

Town of Windham

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MEMO

DATE: April 9, 2020

TO: Windham Planning Board
FROM: Amanda Lessard, Planning Director and Jennifer Curtis, Planner
Cc: Will Haskell, P.E., Gorrill Palmer
Dustin Roma, P.E., DM Roma Consulting Engineers
Development Review Team
RE: 19-21 Depot Street Apartments – Final Subdivision Plan & Site Plan
Planning Board Meeting: April 13, 2020

Overview –

The applicant, MCL Realty, LLC, is proposing to develop 32 dwelling units in two 12-unit apartment buildings, and 4 duplexes, North of Depot Street, across from the Keddy Mill Site on a 2.1-acre property. The proposal includes a new sewer pump station to be constructed by the Portland Water District (PWD) for improved service to the area.

The property is currently vacant and wooded land with a drainage swale, an overhead utility line, and underground gas line running through it.

This application will be reviewed under the Town's Subdivision Review and Site Plan Review ordinances. Each section will be listed separately below, though references from the Site Plan review section to the Subdivision Review section will be made for overlapping review criteria.

The Planning Board reviewed held a public hearing and reviewed the Preliminary Plan application on March 9, 2020. At that meeting the Board denied the request for a waiver from the two street connections standard, approved the request for a waiver from the flooding standard, and approved the Preliminary Subdivision Plan.

The Portland Water District has submitted plans and details of the proposed new sewer pump station. Where the construction schedule for the pump station needs to occur far in advance of the subdivision, the Board is being asked to look at the elements of the site plan related to the PWD easement area independent of the full project. Should the Board have consensus that the PWD plans conform with the site plan review performance standards and review criteria, they will be incorporated into the final subdivision and site plan application that will be submitted by

MCL Realty, LLC. The submission includes plans for the proposed sewer pump station improvements, associated landscaping, and details on the pump station control building. A waiver from the requirement for transparent opening on 40% of the length of the control building façade facing Depot Street has also been requested.

Underlined text in the memo below shows new information included with the submission and new staff comments from the memo dated March 5, 2020.

Tax Map:38; Lot 37-A. Zoning District: Village Commercial (VC)

SUBDIVISION REVIEW

Staff Comments:

I. Waivers:

- a) 911.M.5.(b)(7) Street Connection Performance Standard that requires 2 street connection points for a subdivision that serves 30 or more units. The applicant states that the furthest dwelling unit from Depot Street is 330 feet, and there will be an emergency secondary access directly from the South Windham Fire Station Property.

Waiver denied at the March 9, 2020 meeting.

- b) 910.C.1.(c)(1) A high-intensity soil survey by a Certified Soil Scientist. The applicant states that all soils on the property are mapped as either soil group D or wetlands, so they are assuming poor soil conditions. The buildings will require a geotechnical analysis of the soils for foundation design, completed for building permits.

Waiver granted at the December 9, 2019 meeting.

- c) 911.J.6. MDEP Flooding Standard. The applicant states that the stormwater model predicts a 5% increase in the 25-year storm event. The applicant states that the study stream could handle the additional flow.

Waiver granted at the March 9, 2020 meeting.

- d) 813.A.5. Commercial District Design Standards. In the VC zoning district, facades that face public streets shall have transparent openings, such as display windows or entry areas, a minimum of 40% of the horizontal length on the ground floor in total.

The applicant states that the building must remain secure and adding a window in not appropriate. The proposed plantings will help screen the building from the road.

2. Complete Application: *The applicant has not submitted a complete final subdivision and site plan application.*

~~**MOTION:** The application for project 19-21 Depot Street Apartments—Final Subdivision Plan & Site Plan 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: held at the Planning Board meeting on December 9, 2019. A second public hearing was held March 9, 2020 in response to newly submitted materials for preliminary approval.
4. Site Walk: A site walk was held on November 23, 2019.

Findings of Fact and conclusions for the

Windham Planning Board,

~~**MOTION:** The Final Subdivision and Site Plan application for 19-21 Depot Street Apartments—on Tax Map: 38, Lot: 37-A is to be (**approved with conditions/denied**) 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.

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- 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

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- 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.

- The Planning Board approved a waiver from the flooding standard on March 9, 2020.
- 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.

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- 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 Gorrill 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.~~

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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 dependant upon, and limited to, the proposals and plans contained in the application dated August 5, 2019, as amended _____, 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.
- Pump Station Drawings were submitted on March 23, 2020 that includes plans for the proposed sewer pump station improvements, associated landscaping, and details on the pump station control building.

Financial Capacity

- See Subdivision Review.

Landscape Plan

- A landscaping plan must be submitted as part of the Final Plan submission.
- See Subdivision Review
- A landscaping plan for the proposed sewer pump station is shown on Drawing No 9 submitted on March 23, 2020.

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 March 23, 2020 submission includes a waiver for the pump station control building from the requirement of a minimum of 40% of the horizontal length on the ground floor in total. The applicant states that the building must remain secure and adding a window in not appropriate. The proposed plantings will help screen the building from the road.
 - 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.~~

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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 dependant 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.