downstream properties. Stormwater management systems for major and minor site plans shall detain, retain or result in the infiltration of stormwater from the 24-hour storms of the 2-year, 10-year and 25-year frequencies such that the peak flows of stormwater from the project site do not exceed the peak flows of stormwater prior to undertaking the project. Please provide a stormwater management plan to meet this requirement."

In an email to the applicant dated June 21, 2019, Town Engineer Mark Arienti, P. E. stated that: "Some type of provisions should be provided beyond catch basin hoods to ensure that the projects meets Section 812.K of the Land Use Ordinance, Water Quality Protection. There is a high potential for fuel spills at convenience stores with gas stations and at least some portion of such a potential spill would discharge to a tributary of Black Brook if not uncontrolled."

In an email to the applicant dated June 21, 2019, Town Engineer Mark Arienti, P. E. stated that: "The location of erosion control measures should be shown on the Grading, Drainage, and Erosion Control Plan, Drawing C-102."

The applicant submitted additional information on June 28, 2019, supporting the claim that the runoff will remain similar enough that they will not have an adverse impact on downstream properties or facilities.

The applicant submitted additional plans on June 28, 2019 indicating sediment barriers (C-102) and included a note "11. The contractor shall install catch basin inlet protection at all catch basin inlets within the disturbed area and be responsible for taking all necessary erosion control measures, see sheet C-300."

The applicant submitted additional information on June 28, 2019 responding that "We have modified the catch basin detail to include snouts. Additionally, spill containment products are kept on the site for use event of a spill."

In an email to the applicant dated July 2, 2019, Town Engineer Mark Arienti, P. E. commented that "Based on review of the plans, the runoff patterns appear to have changed by directing runoff to catch basins between the building and the fueling canopy and releasing as a point source. It may be true that the site modifications are not enough to increase the rate of runoff from the site, but some documentation should be provided."

In an email dated July 2, 2019 the applicant provided the following additional information: "We have shown the site grading to maintain almost the same pattern as existing to the catch basins in Route 302, with the majority of the remainder of the site

draining to the 36" culvert under Route 302, as it does in the existing condition. The drainage patterns to the 36" culvert will change slightly, and we believe this will be for the better, particularly considering the elimination of the runoff over the steep slopes to the south, while outletting the enclosed system onto riprap."

In an email to the applicant dated July 2, 2019, Town Engineer Mark Arienti, P. E. commented: "...you have stated that you have modified the catch basin detail to include snouts and additionally, spill containment products are kept on the site for use in the event of a spill. The snouts are not believed to provide sufficient protection against releases of petroleum to surface water at a gasoline filling station site. The Surface Water Quality section of Windham's Land Use Ordinance (812.K) requires that all aspects of the project shall be designed so that:

- o No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

- o Similar new and reconstructed filling stations in the area include provisions, such as gravity oil-water separators and/or filters, for minimizing the release of dissolved and free-phase petroleum compounds to surface water.

The applicant should indicate how they intend to comply with 812.K

Erosion Control

A grading, drainage and erosion control sheet (C-102) and an Erosion and Sedimentation Control Notes and Details sheet (C-300) was submitted with the plan set. This included a set of best management practices notes along with construction details of the proposed erosion control measures.

In an email to the applicant dated June 21, 2019, Town Engineer Mark Arienti, P. E. requested that the applicant provide details in the plan set for Rip-rap Apron and Rip-rap Swale.

The applicant submitted additional plan information on June 28, 2019 showing details for Rip-rap Apron and Rip-rap Swale.

Utilities

The application states that water will be supplied via a well.

The application states that power and communication lines are available on site.

The fire protection ordinance (Chapter 95). At 95.4.1 requires: "All new buildings, structures, or dwellings containing at least...4,000 gross square feet of enclosed area not served by public water or greater than 1,000 linear feet from a hydrant serviced by the Portland Water District, with the exception of single- and two-family dwellings, shall be required to have an

approved automatic fire sprinkler system in all areas of the building that must comply with this article." The site is approximately 3,000 feet from the nearest hydrant serviced by the Portland Water District. The applicant should include information about the fire protection systems.

Financial and Technical Capacity

In an email to the applicant dated June 21, 2019, Town Engineer Mark Arienti, P. E. stated that: "The estimate for the project included in Section 18 seems reasonable. A more detailed site work cost estimate will need to be provided post approval for the purpose of developing the performance guarantee and inspection fees."

The application indicates that the project will be self-financed by C.N. Brown Company.

The application states that the C.N. Brown Company has owned, built, and operated 76 Big Apple convenience store locations in Maine and New Hampshire that are continually upgraded as evidence of technical capacity. The application materials were prepared by Site Design Associates of Topsham, Maine.

Impacts to Adjacent/Neighboring Properties

A dumpster enclosure is shown on the plan sheet 101. Section 812.T.2 requires that dumpsters shall be screened to provide a visual buffer sufficient to minimize their impact on abutting residential uses. The plan states that the enclosure will be screened by a 6ft high chain link fence with PVC slats. More information is needed to conclude that this is sufficient to screen the dumpster. The applicant should state whether it will be visible from the nearby residences.

Section 812.T.2 requires that dumpsters shall be located on level surfaces which are paved or graveled. The applicant should state how they intend to comply.

A plan showing lighting illumination levels on site indicated the maximum footcandle level at the property line will be .5, which meets the requirement of 812.R.1.(b)

Conformity with Local Plans and Ordinances

1. Land Use

In an email to the applicant dated June 21, 2019, Town Engineer Mark Arienti, P. E. wrote: "Snow storage areas need to be shown on the plan per Section 813.C.5.a." Indicate on the Site Plan what materials will be used in the islands near the site entrance (Section 813.B.7)

In an email to the applicant dated June 21, 2019, Town Engineer Mark Arienti, P. E. wrote: It is not entirely clear what existing structures will be demolished. Please indicate on the Existing Conditions Plan or provide a separate plan sheet to clarify.

The applicant provided an updated plan with a note stating "Snow storage will be around the site perimeter."

The applicant provided an update landscape plan with a detailed planting plan.

The applicant responded to comments, stating that "The site will be completely demolished, including all structures, pavement, fencing, light poles, and concrete."

The convenience store is a conforming use in the C3 zone.

The automobile gas station is a non-conforming use that may continue as a lawfully existing use. The proposed expansion of the gasoline pump island from three dispensers to

four was approved by the Zoning Board of Appeals on May 2, 2019.

This project will meet the 60-foot minimum front setback from an arterial street in the C3 District.

This project will meet the 10-foot side and rear minimum setbacks in the C3 District.

This project meets the minimum lot size requirements and minimum lot frontage requirements of the C3 District.

The applicant submitted updated plans detailing exterior light fixture locations, and fixture specifications. The updated plan does not include fixtures located on the convenience store building itself. A photometric plan indicates that it will meet the

maximum footcandle requirements for the property boundary.

The applicant stated that they intend to leave the existing convenience store sign in place and acknowledged that any additional future signage would be subject to review of minor changes to approved plans.

The Commercial District Design Standards at 813 must be met. The proposed convenience store building meets the required commercial district design standards except for

813.A.5.e, which requires incorporation of wall plan projections or recesses in facades greater than 50 feet in length.

The applicant should specify how the project will comply with the additional 8 elective commercial design requirements of 813.

2. Comprehensive Plan

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

CONCLUSIONS

1. The plan for development reflects the natural capacities of the site to support development.
2. Buildings, lots, and support facilities will be clustered in those portions of the site that have the most suitable conditions for development.
3. Environmentally sensitive areas, including but not limited to, wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and, sand and gravel aquifers will be maintained and protected to the maximum extent.
4. The proposed site plan has sufficient water available for the reasonably foreseeable needs of the site plan.
5. The proposed site plan will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
6. The proposed use and layout will not be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved.
7. The proposed site plan will provide for adequate sewage waste disposal.
8. The proposed site plan conforms to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
9. The developer has adequate financial capacity to meet the standards of this section.
10. The proposed site plan will/will not alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
11. The proposed site plan will/will not 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 landscaping.

CONDITIONS OF APPROVAL

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated June 12, 2019, as amended June 28, 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 Doug Fortier.

Vote: All in Favor.

Other Business

4 Adjournment

Doug Fortier made a motion to adjourn.

Seconded by Chris Hanson.

Vote: All in favor.