

Town of Windham

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DATE: January 3, 2019

TO: Planning Board
FROM: Jenn Curtis, Planner
Cc: James Seymour, Sebago Technics
Staff Review Committee

RE: 19-24 VIP Expansion - Minor Site Plan Amendment
Planning Board Meeting January 13, 2019

Overview –

The applicant recently received approval from the Staff Review Committee for a proposal to turn the existing VIP/O'Reilly store solely into an O'Reilly store, and relocate the VIP automobile service and retail tire store to a vacant retail store on an adjacent lot, which is to be expanded by 7,500 square feet to accommodate a 10-bay garage. The expansion is located at 2 Amato Drive and 826 Roosevelt Trail and the identified on Tax Map: 71 Lot: 3-1 and 2, Zone: Commercial I (C1).

The proposed Retail Sales (automotive), and Automobile Repair Services business is a permitted use in the C1 zone.

This project was subject to site plan review due to the change of use and size of expansion and was classified as a minor site plan due to the location of the proposed project within an approved subdivision.

On November 19 the Staff Review Committee approved the project, with the understanding that the applicant would work with staff to meet the Commercial District Design Guidelines. Since then, the applicant has submitted plans to comply with almost all of the standards, but the building elevations will not conform to the façade portion of the Commercial District Design Guideline Standards at 813 (see the portion of “Conformance with Local Plans and Ordinances” underlined in findings below). In order for the project to be approved without complying with the standards at 813, it requires a waiver from the Planning Board, per 808.B. The applicant has submitted a request for a waiver. Updates to the memo are underlined below.



Figure 1. *Aerial view of site, approximated outline in red*



Figure 2. *Street view of the site, from the corner of Roosevelt Trail and Amato Drive*

SITE PLAN REVIEW

Staff Comments:

1. Waivers:
 - a) The applicant has requested a waiver from 813.5.e.: “Horizontal facades greater than 50 feet in length shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the facade and extending at least 20% of the length of the facade. No uninterrupted facade shall exceed 50 horizontal feet.”
 - The proposed new building is 146’ long. The drawing dated December 9, 2019 depicts projections that would extend at least 20% of the length of the façade (29.2’), with no uninterrupted façade exceeding 50 horizontal feet. It does not have recesses or projections that have a depth of 3%, though, because they are less than 4.38 feet (3% of 146’) in depth.
 - The applicant states that a 2’ projection “...would be the maximum where safety for patrons and employees is not compromised when vehicles move out of the service bays and into the drive aisle.”
2. Complete Application:
 - a) *Staff find the application complete with regard to submission requirements*

MOTION: The application for project 19-24 VIP Expansion is found complete in regard to the submission requirements based on the application checklist, but the Planning Board retains the right to request more information where review criteria are not fully addressed.

3. Public Hearing: A public hearing has not been scheduled for this project.
4. Site Walk: A site walk has not been scheduled for this project.

Findings of Fact and conclusions for the

Windham Planning Board

MOTION: The Site Plan application for 19-24 VIP Expansion Amendment on Tax Map: 71 Lots: 3-1 and 2 is to be **(approved with conditions/denied)** with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- Lot 2 is currently utilized as a joint VIP automotive repair and/O’Reilly retail store. Lot 3-1 is currently unused with a vacant former Tim Hortons restaurant. Primary access to Lot 2 is from Roosevelt Trail, and primary access to Lot 3-1 is from Amato Drive. The lots have an existing approved driveway connection between them. Lot 3-1 has an existing non-conforming parking area within the front setback of the existing structure that will be retained.

Vehicular and Pedestrian Traffic

- Lot 2 will maintain its existing entrances on Roosevelt Trail.
- Lot 3-1 has approximately 300' of frontage on Amato Drive, and the pro
- A trip generation analysis for the project was submitted, estimating the weekday AM and PM and Saturday peak hour and daily traffic to be generated, averaged between estimates based on square footage and number of bays for a Tire Superstore. The analysis estimates an average of 30 trips during the AM peak hour, 33 trips during the PM peak hour, and 40 trips during the Saturday peak hour. Based on these estimates, the project does not require a Traffic Movement Permit from MaineDOT.
- Access to the proposed development would be via two two-way access points on Amato Drive, and two connections with the adjacent O'Reilly's. The rear driveway connection would be primarily for large truck traffic including deliveries and waste removal. It would allow for large trucks to turn around. The front driveway connection would accommodate vehicle and pedestrian traffic moving between the two stores.
- Lot 3-1 has no direct access to Roosevelt Trail. Lot 2 has one existing 26' wide entrance/exit to Roosevelt Trail.
- The site is approximately 200' from the nearest signalized intersection.
- There are 40 parking spots proposed on Lot 3-1. The parking spaces meet the dimensional requirements of the performance standards, including that 30% of the spaces are 10'x 20'. The proposal includes two handicap spaces near the front service entrance sidewalk.
- There appears to be adequate provision for safe movement of traffic through the site, including adequate space for movements and stop bars painted on the pavement.

Sewage Disposal and Groundwater Impacts

- The site will be served by a subsurface wastewater disposal system. The existing system will be removed and replaced by a new system.
- The applicant submitted an HHE-200 subsurface wastewater disposal application submitted to the Maine Department of Health and Human Services. The submittal included a subsurface wastewater disposal system design signed by Site Evaluator Gary M. Fullerton. It indicates that the system would serve 15 employees and 70 customers. The design incorporates a 1,000-gallon septic tank, a distribution box and 2 rows of 8 side-feed concrete chambers in cluster array to be located underneath the parking lot on the Amato Drive side of the proposed expansion.
- The application includes a plan for a 1,500 gallon precast concrete oil/water separator with clean-out to be installed on the Amato Drive side of the new garage, near the midpoint. Notes on the plan indicate that it will connect to a slot drain system in floor of the new building.
- The application did not include information on how waste oil will be stored and disposed of.

Stormwater Management

- The applicant submitted a Stormwater Management Report. The report summary indicates that runoff quantity requirements are met by maintaining or reducing the rate of stormwater runoff from the site, and that stormwater runoff quality will be improved by use of roof drip edge filter and filter tree box filters.

- This development is within the urbanized area. The proposed development will not result in an acre or more of disturbed area, relative to the applicability of Chapter 144 – Post- Construction Stormwater Ordinance.
- In an email dated November 13, 2019, Town Engineer Mark Arienti, P. E. commented: The VIP expansion is proposed to add 12,135 sq. ft. of impervious area and 15,744 sq. ft. of new developed area so no stormwater permit has been applied for or obtained from the Maine DEP; DEP's General Standards at Ch. 500 don't apply. Nonetheless the project is proposing to treat 96.25% of the new impervious areas and 88.71% of the new developed areas, both of which exceed the requirements in the DEP general Standards. Treatment is achieved using 2 Filterra Tree Box Filters for paved areas and Drip Edge Filters for the new VIP garage. These BMPs appear to have been sized in accordance with DEP guidance
- In an email dated September 13, 2019, Town Engineer Mark Arienti, P. E. commented: The relative elevations for catch basins CB 1102 and CB 1100 appear to indicate that flow would occur from CB 1100 to CB 1102, which seems to contradict the Routing Diagrams in the Stormwater Report and what would be expected from the site layout. Please confirm if the inlet and outlet elevations are correct and also please show the flow paths in each of the subcatchments on the Pre- and Post-Development Watershed Plans.
- In an email dated November 13, 2019, the applicant responded: Confirmed inlet and outlet elevations are correct as listed on the plans based on field survey data. Original design of this system is for water to infiltrate in the dry wells and pipes were to be laid flat connecting the dry wells. In the instance that the head conditions rise to the level of the pipes, water is intended to flow from CB 1102 to CB 1100 and continue through the pipe network to discharge at the detention pond. Flow paths in each of the subcatchments have been delineated on plans per comment.
- In an email dated November 13, 2019, Town Engineer Mark Arienti, P. E. commented: The Stormwater Management Plan provides documentation to indicate that the site development meets the Flooding Standard in the Town's Stormwater Management Ordinance.

Erosion Control

- In an email dated September 13, 2019, Town Engineer Mark Arienti, P. E. commented: An Erosion & Sedimentation Control Plan and an Inspection, Maintenance and Housekeeping Plan have been included in the application, which appear to conform with the DEP requirements for the proposed development.

Utilities

- Water will be supplied by public water. The application includes an Ability to Serve letter from the Portland Water District documenting the adequacy of the system to support the change of use.
- The application indicates that the site will be served by gas, telecommunication, and electricity. Any new service lines must be underground, per requirements of 812.I.
- There are two existing hydrants located approximately 150' north, and 450' south, respectively, on Roosevelt Trail. The applicant stated that the building will have an automatic fire suppression system to meet the fire code.

Financial and Technical Capacity

- The applicant estimates that the project will cost approximately \$1.5 million. The applicant submitted a letter from Berkshire Bank indicating the applicant's financial capacity is adequate to complete the project.
- The applicant stated that they are part of a corporation that operates over 5,000 auto part retail businesses, including 34 in Maine. The applicant has retained the services of a qualified engineering design and development services firm.

Impacts to Adjacent/Neighboring Properties

- The proposed development is not expected to have any undue adverse impacts to adjacent or nearby properties due to noise, lighting, pollution, unsightly conditions, vibrations, hours of operation, or any other form of nuisance. A photometric plan was submitted, indicating that the project will comply with the lighting standard and will not exceed .5 footcandles at lot lines with abutting properties.
- The applicant states that a private trash removal service will be used for solid waste disposal. A dumpster enclosure is shown on the plan. applicant states that the dumpster will be screened by fencing.
- The application did not include information on how tires will be stored and disposed of.
- At the Staff Review Committee meeting on November 19, 2019, the applicant stated that tires are stored in a trailer behind the existing VIP building and periodically removed to a facility certified to accept them.

Conformity with Local Plans and Ordinances

1. Land Use

- The proposed uses of the site are Retail Sales (automotive), and Automobile Repair Services. Both uses are allowed in the C1 District.
- The plan will comply with Section 500 performance standards.
- The applicant submitted building elevations. Staff reviewed the elevations and found that the proposed roof and façade on the proposed addition will not comply with the Commercial District Design Standards at 813, with regard to Architecture/Building Standards.
 - The proposed roof is flat and the building is 146' long. Flat roofs are only allowed, provided that the design creates no horizontal line greater than 50 feet, per 813.4.C. Staff communicated to the applicant that the roof was nonconforming with the roofline standards. The applicant responded that "The horizontal roof line does not face any public roads. The roof line of the existing building facing Roosevelt trail currently meets the Windham commercial District Design Standards." Staff find that the roofline standards are intended to apply to development which meets the standard of "Development" as outlined in 813: "For purposes of this section, "development" shall mean that portion of the project that: a. is subject to site plan review under Section 800; or b. will renovate twenty percent or more of the entire wall area of a structure on the site.", and staff find that the roof is subject to the roof standards at 813.C., where Roofline, reads: "Required in C-1, C-2, C-3, and VC zoning districts.", and there are no exceptions for buildings which are not facing a public road.

- The proposed new building is 146' long and includes no projections or recesses with a depth of at least 3% of the length of the façade and extending at least 20% of the length of the façade. Staff communicated to the applicant that the proposed building would not comply with the façade standards. The applicant has submitted no further evidence that the proposed new building will comply with 813.5. e. façade standards. Part e. of 813.5 reads. "Horizontal facades greater than 50 feet in length shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the facade and extending at least 20% of the length of the facade. No uninterrupted facade shall exceed 50 horizontal feet."
- The applicant submitted information indicating they will comply with the required Site/Parking, Landscape/ lighting, and Bike/Pedestrian standards at 813.
- The applicant has not indicated how they will comply with an additional 8 other design standards at 813.
- At the Staff Review Committee meeting on November 19, 2019, the Staff Review Committee agreed that the applicant could work with Planning Staff to update plans to meet the Commercial Design District Guidelines at 813. It was noted that if any of the requirements could not be met, the applicant would need a waiver approval for the standard(s) from the Planning Board.
- On December 9, 2019 the Applicant submitted a plan that incorporated a slightly pitched (12/.48) roof and 2' wall-plan projections. Staff acknowledge that the combined effect of a slightly pitched roof and wall-plane projections, breaks up the roofline so that the nearly flat roof does not create any single horizontal line greater than 50'.
- The drawing dated December 9, 2019 depicts projections that would extend at least 20% of the length of the façade (29.2'), with no uninterrupted façade exceeding 50 horizontal feet. It does not have recesses or projections that have a depth of 3%, though, because they are less than 4.38' (3% of 146') in depth.
- On December 11, 2019 the Applicant submitted a memo documenting how they intend to comply with the additional optional design standards in 813, of which they are required to meet 8. They documented that they intend to meet 11 of the optional standards:
 - B-1 Parking Location
 - B-2 Internal Traffic Flow
 - B-3 Interconnected Parking Lots
 - B-5 Screening – Parking
 - B-6 Screening – Utilities and Service
 - B-7 Parking Lot Landscaping
 - B-9 Shared Stormwater Treatment
 - C6 – Planting Variety
 - C7 – Planting Suitability
 - C8 – Mass Plantings
 - D6 - Bicycle Parking/ Racks

2. Comprehensive Plan

- This project meets the goals and objectives of the 2017 Comprehensive Plan.
- The proposed project is in the North Windham Growth Area.

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/does not conform** to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
9. The developer **has** adequate financial capacity to meet the standards of this section.
10. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
11. The proposed site plan **will** provide for adequate storm water management.
12. The proposed location and height of buildings or structure walls and fences, parking, loading and landscaping shall be such that it **will not** interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value.
13. On-site landscaping **does** provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.

CONDITIONS OF APPROVAL

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated October 25, 2019, as amended November 13, 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.