



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Draft

### Planning Board

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Monday, March 9, 2020

6:30 PM

Council Chambers

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**\*\*PLEASE NOTE THE NEW START TIME\*\***

#### Call To Order

#### Roll Call and Declaration of Quorum

*The meeting was called to order by Chair, Keith Elder. Other members present were: Michael Devoid, Colin Swan, Drew Mayo, Kaitlyn Tuttle, and Tyler Dunlea.*

*Planner, Jenn Curtis, was also present.*

#### Approval of Minutes

[PB 20-025](#) February 24, 2020

*Kaitlyn Tuttle made a motion to approve the minutes of the February 24, 2020 meeting.*

*Seconded by Tyler Dunlea.*

*Vote: All in favor.*

#### Public Hearings & Continuing Business

[PB 20-023](#) 19-21 Depot Street Subdivision. Major site plan and subdivision preliminary plan review. MCL Realty, LLC to request review of 32 dwelling units in 6 buildings. The subject property is located on Depot Street and identified on Tax Map: 38, Lot: 37A, Zone: Village Commercial (VC).

**Attachments:** [19-21 Depot Street Prelim 3-5-20](#)  
[Depot Street Response to Comments 2020\\_2\\_18](#)  
[Compiled-Depot Street Residential-Design Plans \(2-18-20\)](#)  
[Peer Review Comments 2-26-20](#)

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

- There would be 31 residential dwellings on 2.1 acres.*
- They were working to relocate some of the utilities. The waiver for above ground power was no longer needed.*
- Portland Water District (PWD) had provided an Ability to Serve letter.*

- The Stormwater Permit application had been submitted to DEP.
- Additional lighting was proposed that would be lower intensity and closer to the ground.
- The traffic assessment had recommended that vegetation for 150 feet on each side of the entrance be cut back and maintained.
- They requested a waiver from the requirement for a second access to a public street because they proposed 31 dwelling units.
  - o Reducing the proposal by one unit wouldn't seem to affect safety.
  - o There were two means of access. The secondary connection was to an abutting business condominium development where the fire station was located. That access was recommended to be restricted to emergency vehicles only.
- They requested a waiver of the DEP flooding standard for the 25 year storm because there would be a small increase.

A new pump station was proposed as an infrastructure improvement. It would be constructed by PWD. The district had hired Gorrill-Palmer Consulting Engineers for site design and engineering. Will Haskell, of Gorrill-Palmer Consulting Engineers, explained:

- The proposed structure would be 8 X 10 feet and used to house controls for the pump station.
- Design standards in the land use ordinance applied to the building. It would be a challenge to meet the requirement because of security concerns.
- There would be a pad for an emergency generator, which may be added later; an eight foot in diameter wet well, set in the ground; a smaller valve pit outside of the wet well; and a force main that went up Depot Street and would discharge onto a gravity line at the intersection of Depot and Mechanic Streets.
- Landscaping was proposed to screen the perimeter of the pump station.

Public Comment:

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

Continuing Business:

Jenn Curtis explained the ordinance required facades that faced public streets to have 40% of the ground floor be transparent openings. There were security concerns for the pump station caused by the requirement. Damage to the pump could cause catastrophic failure.

Consensus of the Board was that no windows were ok for the pump station but that it should match the larger project in appearance.

The Board discussed the waiver request for the second access requirement.

- Did the applicant have right, title, or interest in the area of the proposed second access on the abutting property?
- What about winter maintenance to keep that accessible?
- There should be a recorded, deeded easement for the right-of-way.
- One entrance was not enough, and the second access would not seem adequate if it was only used for emergency vehicles.
- What did the Fire Chief want? It would be nice to have the second access, but it should be deferred to him.
- If it was not maintained the second access would be useless.

Keith Elder made a motion to approve the waiver request for two street connections

*and to require either signage or a gate to restrict access to emergency traffic only.*

*Seconded by Colin Swan.*

*Vote: Three in favor. Tyler Dunlea, Kaitlyn Tuttle, and Michael Devoid opposed.  
The motion failed.*

*The Board discussed the waiver request of the DEP flooding standards.*

*Mark Arienti, Town Engineer, stated he had reviewed the applicant's response to comments and thought the basis for requesting the waiver was reasonable and justified.*

*Kaitlyn Tuttle made a motion to approve the waiver request.*

*Seconded by Tyler Dunlea.*

*Vote: All in favor.*

*Drew Mayo made a motion that the Preliminary Subdivision and Site Plan application for 19-21 Depot Street Apartments on Tax Map: 38, Lot: 37-A was to be approved with conditions with the following findings of fact and conclusions.*

#### **FINDINGS OF FACT**

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

- *The applicant should indicate whether there are mapped floodplains on the project parcel.*
- *The proposed subdivision is in the Presumpscot River Watershed, which is not listed in Chapter 502: Direct Watersheds Of Lakes Most At Risk From New Development, And Urban Impaired Streams of the Maine Department of Environmental Protection.*
- *A hydrogeologic assessment is not required because the project is proposed to be served by public sewer. (See FOF E) Per 910.C.1(c)(3)(ii), the Board may require a hydrogeologic assessment in cases where site considerations or development design indicate greater potential of adverse impacts on groundwater quality.*
- *The project must submit approval from the Maine Department of Environmental Protection (DEP) under Stormwater Law with the Final Plan.*
- *Written communication from Maine DEP dated December 4, 2019, states that the applicant needs to submit a Stormwater Permit By Rule for the outfall, because it is within 25' of a stream.*
- *The Final Plan must include approval from the Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.*
- *The Preliminary Plan submission notes that the amount of wetland alteration will be 11,761sf.*
- *A NRPA Tier 1 Permit will be required with the Final Plan application.*
- *An Army Corps of Engineers permit will be required with the Final Plan application.*
- *Written communication from Maine DEP dated December 4, 2019, states that 25'(the setback shown on the Preliminary Plan) is the minimum distance the applicant was told that all development needed to be from the stream at a November 5, 2019 preapplication meeting.*
- *The 75-foot stream setback should be shown on the Plan.*
- *Staff note that duplex units 3-6, the pump station, and pump station parking are*

within the 75' stream setback.

- A NRPA-PBR permit allowing use within the stream setback will be required for the Final Plan
- The project site is connected by historical land use and formerly joined property to a Voluntary Remedial Action Plan (VRAP) site – the L.C. Andrews Lumber Mill. Staff obtained and read a copy of the Certificate of Completion for the VRAP, issued in 2003. In follow-up conversation with Nick Hodgkins, a representative of DEP's VRAP program, Staff were informed that removal of containerized wastes was the extent of the remedial action at the site, as contaminated soils were not encountered during the redevelopment. Mr. Hodgkins recommended that the developer should be looking out for potentially impacted soils (petroleum) and act accordingly if they find some (to include notifying DEP and getting a professional environmental specialist consultant to observe and sample). See conditions of approval 3 & 4.

#### B. WATER

- All dwelling units will be served by public water.
- There are two hydrants within 500' of the proposed driveway entrance – one at High Street and one on 202/Main St. The project is less than 400' in depth.
- The proposed buildings will be served by sprinkler systems.
- The Preliminary Plan submission depicts fire protection water lines connecting to the two 12-unit buildings, but not the four duplexes. Fire protection code does not require sprinklers in duplexes.
- The Preliminary Plan submission must include a written statement from the Portland Water District (PWD) that there is adequate supply and pressure for the subdivision.
- The applicant stated that they initiated coordination with the PWD and submitted a copy of a chain of email communication with PWD dated November 20, 2019 to November 22, 2019, indicating that the PWD is reviewing the applicant's information.
- The Final Plan submission must include an Ability to Serve letter.
- An Ability to Serve letter from PWD dated December 16, 2019 was included with the February 18, 2020 submission.

#### C. SOIL EROSION & STORMWATER MANAGEMENT

- 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.
- A soil erosion and sediment control plan must be submitted as part of the Preliminary Plan.
- A soil erosion and sediment control plan was submitted as part of the Preliminary Plan. The plan includes pollution prevention, temporary soil stabilization BMPs, sediment barrier BMPs, storm drain inlet protection, stabilized construction entrance/exit, dust control, land grading and slope preparation, topsoil treatment, permanent soil stabilization, stormwater channel construction, winter erosion and sedimentation controls, housekeeping notes, and details of berms, drip edges, construction entrance, and erosion control measures.
- Town Engineer, Mark Arienti, P.E., commented in an email dated September 13, 2019: "As acknowledged by the Applicant, the proposed development will create 1.1 acres of new impervious area and will require a Maine DEP Stormwater Permit." The permit must be submitted as part of the Final Plan.
- Town Engineer, Mark Arienti, P.E., commented in an email dated September 13, 2019: "The Applicant has made an initial estimate of 4,000 square feet of wetland fill required for the proposed development, but plans to conduct a formal wetland

delineation of the property. The delineation should assess whether there is a stream within this wetland area, which could affect permitting requirements for the development and feasibility of the proposed pump station location.”

- This project is in the NPDES (National Pollutant Discharge Elimination System) area as designated by the Environmental Protection Agency for the Town of Windham. As a result, there will be additional construction inspection requirements and ongoing requirements for reporting of stormwater infrastructure maintenance as there is more than one (1) acre of development. See recommended Condition of Approval #2.
- The Preliminary Plan application included a Stormwater Management Plan that indicates the plan will result in a decrease of stormwater impact. It proposes to create 34,685 sf of new impervious area, and treat 95% of it, and to create 49,024 sf of new developed area, and to treat 80% of it. Treatment will be through catch basins, an SC-740 unit, and Filterra system.
- Town Engineer, Mark Arienti, P.E., commented in an email dated November 27, 2019: The application includes an analysis of stormwater quality treatment requirements per Maine DEP Ch. 500, but no analysis of stormwater quantity management per paragraph J.6. of Windham's Subdivision Ordinance was included. [The applicant should] submit a Stormwater Management Plan as required under Section 910 of the Subdivision Ordinance that addresses the stormwater quality and quantity requirements in DEP Ch. 500.
- The applicant responded in comments dated February 18, 2020 that: “The stormwater report has been updated to include a quantity analysis for the 2, 10 and 25-year storm recurrence intervals. The projected design effectively limits the post-development peak rate of runoff at or below the pre-development rate for all design storms with the exception of a small increase in the 25-year storm...”
- Town Engineer, Mark Arienti, P.E., commented in an email dated February 26, 2020: “The applicant has requested a waiver from the flooding standard since their evaluation shows that there will be an increase in peak flow for the 25-yr storm of 1.77 cfs (5.36%) from the pre- to the post-development condition. Can the soil filter or detention area DA-1 increased in size to minimize the increase in peak flow.
- Town Engineer, Mark Arienti, P.E., commented in an email dated November 27, 2019: The redevelopment stormwater analysis assigns a ranking of “3: Other parking lots and driveways; Flat asphalt rooftops; Roofs on an industrial facility” for the driveway area from Depot St. into the property approximately 180 feet for both the existing and the developed condition when this area is a paved driveway. It doesn't seem appropriate that the ranking of the developed condition, where the surface is paved, should be the same as for the existing condition where the surface is vegetated.
- The applicant responded in comments dated February 18, 2020 that: “The historical use of this area was for parking of trailers and equipment and an industrial driveway, which we have classified as Pollutant Rank 3. We have increased the intensity of use to Pollutant Rank 4 for the portion of the proposed pavement that will be used for parking...”
- Town Engineer, Mark Arienti, P.E., commented in an email dated February 26, 2020: To meet the treatment requirements under the General Standards, the stormwater evaluation has utilized the Redevelopment Standards of Ch. 500 for the area of the site that has been used as a gravel access road and for trailer parking. The area they have designated as redevelopment seems reasonable.
- See FOF under “A. Pollution” for additional DEP and Army Corps stormwater and wetlands permit requirements.
- Town Engineer, Mark Arienti, P.E., had several additional questions and comments about the Stormwater Management Plan in an email dated February 26, 2020, including questions about the Hydrocad routing diagram and modeling, if there

*will be sufficient separation between the filter basin and the water table to preclude the need for a liner, and a request for additional detailed ground topography for the footprints of the filter basin to ensure functionality.*

#### **D. TRAFFIC**

- *The sketch plan indicates that the project will utilize an existing curb opening on Depot Street. The applicant must have a Town of Windham Public Works Department Curb Cut Permit to make use of it.*
- *The applicant is proposing 2 parking spaces per dwelling unit.*
- *The Preliminary Plan should include sight distances when exiting the site onto Depot Street.*
- *The applicant is proposing a secondary access point through the Little Falls Industrial Condominium Subdivision. The Preliminary Plan submission should depict the connection and clarify the proposed extent of use; specifically, whether it will be limited to emergency vehicles. If limited to emergency vehicles, the means of limiting ingress and egress should be included. The applicant should prove appropriate right title and interest for use of the connection.*
- *A traffic impact study is required if the project will generate fifty (50) or more trips during the a.m. or p.m. peak hour. With a proposed 70 parking spaces a Traffic Impact Analysis prepared by a Maine Licensed Professional Engineer with experience in traffic engineering will be required. Impacts to the Little Falls Industrial Condominium Subdivision of the proposed secondary access should be considered. Trip generation information should be provided with the Preliminary Plan submission.*
- *The February 18, 2020 submission included a traffic Assessment dated February 4, 2020 produced by William J. Bray, P.E. of Traffic Solutions. The assessment states that "The proposed 31 residential apartment units can be expected to generate a total of 206 trips during a typical weekday; 16 trips in the morning peak hour and 19 trips in the evening peak hour." The report also states that there are no high crash locations on Depot Street, and that recommends that all trees and low-level vegetation located in the public street right of way of Depot Street, extending a distance of approximately 150-feet in either direction from the center of the proposed driveway entrance, be removed and maintained as necessary to ensure adequate sight distance.*
- *Depot Street is planned for an upgrade. The applicant should coordinate with public officials to avoid unnecessary damage to the new street.*
- *Per Section 911.M.5.a.6 (pg 9-60) access drive standards for condominium and multifamily subdivisions shall meet the major private road standard*
- *911.M.5(b)(7) Street Connection Requirements, requires a subdivision with 31 or more lots or units to have a minimum of 2 connections with an existing public street. The applicant is requesting a waiver of this requirement.*
- *Staff recommended maintaining adequate turning radius areas for emergency vehicles to use the access drive.*
- *Sidewalks are proposed on Depot Street and within the development. Staff recommends reducing travel distances through the parking area with direct route sidewalks.*
- *The Preliminary Plan should show bike parking as required in 813.D.6.*
- *Town Engineer, Mark Arienti, P.E., commented in an email dated November 27, 2019: Sight distances along Depot St. from the subdivision entrance must be shown on the plans.*
- *The applicant indicated in a response to comments dated December 3, 2019 that at a formal traffic impact analysis is being prepared and should be completed prior to the [December 9, 2019] Planning Board meeting.*
- *Town Engineer, Mark Arienti, P.E., commented in an email dated February 26,*

2020: "At least one of the handicap spaces should be marked as van-accessible."

- Town Engineer, Mark Arienti, P.E., commented in an email dated February 26, 2020: "The location of bike racks and detail for design should be included in the plans."

#### E. SEWERAGE

- The site will be served by public sewer. The Final Plan must include an Ability to Serve letter from the Portland Water District (PWD) for the proposed project.
- The applicant stated that they initiated coordination with the PWD and submitted a copy of a chain of email communication with PWD dated November 20, 2019 to November 22, 2019, indicating that the PWD is reviewing the applicant's information.
- Town Engineer, Mark Arienti, P.E., commented in an email dated September 13, 2019: "The Sketch Site Plan shows the potential location of a new Portland Water District (PWD) pump station just to the left (west) of the entrance to the proposed subdivision. This is likely a good location considering the elevation and proximity to the subdivision, but the space allotted for the pump station is likely not sufficiently large enough to accommodate maintenance vehicles such as vacuum trucks. A space potentially as large as 35'x35' may be needed. The applicant may want to consider eliminating or moving the proposed driveway parking shown on the plan adjacent to Unit 1 so that PWD can acquire this space to access the pump station."
- An easement for PWD access should be included with the Final Plan.
- Town Engineer, Mark Arienti, P.E., commented in an email dated February 26, 2020 that the plans should incorporate concurrent plans being developed by Gorriell Palmer for the pump station and associated control building, wet well, and maintenance parking to be developed in the easement area shown on the plan.

#### F. SOLID WASTE

- The applicant should identify how the disposal of solid waste will be managed and provide elevations and details of the enclosure.
- The Preliminary Plan includes details for the fence enclosure – it is to be a 6' tall vinyl wrapped chain link fence with plastic privacy slats, on a concrete pad.

#### G. AESTHETICS

- Street trees are required at least every fifty (50) feet.
- The Preliminary Plan includes a Landscaping Plan. It does not meet the street tree requirement for the access drive area between the entrance and the first driveway curve. The final plan should include a landscaping plan that meets the ordinance requirement.
- Limits of tree clearing shall be shown on the preliminary 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 applicant stated that there is no tree cover depicted on the plan, and so no treeline has been depicted, and no corresponding note has been the plan.
- The dumpster enclosure is situated perpendicular to the driveway entrance, will be visible from Depot St and will be in the view straight ahead when accessing the site.

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

- Comprehensive Plan:

- *The plan does meet the goals of the 2017 Comprehensive Plan and is located in the South Windham Growth Area.*

- *Land Use Ordinance:*
  - *The net residential density calculations are shown on the plan.*

- *Subdivision Ordinance*
  - *A landscaping plan must be submitted with the Preliminary Plan.*
  - *A landscaping plan is included with the Preliminary Plan. It shows trees spaced around the perimeter, and trees, shrubs, and perennials in the parking areas and around buildings. They are used to obscure*
  - *Standard notes and the standard condition of approval must be shown on the plans.*
  - *Digital transfer of the subdivision plan data must be submitted with the Final Plan submission for inclusion with the Town's GIS.*

- *Others:*
  - *Chapter 221 Street Naming and Addressing: Following consultation with the Assessing Department, a proposed road names for the access drive must be shown on the Final Plan.*
  - *Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 area*

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

- *Evidence of financial capacity must be provided as part of the Preliminary Plan submission.*
- *The Preliminary Plan included a project cost estimate of \$390,000, broken down by construction components. The applicant states that a letter indicating the ability to fund the project will be submitted with the final plan. Staff note that Financial Capacity is a listed submission requirement of a major preliminary subdivision plan (911.C.1.(a)(16). Staff noted the application deficiency in an email to the applicant on February 25, 2020.*
- *Evidence of technical capacity must be provided as part of the Preliminary Plan submission.*
- *As evidence of technical capacity, the applicant stated that the plans were prepared by DM Roma Consulting Engineers, prepared by a Maine Licensed P.E., and the wetland boundaries were delineated by Alex Finamore, a licensed site evaluator and wetland scientist with Mainely Soils, LLC.*

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

- *The project is located within the Presumpscot River Watershed. This project will not adversely impact any river, stream, or brook.*

#### *CONCLUSIONS (N/A)*

1. *The proposed subdivision will/will not result in undue water or air pollution.*
2. *The proposed subdivision has/does not have sufficient water available for the reasonably foreseeable needs of the site plan.*
3. *The proposed subdivision will/will not cause an unreasonable burden on an existing water supply.*
4. *The proposed subdivision will/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/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/will not provide for adequate sewage waste disposal.*

7. *The proposed subdivision will/will not cause an unreasonable burden on the municipality's ability to dispose of solid waste.*

8. *The proposed subdivision will/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/does not have adequate financial and technical capacity to meet the standards of this section.*

11. *The proposed subdivision is/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/will not alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.*

13. *The proposed subdivision is/is not situated entirely or partially within a floodplain.*

14. *All freshwater wetlands within the proposed subdivision have/have not been identified on the plan.*

15. *Any river, stream, or brook within or abutting the subdivision has/has not 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.*

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.*

20. *Timber on the parcel being subdivided has/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 August 5, 2019, as amended February 18, 2020, 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. *Approval is subject to the requirements of the Post-Construction Stormwater*

*Ordinance, Chapter 144. Any person owning, operating, leasing or having control over stormwater management facilities required by the post-construction stormwater management plan must annually engage the services of a qualified third-party inspector who must certify compliance with the post-construction stormwater management plan on or by May 1st of each year.*

*3. Soils excavated on the site should be evaluated by an Environmental Professional (Licensed Engineer or Certified Geologist with experience in environmental assessment) to determine if they are impacted by oil and/or hazardous substances and require special handling if disposed of offsite or reused on site.*

*4. There shall be a note on the plans to indicate that the MEDEP be notified if oil or hazardous substance-impacted soils are encountered.*

#### **SITE PLAN REVIEW**

#### **FINDINGS OF FACT**

##### *Utilization of the Site*

- See Subdivision Review.

##### *Vehicular and Pedestrian Traffic*

- See Subdivision Review.

##### *Sewage Disposal and Groundwater Impacts*

- See Subdivision Review.

##### *Stormwater Management*

- See Subdivision Review.

##### *Erosion Control*

- See Subdivision Review.

##### *Utilities*

- *There is an existing overhead electrical line and buried gas line traversing the site. Both will be relocated. Electrical, telephone, and cable service to the development are to be provided by underground service.*
- *The Preliminary Plan includes a Grading and Utilities Plan, which shows the planned locations and connections to sanitary sewer, force main, water main, gas main, and electric. It shows a new utility pole near the proposed substation that would have three phase power installed over head to another new utility pole at the eastern property boundary, which would run along the eastern edge of the property, across two more new poles. Underground utility would be run from the new pole near the substation to the proposed buildings.*
- *812.I states that "The development shall be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility facilities shall be screened from view to the extent feasible. Utility lines shall be placed underground."*
- *The Final Plan will require a waiver of 812.I, for some of the utility lines to remain overhead.*

- The generator pad, pump station, utility pole, have no proposed landscaping around them.

#### *Financial Capacity*

- See Subdivision Review.

#### *Landscape Plan*

- A landscaping plan must be submitted as part of the Final Plan submission.
- See Subdivision Review

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

##### *1. Land Use*

- See Subdivision Review.

##### *2. Comprehensive Plan*

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

*3. Others: The Preliminary Plan submission shall include detailed information on how the project will comply with Section 813 Commercial District Design Standards. The plan to comply with Section 813 must incorporate the proposed pump station.*

- The submission on February 18, 2020 includes notes on which Commercial District Design Standards at 813 the applicant intends to meet, and how they intend to meet them. Staff note that the applicant responded to requirement A.5.e: "It is our opinion that the requirement for 40% display windows on the ground floor is not appropriate for residential housing." (813.A.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."). Staff find that where this requirement is not optional, the applicant would have to comply, or secure a waiver.
- The applicant is electing to comply with B3 as one of their elective standards. B3 is for Interconnected Parking Lots, and intended for "...connections between abutting properties shall be provided to facilitate deliveries and minimize turning movements onto the highway." Staff do not find it applicable to this project, unless the secondary connection is for more than just emergency use.

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

- Site lighting must be shown on Final Plan, and details of fixtures must be included in the submission.

#### *CONCLUSIONS*

- 1. The plan for development reflects/does not reflect the natural capacities of the site to support development.*
- 2. Buildings, lots, and support facilities will/will not 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/will not be maintained and protected to the maximum extent.

4. The proposed site plan has/does not have sufficient water available for the reasonably foreseeable needs of the site plan.
5. The proposed site plan will/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/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/will not 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/does not have 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/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/does not 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 August 5, 2019 as amended February 18, 2020, 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.
2. Approval is subject to the requirements of the Post-Construction Stormwater Ordinance, Chapter 144. Any person owning, operating, leasing or having control over stormwater management facilities required by the post-construction stormwater management plan must annually engage the services of a qualified third-party inspector who must certify compliance with the post-construction stormwater management plan on or by May 1st of each year.
3. Soils excavated on the site should be evaluated by an Environmental Professional (Licensed Engineer or Certified Geologist with experience in environmental assessment) to determine if they are impacted by oil and/or hazardous substances and require special handling if disposed of offsite or reused on site.
4. There shall be a note on the plans to indicate that the MEDEP be notified if oil or hazardous substance-impacted soils are encountered.

Seconded by Kaitlyn Tuttle.

Vote: All in favor.

[PB 20-024](#)

18-31 Cook Road Retirement Community. Major subdivision and site plan final plan review. Jim Cummings to request review of a 46 unit

residential subdivision in eighteen (18) duplexes, one (1) six-unit building and one (1) four-unit buildings. The property in question is located at Cook Road and 306 Gray Road and identified on Tax Map: 9, Lot: 5, Zone: Farm (F) and Retirement Community and Care Facility Overlay District (RCCFO).

**Attachments:** [18-31 Cook Road Retirement Community\\_Final 03-04-2020](#)

[Final Application](#)

[Cook Road Retirement - FULL SET REVISED](#)

[1841-Phasing Plan](#)

[condominium declaration cook road condominiums 20200303 clean](#)

[Peer Review 2-26-20](#)

[1841 POND SIZING Rev 2 GW#1](#)

*Larry Bastian, with Terradyne Consultants, was present representing the applicant. He explained:*

- *They had received their DEP stormwater and NRPA wetland permits.*
- *Daylight basements had been eliminated for some units on Batten Lane and grading would provide front yards.*
- *Maintenance provisions for the septic systems had been added to the condo documents.*
- *New grading and volume capacity calculations had been provided for the forebay of the gravel wetland.*
- *Illumination would be via a combination of street and building lighting.*
- *Public water would be internally metered on Cook Road. A separate fire service line would provide sprinkler service to the larger buildings.*
- *Septic systems were proposed in three phases.*
- *A blasting plan had been provided. Blasting was most likely for utility trenches in each phase and for some basements.*

*The Board commented:*

- *Did the blasting plan meet what the Board was looking for? The only limit on blasting was 7 pm to 7 am and on Sunday.*
- *Was the preblast survey available to the public?*
- *Would the project be approved in all three phases?*

*Drew Mayo made a motion that the final subdivision and site plan application for project 18-31 Cook Road Retirement Community 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: All in favor.*

*Drew Mayo made a motion that the final Subdivision and Site Plan application for 18-31 Cook Road Retirement Community on Tax Map: 9, Lot: 5 is 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 not 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 has an average density of more than one dwelling unit per 100,000 square feet.*
- *The November 19, 2018 submission includes a nitrate-nitrogen assessment dated November 17, 2018 prepared by Stephen Marcotte, CG, LSE of Summit Geoengineering Services that concludes that the proposed subsurface wastewater disposal systems serving the proposed Cook Road Retirement Community will not result in an increase of nitrate-nitrogen above 10 mg/L in groundwater at the property boundary.*
- *In an email dated December 3, 2018, Town Engineer Jon Earle P.E., asked if a plan showing the nitrate plumes at each disposal field location would be provided.*
- *A nitrate plume plan was included in the December 17, 2018/January 2, 2019 submission. It also identifies that all disposal fields are located in the Black Brook watershed and private drinking water wells on abutting properties are more than 200 feet from the proposed disposal fields.*
- *In an email dated December 21, 2018, Town Engineer Jon Earle P.E., notes that the nitrate plumes leaving each of disposal fields do not exceed 10 mg/L at the property line.*
- *The December 23, 2019 submission included an updated septic system investigation produced by Summit Geoengineering Services and stamped by Site Evaluator Steven Marcotte. The report included an evaluation of soils and site conditions for septic suitability, required by State of Maine Wastewater Disposal Rules. The study notes under Soil Profile and Drainage Conditions that areas of shallow depth to bedrock soils occur throughout the property. The study includes a plan showing the location of septic systems, test pits, and test borings, in relation to wetlands and proposed buildings and infrastructure. It concludes that the proposed disposal system meets the State of Maine Subsurface Wastewater Disposal Rules for first-time systems. The report confirms that the drilled wells for 7 Cook Road and 12 Cook Road are located within 200 feet of the property boundary and that there are no disposal fields located within the 200' setbacks. It also noted that the drilled well for 17 Cook Road is located more than 200 feet from the property boundary.*
- *The December 23, 2019 submission included a Revised Nitrate-Nitrogen Assessment report produced by Summit Geoengineering Services. The report states that "The capacity of the wetlands to remove nitrogen from shallow groundwater through plant uptake and microbial activity is significant." and includes a plan that depicts 10mg/L nitrate plumes terminating at the wetland boundaries, "...because, based on our calculations, there are sufficient wetland areas in each watershed to reduce the concentration of nitrate-nitrogen in shallow groundwater to a concentration less than 10 mg-N/L at the property boundary." Supporting calculations were provided.*
- *A Blasting Plan was included in the additional material submitted on February 19, 2020. Among other things, the Plan requires pre-blast surveying, the limitation that it may not occur between 7 PM and 7AM, blast monitoring, and prior notification to all persons within 1,000 feet of the blast site.*

**B. WATER**

- *The development will be served by public water for domestic use.*
- *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.*
- *The November 19, 2018 submission states that plans have been sent to the*

Portland Water District for review.

- The January 2, 2019 submission states the Portland Water District reviewed the plans and provided comments, which have been included in the Utility Plan.
- 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.
- Existing fire hydrants are located on Gray Road at the southern corner of the intersection of Webb Road and to the north in front of 313 Gray Road.
- At the Development Team Meeting on October 1, 2018 Deputy Fire Chief John Wescott stated that new hydrant locations would depend on where a new water main was proposed but in general they request they are located approximately 1,000 feet from the existing hydrants. Proposed hydrants should be shown on the plan. Fire Chief Brent Libby also commented that the 4-unit buildings would require sprinkler systems, per the state building code.
- The Utility Plan shown on Sheet C-3.0 of the Preliminary Plan set dated November 18, 2018 shows a proposed hydrant located north of the intersection of the proposed subdivision streets, approximately 250 feet from Gray Road.
- An Ability to Serve letter from Portland Water District dated December 26, 2019 was submitted to the Town as an addition to the December 23, 2019 submission. It confirms that the District is able to serve the proposed project. The letter notes that it does not guarantee any quantity of water or pressure through a fire protection service, so the sprinkler system designer should plan accordingly.

#### C. SOIL EROSION & STORMWATER MANAGEMENT

- An erosion and sedimentation plan, prepared by Terradyn Consultants, LLC dated November 18, 2018, has been submitted as part of the Preliminary Plan on Sheet C-2.0. Notes and details are shown on Sheet C-5.2.
- 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.
- Freshwater wetlands have been identified on the plan. The preliminary plan identifies one area of wetland alteration of 4,660 square feet.
- The December 23, 2019 submission included an Army Corps General Permit #NAE-2019-01233 dated August 8, 2019. A note referencing this permit must be added to the Final Plan.
- A note for Army Corps general permit NAE-2019-01233 was added to the Plan dated February 18, 2020.
- This project requires a Maine Department of Environmental Protection (DEP) Natural Resources Protection Act (NRPA) Tier-1 permit for wetland alterations. The permit must be submitted with the Final Plan.
- A note for Maine DEP permits L-2825-NJ-A-N and L-2825-TA-B-N was added to the Final Plan dated February 18, 2020.
- A stormwater management plan has been submitted as part of the November 19, 2018 Preliminary Plan submission. The project proposes to treat the 5.93 acres of developed area and 2.77 acres of total proposed impervious area with three (3) underdrained filter basins, two (2) gravel wetlands and selectively placed roof drain filter strips. A treatment table is shown on the Post Development Watershed Map on Sheet C-6.1.
- The subdivision plan should note which buildings require roof drain filter strips.
- The maintenance plan of stormwater management facilities identifies the Cook Road Retirement Community Owners Association as the party responsible for maintenance of all stormwater management structures.

- In an email dated November 30, 2018, Town Engineer Jon Earle P.E., noted that the project meets the Chapter 500 Basic and General standards but in regard to the Flooding Standard he requested the HydroCAD calculation for the predevelopment conditional to verify the table in the stormwater report narrative.
- The December 17, 2018/January 2, 2019 submission notes on Sheet C-2.0 that roof drain filter strips are to be installed at Units 1-10, 31-36, 23-30, and the club house. HydroCAD output was also submitted.
- The roof drain filter strip note must be shown on the subdivision plan prepared for recording and submitted with the Final Plan.
- In an email dated December 21, 2018, Town Engineer Jon Earle P.E., notes that the HydroCAD output concur with peak flows listed in the stormwater management report.
- The road cross section changed in the December 17 submission from the November 19 submission, but the December 31 revised plan returns to the road cross section/stormwater management report from November 19 so the project still meets the DEP Chapter 500 standards.
- In an email dated December 21, 2018 Town Engineer Jon Earle P.E., asked if LIDAR data was used as the basis for the existing conditions topography. If so, the final plan submission should include field survey/verification of the constructed stormwater BMPs.
- The January 2, 2019 submission suggests that the requirement for ground topographic survey at gravel wetland #1, gravel wetland #2 and filter basin #1 be made a condition of preliminary plan approval.
- In an email dated February 13, 2019 Will Haskell, P.E of Gorrill-Palmer asked if a note had been added to the plan to require a field survey at the stormwater BMP's to verify the Lidar topography.
- In a response to comments dated February 14, 2019, the applicant state that the survey date file was re-checked and found that the 1-foot contours are based on ground survey, not LiDAR, so no additional ground survey is needed at the stormwater BMP locations.
- In an email dated December 30, 2019 Town Engineer Mark Arienti, P.E., commented that he had reviewed the application materials submitted on December 23, 2019 and previous peer review comments and responses. He stated that it appears that the applicant has addressed the previous reviewers comments and noted that:
  - o The DEP Stormwater and Tier 1 Wetland Alteration permits are required for final approval.
  - o It would be helpful to know where the roof drain filter strips are to be installed and the finish floor elevations of the building units.
  - o Based on the proposed grading shown on Sheet 3.0, it is not clear how positive drainage away from the north side of units 19 and 20 will be achieved
- An additional submission by the applicant on February 19, 2020 included responses to Mark's comments. Mark reviewed the additional submission and responded that most of his questions were answered, but also requested additional information about forebay storage volume for gravel wetland #1.
- The applicant responded with revised calculations for the gravel wetland storage, dated March 3, 2020.
- Mark reviewed the revised calculations and commented on March 4, 2020 that: "The revised design now provides a 571 CF capacity for the forebay, which exceeds the requirement of 10% of the water quality volume."

#### D. TRAFFIC

- The development will have access from the new internal network of subdivision

streets. These streets will connect Gray Road and Cook Road, public paved roads.

- Per Section 911.M.5.a.6 (pg 9-58) access drive standards for condominium subdivisions shall meet the major private road standard (right-of-way width is not applicable).
- 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. The Town of Windham Streetlight Policy, adopted June 25, 2013, states that streetlights should be at intersection with private roads that serve more than 10 units.
- The preliminary plan dated November 19, 2018 shows streetlight at the intersections of Cook Road and Gray Road and at the dead ends of the proposed subdivision streets. Section 911.M.3.d states that additional streetlights beyond at the intersections with public streets shall be discouraged to avoid excessive light pollution.
- The revised preliminary plan dated December 31, 2018 shows streetlights at the intersections of Cook Road and Gray Road.
- Based on the distance to uses that would generate pedestrian trips, sidewalks are not required.
- The sketch plan shows the roads with a 4 foot wide paved shoulder for pedestrian access as well as a 4 foot wide bituminous sidewalk in front of Units 1-20. At the Development Team Meeting on October 1, 2018 Project Engineer Larry Bastian stated that the sidewalk would be removed from the plan to reduce the amount of impervious area on the site.
- The preliminary plan shows seven (7) 9'x18' parking spaces for the 1,040 square foot club house. 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 use. The ordinance requires that 30% of the spaces are 10'x20'.
- The December 31, 2018 revised plan shows three (3) 10'x20' parking spaces at the clubhouse in addition to six (6) 9'x18' parking spaces. Any additional parking for clubhouse activities could be accommodated with on-street parking.
- 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. The applicant requested a waiver from this submission requirement in the submission dated January 2, 2019.
- The November 19, 2018 preliminary plan submission states that the based on the ITE Trip Generation Manual this development will result in approximately 3 trips during the AM peak hour and approximately 5 trips during the PM peak hour. The total number daily trips should be provided.
- The January 2, 2019 preliminary plan submission states that the development will generate 158 total daily trips, 18 AM trips, and 16 PM trips.
- Road profiles, shown on Sheets C-4.0 and C-4.1, and typical road sections at wetland crossings and outside wetland crossings, shown on Sheet C-5.0, prepared by Terradyn Consultants LLC, dated November 19, 2018, was submitted as part of the Preliminary Plan.
- The road cross sections propose a 12' travel lane with a 3' gravel shoulder and a 10' travel lane with a 4' paved shoulder on the curbed side.
- The proposed cross section exceeds the required Major Private Road standard of 10' travel lanes, 2' paved shoulders, and 2' secondary gravel shoulder without curb. The standard private road note should be added to the plan.
- In an email dated November 30, 2018, Town Engineer Jon Earle P.E., stated that the provided peak hour trip generation seems low and asked for clarification that the project does not required a traffic impact analysis. He also asked that sight

distances at the intersection on Cook Road and Gray Road be provided.

- The road cross section changed in the December 17 submission from the November 19 submission, but the December 31 revised plan returns to the road cross section from November 19. Sight distances are shown on the revised plan dated December 31, 2018.
- In an email dated December 21, 2018 Town Engineer Jon Earle P.E., stated that the request to waive the traffic impact study is reasonable as a study would not add any apparent value and offsite improvements are not necessary for this level of development.
- A Traffic Impact Study dated February 2019 prepared by William Bray, P.E. It notes that 46 senior condo units can be expected to generate 158 daily trips; 9 trips in the morning peak hour, 12 trips during the afternoon peak hour, and 14 trips during a typical Saturday peak hour. The proposed site access driveway on Gray Road and on Cook Road, and the Gray Road/Cook Road intersections are expected to operate at the best level of service in post-development travel conditions. No left-turn lanes are warranted.
- In an email dated February 13, 2019 Will Haskell, P.E of Gorrill-Palmer had no comments on the traffic impact study.

#### E. SEWERAGE

- The development will be served by individual private subsurface wastewater disposal systems.
- Soil test pit analysis included in preliminary septic system investigation report prepared by Stephen Marcotte, CG, LSE of Summit Geoengineering Services dated November 17, 2018 show that the property has adequate soils to support private septic systems.
- Ten (10) septic system locations are shown on the preliminary subdivision plan. Test pit locations are shown on Sheet C-2.0 of the December 31, 2018 preliminary plan set.
- See findings of fact under Pollution for Septic System Investigation and Hydrogeologic Assessment
- The Maine Department of Health and Human Services letter approving the reductions in disposal field sizing compared to standard sizing requirements includes the following requirements:
  - o A minimum separation distance of 12 inches shall be maintained between the seasonal high groundwater table and the lowest elevation of the system's disposal field;
  - o A minimum separation distance of 12 inches shall be maintained between bedrock and the lowest elevation of the system's disposal field;
  - o Maintenance agreement contracts must be included with all system installations. Terms and duration of the contracts shall be in accordance with Fuji Clean's company policies.

#### F. SOLID WASTE

- As part of the final plan submission the applicant should specify if the residents of the dwellings will participate in the Town's pay-per-bag garbage program or if a private on-site dumpster will be provided. A dumpster location should be shown on the plan and screening detail provided. (See Site Plan Findings Below)

#### G. AESTHETICS

- The site is mostly wooded and containing a single family dwelling with a detached

garage. The existing buildings will be demolished to accommodate the proposed development.

- There are no documented rare botanical features or significant wildlife habitat documented on the site.
- Street trees are required at least every fifty (50) feet (§ 911.E.1.b). Streets trees are shown on the December 31, 2018 preliminary plan.
- Approximately 30 Canadian Hemlocks are depicted as a screen along Gray Road on the Landscaping Plan submitted on December 23, 2019.
- Limits of tree clearing are shown on the preliminary plan. Note 8 on the December 31, 2018 preliminary plan states that clearing of trees is not allowed in areas where tree cover is depicted on the plan for a period of at least five (5) years from the date of Planning Board approval.

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

- Comprehensive Plan:
  - The plan does meet the goals of the 2017 Comprehensive Plan.
- Land Use Ordinance:
  - All lots meet the minimum lot size (80,000 square feet) and frontage (250 feet) for lots in the Farm zoning district.
  - Net residential density calculations must be shown on the plan. They are shown on the December 31, 2018 Preliminary Plan.
  - The proposal meets the net residential density requirements and the setback requirements of the F and RCCFO districts.
  - District Standards, Section 407.E. The project must meet the standards of the RCCFO zoning district.
  - Buildings shall be designed that do not turn their back on the existing road.
  - Staff note that Units 21 & 22 should not turn their backs on Cook Rd as they appear to do in the December 23, 2019 submission.
  - Building elevations must be included with the Final Plan submission.
  - A building elevation showing the front-view of a proposed duplex condo unit was submitted on January 7, 2020. The Final Plan submission needs to include the back-sides of the buildings, especially those facing Gray and Cook Roads, and the Club House.
  - The final plan application submitted February 19, 2020 included building elevations for the front and parking sides of the dwelling units, indicating that units 1-22 will "face" Gray Road/Cook Road. The submission did not include elevations for the Club House.
  - Multifamily dwellings: The minimum setback from the external perimeter of the overall site shall vary depending on the height of the building. Building height 0-35 feet minimum setback 100 feet, building height 31-35 feet, minimum setback 150 feet.
  - Retirement Community dwellings shall be limited to 3 or fewer bedrooms per dwelling unit.
  - Submitted septic designs are for 2-bedroom units.
  - Retirement Community Performance Standards, Section 544.
  - The retirement community shall meet the standards established in 42 U.S.C.A §4607 for housing for older persons: The property owner shall notify the Department of Code Enforcement when compliance reports have been submitted to the U.S. Department of Housing and Urban Development (HUD).
  - If not part of the association documents, draft deed restrictions should be provided with the Final Plan that demonstrate that dwellings are intended and operated for occupancy by persons 55 years of age or older.

- *The Draft Condo Association documents submitted December 23, 2019 requires that "...at least one resident of each unit must at all times be fifty-five years of age or older. (9.5.A.)"*
- *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.*
- *The Town Addressing Officer stated that they prefer the condo units be labeled as units, as shown on the Final Plan, and that the units not have individual tax map and lot numbers assigned until after condominium association documents are filed.*
- *Unit #s are shown on the Plan Dated November 18, 2018. The Tax Map and Lot # must be shown on the Final Plan.*
- *The Tax Map and Lot # is included as part of General Note #2 on the Plan.*
- *Subdivision plan data compatible with the Town GIS must be submitted as part of the Final Plan submission.*
- *Condominium association documents should be provided with the Final Plan submission and must specify the rights and responsibilities of each owner with respect to the maintenance, repair, and plowing of the subdivision streets, open space and stormwater infrastructure.*
- *Draft Condominium association documents were included in the December 23, 2019 submission. They specify rights and responsibilities of each owner with respect to maintenance, repair, and plowing of the subdivision streets, open space and stormwater infrastructure. Staff recommend they include reference to the required septic maintenance agreements. (See finding of fact under Sewerage)*
- *A revised set of condominium association documents was submitted on March 4, 2020 with a reference to the septic maintenance contract requirement was added to the draft condominium association documents under section 12.1.G.*
- *Others:*
- *Chapter 221 Street Naming and Addressing: The street names shown on the November 19, 2018 and December 31, 2018 preliminary plan have not been approved by the Town. Street names approved by the Town Addressing Officer shall be shown on the Final Plan.*
- *The applicant submitted proposed road names to the Town Addressing Officer on January 7, 2020. The Final Plan must include approved road names on the plan.*
- *The Final Plan includes the approved road names; Galleon Road, Schooner Drive and Batten Lane. Schooner Drive intersects Gray Road, and Cook Road. Galleon Road is a spur to the south near the intersection of Schooner Drive and Gray Road, and Batten Lane is a spur to the north of Schooner Drive, aligned with Galleon Road.*

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

- *A letter dated January 10, 2019 from Brian C. Desjardins, Vice President Commercial Lending at Bath Savings Bank was included in the preliminary plan submission 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 both the Black Brook watershed and the Pleasant River watershed, the Town's priority watershed. The January 2, 2019 preliminary plan*

*submission includes a plan with the watershed divide and states that the project site is located primarily in the Black Brook watershed and a small area (0.8 ac) drains to the Pleasant River.*

- The project will not adversely impact any river, stream, or brook.*

#### CONCLUSIONS

- 1. The proposed subdivision will not result in undue water or air pollution.*
- 2. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the site plan.*
- 3. The proposed subdivision will not cause an unreasonable burden on an existing water supply.*
- 4. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.*
- 5. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.*
- 6. The proposed subdivision will provide for adequate sewage waste disposal.*
- 7. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste.*
- 8. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.*
- 9. The proposed subdivision conforms with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.*
- 10. The developer has adequate financial and technical capacity to meet the standards of this section.*
- 11. The proposed subdivision is situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.*
- 12. The proposed subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.*
- 13. The proposed subdivision is not situated entirely or partially within a floodplain.*
- 14. All freshwater wetlands within the proposed subdivision have been identified on the plan.*
- 15. Any river, stream, or brook within or abutting the subdivision has been identified on any maps submitted as part of the application.*
- 16. The proposed subdivision will provide for adequate storm water management.*
- 17. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1. 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 September 13, 2018, as amended March 9, 2020 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.*

#### SITE PLAN REVIEW

#### FINDINGS OF FACT

##### *Utilization of the Site*

- *See Subdivision Review.*

##### *Vehicular and Pedestrian Traffic*

- *See Subdivision Review.*

##### *Sewage Disposal and Groundwater Impacts*

- *See Subdivision Review.*

##### *Stormwater Management*

- *See Subdivision Review.*

##### *Erosion Control*

- *See Subdivision Review.*

##### *Utilities*

- *The Utility Plan included with the Preliminary Plan on Sheet C-3.0 notes the size of the existing water mains in Gray Road and show connections through the development to the proposed buildings.*
- *The applicant must secure a written statement from the Portland Water District that the development will not result in an undue burden on the system and the water lines will be installed in a manner adequate to provide needed domestic flows.*
- *Electrical, telephone, and cable service to the development shall be provided by underground service.*

##### *Financial Capacity*

- *See Subdivision Review.*

##### *Landscape Plan*

- *A landscaping plan must be submitted as part of the Final Plan submission.*
- *A landscaping plan was submitted with the December 23, 2019 submission.*

*Conformity with Local Plans and Ordinances*4. *Land Use*

- *See Subdivision Review.*
- *A dumpster location should be shown on the plan and screening detail provided. (812.T.2)*
- *The applicant stated at the March 9, 2020 Planning Board meeting that no dumpsters would be utilized, only curbside trash pickup.*

5. *Comprehensive Plan*

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

6. *Others:**Impacts to Adjacent/Neighboring Properties*

- *Site lighting must be shown on Final Plan, and details of fixtures must be included in the submission.*
- *The December 31, 2018 revised p plan shows a pedestrian scale light pole near the Club House at the intersection of the proposed subdivision streets. Details of the fixtures should be included in the Final Plan submission.*
- *The December 23, 2019 submission shows light poles at intersections, near hammerheads, and at a road bend. Lighting cut sheets, also submitted on December 23, 2019 specify that the lights will be decorative, downward facing, and use LED bulbs.*

**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 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 September 13, 2018 as amended March 9, 2020 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 Kaitlyn Tuttle.*

*Vote: All in favor.*

## New Business

### PB 20-021

20-04 Erik's Church. Amendment to approved site plan. K Man, LLC and K Man Parking, LLC to request review of an amendment for expanded parking. The subject properties are located at 816 and 824 Roosevelt Trail, and identified on Tax Map: 70, Lot: 9 and Tax Map: 71, Lot: 1, Zone: Commercial 1 (C-1).

**Attachments:** [20-04 Sebago Plaza Amendment - Eriks Church Parking Lot Expansion 3-4-20](#)  
[19068 Binder Site Plan Application Erik's Church 2-14-20](#)  
[19068-Civil Set Submission Erik's Church 02-13-2020](#)  
[Sebago Plaza 11-1987](#)  
[Waiver Request 2-27-20](#)  
[Peer Review Comments 3-3-20](#)

*Ken Cianchette, the applicant, was present. He said that Erik's Church had been open for three years and they were able to predict the customer flow. There was a big parking lot and a proposed septic expansion, in anticipation of future needs for either the restaurant or plaza. It would alleviate the traffic burdens they had seen.*

*Nancy St. Claire, of St. Clair Associates explained:*

- This application was an amendment to the original 1987 approval.*
- The proposed paved parking area would have two-way, 24 foot drive aisles and 52 new spaces, 16 of which would measure ten by twenty feet. It would provide access and connectivity to the abutting Goodwill site and Landing Road.*
- The site's stormwater evaluation had demonstrated zero run-off for the two and ten year storm and 0.06 cubic feet per second for the 25 year storm. They would need a waiver for that small increase.*

*The Board commented:*

- *At site walk, they had discussed making space for snow storage and water filtration.*
- *The dumpsters should be screened.*
- *Would the trees between the existing and proposed parking lots remain?*
- *Boulders and trees would be placed around the perimeter of the parking area to prevent traffic from going there.*
- *Was there lighting proposed?*

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

*Kevin Dean, owner of the abutting Goodwill property – He believed the proposal would compliment their property. Currently, it was being used as a through road to Landing Road. It was supposed to be shared maintenance. They planned for a future building there. Would it work as a through road for that?*

*Drew Mayo made a motion to approve the waiver request for the increase in the 25 year storm.*

*Seconded by Tyler Dunlea.*

*Vote: All in favor.*

*Drew Mayo made a motion that the major site plan application for project 20-04 Sebago Plaza Amendment, Erik's Church Parking Lot Expansion 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 Tyler Dunlea.*

*Vote: All in favor.*

*Consensus of the Board was that a public hearing was not required.*

*Drew Mayo made a motion that the Major Site Plan application for 20-04 Sebago Plaza Amendment – Erik's Church Parking Lot Expansion on Tax Map: 71, Lots: 1 and a portion of 9 is to be approved with conditions with the following findings of fact and conclusions.*

#### **FINDINGS OF FACT**

##### *Jurisdictional Review Authority*

*The Sebago Plaza Site Plan was approved as a Site Plan by the Planning Board on November 23, 1987. This proposed amendment to the plan requires Planning Board review and approval due to the scope and anticipated impacts (805.A. & 814.D.3.F).*

##### *Right, Title, or Interest*

*A survey plan submitted by the applicant, stamped by professional Land Surveyor David C. St. Clair, IP states that K Man LLC owns Sebago Plaza as described in a deed recorded in Book 34703 at Page 161; and K Man parking LLC owns the proposed expansion area as described in a deed recorded in book 34893 at page*

175. Copies of the referenced deeds were submitted with the application. The deed for the parcel where the parking lot is proposed includes reference to a 30' wide access easement.

#### *Utilization of the Site*

- The existing Sebago Plaza sits on approximately 1.73 acres in North Windham with frontage on 302. It has a multi-unit retail building and approximately 64 parking spaces. It is surrounded by a variety of commercial uses.

#### *Vehicular and Pedestrian Traffic*

- The current proposal is to create 52 new parking spaces on an abutting .82-acre parcel to be used in addition to the 64 parking spaces approved in 1987.
- The proposal includes an easement to allow traffic from the proposed parking area to travel over the Goodwill property and access Landing Road. Traffic would also be able to enter the proposed parking lot from the access off of Landing Road.
- The applicant submitted a letter from William J. Bray, P.E. of Traffic Solutions stating there will not be an increase in the volume of site generated trips as a result of the proposed project.
- A traffic impact study is not required since the project will result in less than fifty (50) trips in during the AM or PM peak hour.
- A traffic impact study may be required by the Planning Board demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets.(811.B.2.(h))
- The proposed project increases connectivity in the area, connecting Sebago Plaza, currently primarily accessed by Route 302, to Landing Road, which gives traffic optional access to Manchester Road and a way of accessing the site without needing to use Route 302. This new connectivity is likely to change traffic patterns in the area and may have impacts to Manchester road and beyond. The existing Sebago Plaza parking area also connects to the parking lot on Map 70, Lot 10, currently occupied by Eagle Sushi, which also has a two-way curb opening onto Route 302.
- The location of the proposed parking lot entrance/exit onto the shared driveway with Goodwill aligns with an existing drive aisle and provides the greatest sight-distance possible.
- The grade at the site is relatively flat, with the minimum proposed elevation about 312' near the south side of the parking lot and the maximum about 314' on the north side of the parking lot.
- The proposed parking lot entrance/egress is proposed at approximately 295' from the nearest unsignalized intersection.
- The parking lot is designed so that it is not necessary for vehicles to back into the street.
- All parking areas are located 5' or more from lot lines, except where it connects to the existing parking lot. The proposed connection is approximately 24' in width.
- No angle parking is proposed.
- 16 of the proposed 52 spaces (the required 30%) will have a 10'x20' stall size
- The proposed drive aisle is 24' wide.
- There are no designated pedestrian spaces connecting the proposed parking area to the existing Sebago Plaza site or obvious measures to increase pedestrian safety.
- Development in the C-1 zoning district is subject to the Sidewalk Impact Fee (Section 1201).
- The project is located in Collection Area #1 of the North Route 302 Road

*Improvement Impact Fee. The applicant has indicated the project will result in an increase of 0 additional trips and the fee shall be calculated based in this increase.*

#### *Sewage Disposal and Groundwater Impacts*

- *The applicant submitted a Subsurface Wastewater Disposal System Application (HHE-200) for the septic system they are proposing to install under the proposed parking lot. The proposed project includes a wastewater disposal system with 420 gallons per-day capacity, designed to serve a "60-seat expansion of a 102-seat paper service restaurant." The application was prepared by Licensed Site Evaluator Mark J. Hampton.*
- *Mark Arienti, P.E., Town Engineer, reviewed the application and had the following comment in an e-mail dated March 3, 2020: "The proposed plans (Sheets 2 and 3) show a boxed area 32'x32' area right near the connection between the existing parking and proposed parking areas. The call-out note is a little unclear on the plans, but this boxed area appears to be the outline of the proposed chambered subsurface disposal system. Please confirm and if so please provide details to confirm that the chambers are designed to withstand vehicle loading."*

#### *Stormwater Management*

- *Mark Arienti, P.E., Town Engineer, reviewed the proposed Stormwater Management Plan and had the following comments in an e-mail dated March 3, 2020:*
- *The Applicant has provided a Stormwater Management evaluation as part of their application which employs the Maine DEP Redevelopment project guidelines in Ch. 500 based on the fact that area proposed for parking has been stripped and previously used as a construction staging area. Based on my review, the redevelopment guidelines appear to have been used appropriately to determine treatment requirements. The analysis also includes a flooding evaluation as required by Windham's Site Plan Ordinance. The flooding evaluation shows a small increase in post-development vs. predevelopment peak discharge for the 25-yr storm.*
- *The Hydrocad analysis for the predevelopment and post-development flows are merged together, which makes review difficult. If the Applicant could please separate these it would be appreciated.*
- *A plan sheet showing the subcatchments, reaches, ponds and flow segments etc. used in the evaluation should be provided to provide further clarification for the analysis.*
- *Chapter 6, Volume III of the Maine DEP Stormwater BMP Manual indicates that pretreatment of some form should be included in the design of an infiltration basin. The example shown in the BMP manual shows a forebay at the inlet end of the basin. There have been issues with continuing effectiveness of infiltration systems installed in North Windham because of filling with sediment that decreases the capacity of these structure to function as intended. Some kind of pretreatment to collect/remove sediment upstream of the basin should be incorporated into the design. In addition, the results of at least one test pit should be included with the application to confirm the soil characteristics and depth to groundwater in the area of the infiltration basin.*
- *The emergency overflow spillway for the proposed infiltration basin shows it directly discharging onto the neighbor's property. Some type of agreement/easement with the neighboring property owner will need to be put in place if this is to occur. In addition, a detail for the emergency overflow should be included with the plans beyond just indicating that it will be built of D50 = 6" rip-rap.*
- *The applicant requested a waiver from the performance standard at 812.E.1.(a) requiring demonstration that during the 2, 10, and 25-year storm events, peak rates*

of stormwater runoff leaving the site do not exceed the pre-development peak discharges leaving the site. The applicant's modeling predicts a reduction of peak discharge rates leaving the site during the 2- and 10-year storm events, but a slight projected increase of approximately .06 cfs during the 25-year event.

- Staff find that a waiver to allow the very nominal projected increase is reasonable given the location and site constraints.
- The Planning Board granted the waiver at the meeting on March 9, 2020.
- In review comments dated March 3, 2020, Mark Arienti, P.E. requested some changes to the stormwater management plan including separate predevelopment and postdevelopment Hydrocad analysis, and an additional plan sheet showing subcatchments, reaches, flow segments etc.
- Nancy St.Clair, P.E., responded on behalf of the applicant in comments dated March 9, 2020 with the requested Hydrocad analysis and an additional plan sheet showing subcatchments, reaches, flow segments etc.
- In review comments dated March 3, 2020, Mark Arienti, P.E. requested that at least one test pit should be included to confirm soil characteristics and depth to groundwater.
- Nancy St.Clair, P.E., responded on behalf of the applicant in comments dated March 9, 2020 that the HHE-200 form shows a test pit excavated on site to a depth of greater than 4' without encountering any [indication of limiting factors or groundwater at that depth].
- Staff reviewed available record on groundwater depth in that area and agreed with the applicant that an additional test pit to confirm depth to water was not necessary.
- In review comments dated March 3, 2020, Mark Arienti, P.E. stated that the emergency overflow spillway for the proposed infiltration basin shows the overflow discharging off of the property.
- Nancy St.Clair, P.E., responded on behalf of the applicant in comments dated March 9, 2020 that it was the natural site outlet under existing surface flow conditions, and the applicant will discuss these details with the abutter.
- Staff recommend as a matter of good practice that the applicant documents the communication with the abutter to confirm the potential discharge is acceptable.

#### *Erosion Control*

- A soil erosion and sediment control has been submitted with the final plan set that includes an extensive set of basic standards for erosion control measures on the same Grading and Utility sheet with general construction notes.

#### *Utilities*

- No new utilities are proposed at the site. Electricity may be required on site if lighting is proposed.

#### *Technical and Financial Capacity*

- The application was prepared by licensed professionals including Traffic Engineer William Bray, Licensed Site Evaluator Mark Hampton, and St. Clair Associates with staff experienced and qualified in permitting, surveying and engineering.
- Evidence of financial capacity was submitted in the form of a letter from Gorham Savings Bank dated February 13, 2020 indicating that the applicant has financial capacity to satisfy the financial components of the proposed project (and patio expansion).

*Landscape Plan*

- *Light poles are included in the Site Plan legend and Light Pole Base is included in the Site Plan Details, but no locations of proposed lights are depicted on the Site Plan*
- *Proposed landscaping consists of boulders lining the western and part of the southern end of the parking lot, presumably to prevent vehicles from parking there, or using undesignated entrance and exit areas and to preserve space for snow storage.*
- *During the March 9, 2020 Planning Board meeting the applicant agreed to plant trees in between the boulders, for screening purposes.*

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

- *The project meets the minimum lot size and setback requirements of the C-1 zoning district.*
- *The project is located in the Presumpscot River Watershed and is not anticipated to have any adverse impacts on the watershed.*

*Comprehensive Plan*

- *This project meets the goals and objectives of the 2016 Comprehensive Plan and is located in the North Windham Growth Area.*

*Others:*

- *Design Standards, Section 813. The project meets the design standards of the C-1 zoning district. The proposed plan mostly complies with applicable design standards at 813, by not having any applicable buildings, connections to public streets, proposed lighting, etc. One exception is the requirement at D.6. requiring facilities for the parking of at least 2 bicycles. The Plan should include facilities for parking at least 2 bicycles.*

*Impacts to Adjacent/Neighboring Properties*

- *Impacts to the nearby properties may include increased traffic volume on the shared driveway with Goodwill, Landing Road, Amato Drive, and Manchester Road, and a slight increase to stormwater runoff during the 25-year event.*
- *During the March 9, 2020 meeting the applicant agreed to screen the dumpsters on site from public view.*

*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/will not be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved.*

*7. The proposed site plan conforms to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.*

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

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

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

*11. The proposed location and height of buildings or structure walls and fences, parking, loading and landscaping shall be such that it will not interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value.*

*12. On-site landscaping does 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 amended site plan application dated February 14, 2020; as amended March 9, 2020, 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.*

*2. Approval is subject to the requirements of the Post-Construction Stormwater Ordinance, Chapter 144. Any person owning, operating, leasing, or having control over stormwater management facilities required by the post-construction stormwater management plan must annually engage the services of a qualified third-party inspector who must certify compliance with the post-construction stormwater management plan on or by May 1st of each year.*

*3. Prior to issuance of a building permit allowing an increase in building size, or approved seats, or building occupancy, the applicant must obtain approval by Planning Board, to ensure the increase does not affect compliance with the Land Use Ordinance.*

*Seconded by Kaitlyn Tuttle.*

*Vote: All in favor.*

## Adjournment

*Michael Devoid made a motion to adjourn.*

*Seconded by Drew Mayo.*

*Vote: All in favor.*

