

Town of Windham

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MEMO

DATE: December 22, 2020

TO: Windham Planning Board
FROM: Jennifer Curtis, Planner
Cc: Amanda Lessard, Planning Director
Craig Burgess, PE – Sebago Technics
Development Review Team

RE: 20-22 – Quarry Ridge Business Park, 4th Amendment
Planning Board meeting: December 28, 2020

Overview –

This application is to amend an existing subdivision to split Lot 3 into two separate lots. The overall parcel is currently 3.88 ac. The proposed division would result in a 1.84 ac parcel with frontage on both Enterprise Drive and Bedrock Terrace, and a 2.04 ac parcel with frontage on Bedrock Terrace. The site was historically used for gravel extraction and is generally level.

Quarry Ridge Business Park is a twelve (12) lot commercial subdivision at Enterprise Drive and Bedrock Terrace. Phase 1A of the subdivision, consisting of four (4) commercial lots on Enterprise Drive, was approved in May 2004 and Phase 1B, for an additional eight (8) lots along the extension of Enterprise Drive and Bedrock Terrace was approved in 2006. The Planning Board approved the third amendment to the Plan in June 2016 to adjust the lot line between Lots 2 and 5. Development of the Quarry Ridge Business Park is subject to a Maine Department of Environmental Protection Site Location of Development Approval Order #L-18029-39-L-N dated November 16, 2005 as amended. The construction of Bedrock Terrace across the frontage of Lot 3 has not yet been completed. The Town of Windham holds a performance guarantee for the construction of the required improvements of the Phase 1B approved subdivision, which includes the construction of Bedrock Terrace.

This proposed amendment was reviewed at the September 28, 2020 Planning Board meeting and granted Preliminary Plan approval at that time, as creation of a new lot was proposed. Since that time, the project has received authorization from DEP for a minor amendment to the Site Location of Development Act Permit authorizing the amendment, and condition of Approval #7 related to the assumed traffic generation of the proposed lots was added to the draft approval at the request of the Planning Board, and as agreed-upon by the applicant.

The subdivision ordinance states that The Board's scope of review shall be limited to those portions of the plan which are proposed to be changed. (§913.B.4). Also, if the revision involves the creation of additional lots or dwelling units, the procedures for Preliminary Plan approval shall be followed. (§913.B.2).

Tax Map: 21; Lot 15-3. Zone: Enterprise Development (ED)

SUBDIVISION REVIEW

Staff Comments:

1. Waivers: None requested.
2. Complete Application: N/A with Amended Subdivision Plan. The ordinance requires the application to include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of Section 900 and the criteria of the State statute.

MOTION: The application for project 20-22 Quarry Ridge Business Park, 4th Amendment 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: No public hearing has been scheduled for this project. The Planning Board decided at the meeting on September 28, 2020 that a Public Hearing was not needed.
4. Site Walk: A site walk has not been scheduled for this project. The Planning Board decided at the meeting on September 28, 2020 that a site walk was not needed.

Findings of Fact and conclusions for the

Windham Planning Board,

MOTION: The Final Plan application for 20-22 Quarry Ridge Lot 3, 4th Amendment on Tax Map: 21; Lot 15-3 (**approved with conditions/denied**) with the following findings of fact and conclusions.

FINDINGS OF FACT

A. POLLUTION

- The floodplain boundary should be clearly depicted and labeled on the amended subdivision plan. The floodplain label should be shown, to indicate none on the property, if that is the case.
- No buildings or specific uses are proposed at this time.

- The applicant submitted a memo and 7 test pit logs signed and stamped by licensed site evaluator, Gary M. Fullerton. The memo states that most of the site was filled, with bedrock encountered within 60 inches. Test pits 1 and 2 had enough original soil to meet the minimum standards for suitable soils for septic systems in accordance with Maine Subsurface Wastewater Disposal Rules, and the remaining test pits would meet minimum standards if the fill was placed prior to October 31, 1995. Staff note that no groundwater was documented in any of the test pits.
- The applicant states that the area was filled prior to October 31, 1995.
- The applicant should submit a map depicting the location of test pits, for verification that both lots will meet the requirements for a septic system.
- Note 14 of the proposed 4th amended subdivision plan dated August 21, 2020 notes that the wetland within the open space easement on the land retained by the owner is intended to provide nitrate uptake from future subsurface wastewater disposal systems located on individual lots within the Quarry Ridge Business Park. The easement area should be shown on the plan.
- Maine DEP Site Location of Development Act permit L-18029-39-T-M dated December 4, 2020, issued for the Lot 3 Lot Split, included the following two special conditions of approval:
 - Condition 4: The subsurface wastewater disposal systems for Lots 3A and 3B shall be located as shown on the plan referenced in Finding 1.
 - Condition 5: Any subsurface wastewater disposal system with a design flow that exceeds 1,000 gallons per day shall comply with Special Condition #10 in Department Order #L-1802939-L-N. (this condition requires that they submit the details of the system to the Bureau of Land and Water Quality for approval).

B. WATER

- The proposed Lots will be served by public water and will not result in additional demand for water beyond the currently approved subdivision.
- There are fire hydrants located on Bedrock Terrace and Enterprise Drive, both within 100' of the subject area. Hydrants should be shown on the Final Plan.

C. SOIL EROSION AND STORMWATER MANAGMENT

- The Maine Department of Environmental Protection Site Location of Development Permit #L-18029-39-L-N dated November 16, 2005 as amended included the design of stormwater ponds and stormwater conveyance infrastructure for the entire Quarry Ridge Business Park development. Under the DEP Site Law permit each lot within the subdivision was given an allocation for allowable impervious surface based on 75% lot coverage.
- The applicant proposes to split the approved amount of impervious area, so that the total remains the same. The 1.84 acre lot, (lot 3-A) would be allotted .95ac of impervious surface, and the 2.04 acre lot (lot 3-B) would be allotted 1.06 acres of impervious surface. The table "Maximum Assumed Impervious Area Per Lot" on the Subdivision Plan dated September 8, 2020 has been updated to reflect those impervious area assumptions. Each of

the two parcels will be able to conform with the original stormwater management treatment plan, as they will have access to the roadside ditch along Bedrock Terrace.

- A Maine DEP Minor Revision application will need to be filed, and included with the final subdivision application
- Maine DEP Site Location of Development Act permit L-18029-39-T-M dated December 4, 2020, was issued for the Lot 3 Lot Split. The permit states that “The proposed development meets the standards for storm water management in 38 M.R.S. § 420-D and the standard for erosion and sedimentation control in 38 M.R.S. § 420-C.”; and, “The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.”
- In an email dated September 15, 2020, Mark Arienti, P.E. commented: “I think the stormwater memo is fine as long as there’s no issue with runoff from Lot 3B going into the roadside ditch in front of Lot 3A so that it can get the pond on the other side of Enterprise Drive. As long as the ditch is in the road right-of-way, then it should be fine.”
- Freshwater wetlands have been identified on the plan. No wetland impacts are proposed as part of the amended subdivision application.

D. TRAFFIC

- The proposed lot reconfiguration will be served by frontage on the previously approved street, Bedrock Terrace. Bedrock Terrace has been designed and currently is mostly constructed to the public street standard. An adequate amount of Bedrock Terrace will need to be constructed to the public street standard, in order for each of the lots to meet the 100’ minimum frontage requirement of the Enterprise Development zoning district (§406.I.5.(b)). The Town of Windham holds a performance guarantee for the construction of the required improvements of the Phase 1B approved subdivision, which includes completing the construction of Bedrock Terrace across the frontage of Lot 3.
- The applicant submitted a memo dated September 8, 2020 prepared by Darek Caldwell, P.E., PTOE of Sebago Technics, Inc. The memo states that the Maine DOT Traffic Movement Permit (TMP) issued in 2008 for the full buildout assumed approximately 15,000sf of building area on each of the 12 lots. The TMP was issued for a total of 257 trips in the AM peak hour and 253 trips in the PM peak hour. Divided amongst the twelve lots, this would equate to approximately 21 AM peak hour trips and 21 PM peak hour trips per lot.
- In an email dated September 15, 2020 Town Engineer Mark Arienti, P.E., commented that the cumulative # of peak hour trips for both of the new lots should not exceed the amount assumed for the parent lot (Lot 3), in order to stay within the parameters assumed by the TMP.
- At the Planning Board meeting on September 28, 2020, the applicant agreed to split the number of assumed trips, originally allotted to Lot 3, amongst the two proposed lots. See COA #7.

E. SEWERAGE

- Both lots will be served by an individual private subsurface wastewater disposal system.
- Test pit soil conditions were considered during the Quarry Ridge Business Park subdivision review. The Maine Department of Environmental Protection Site Location of Development Permit included the provision for up to a 1,000 gallon-per-day subsurface wastewater disposal system on each of the properties.
- To verify that the site had adequate capacity to have septic systems on both lots, the applicant submitted a memo and 7 test pit logs signed and stamped by licensed site evaluator, Gary M. Fullerton. See FOF under POLLUTION for more information.
- See FOF under POLLUTION regarding FOF for Maine DEP permit L-18029-39-T-M.

F. SOLID WASTE

- The applicant is not proposing to utilize municipal solid waste at this time as not uses are proposed, but the proposed split should not cause an unreasonable burden on the municipality's ability to dispose of solid waste if municipal services are to be utilized.

G. AESTHETICS

- No uses are proposed at this time, but all future site development will be subject to the District Standards at §406.I.6.
- The boundaries of the lots are located substantially more than 100' from any commercial or residential district.
- Limits of tree clearing should be shown on the plan. A note should be added to the plan stating that clearing of tress 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. The property is located in the North Windham Growth Area.
- Land Use Ordinances:
 - The proposed lots meet the minimum lot size and 100-foot minimum frontage requirements of the ED zoning district. Development must meet the maximum building coverage (50%) and maximum impervious area (75%) requirements of the ED zoning district.
 - District Standards, Section 406.I. The project must meet the standards of the ED zoning district.
 - All parking lots shall maintain a 30 ft setback from all property lines.
- Subdivision Ordinance
 - Section 911.A.c requires that parcels with more than twice the required minimum lot size shall require deed restriction or notes on the plan to either prohibit future divisions of the

lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Board, subject to the criteria of the subdivision statute, the standards of these regulation and conditions placed on the original approval. The amended plan should include language similar to Note 13 on the 2006 2nd Amended Plan regarding the remaining land of RJGF, LLC. See COA#5.

- 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 shall be shown on the Plan.
 - Lot numbers, 15-3-A, and 15-3-B, approved by Town of Windham E911 Addressing Officer on December 16, 2020, must be shown on the Final Plan.
 - Subdivision plan data compatible with the Town GIS must be submitted as part of the Final Plan submission.
 - A note should be included on the final plan specifying the rights and responsibilities of each owner with respect to the maintenance and repair of stormwater infrastructure.
 - Note #13 on the Amended Subdivision Plan dated August 21, 2020 references lot-owner stormwater maintenance responsibilities.
- Others:

I. FINANCIAL AND TECHNICAL CAPACITY

- There is no public infrastructure or improvements proposed as part of this application. Costs associated with review of this project are privately finance by the applicant.
- The professional working on the project have demonstrated technical capacity for this project.

J. RIVER, STREAM OR BROOK IMPACTS

- This project is located in the Sebago Lake Watershed.
- No river, stream or brook impacts are anticipated as a result of the proposed amendment.

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 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 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 not** 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/do not have a lot depth to shore frontage ratio greater than 5 to 1. N/A~~
18. The long-term cumulative effects of the proposed subdivision **will 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 August 25, 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. Buildings within the site plan shall be constructed with provisions for either of the following:
 - a. A positive free outlet foundation drain, whereby the footing elevations should be set as established by the builder, or;
 - b. Any other foundation drainage system, such as a sump hole, whereby the bottom of the footing elevation shall be set at least 12" above the limiting groundwater level, as determined by a licensed site evaluator and approved by the Town of Windham Code Enforcement Officer
3. Prior to installing a driveway serving and use, the owners of the property must secure, in writing, all required permits for a driveway opening
4. The Deeds for the approved lots of this subdivision shall include a provision that requires the lot owner to perform routine mowing of grass lined drainage swales and/or grassed esplanades which abut their lot. Drainage swales shall be mowed to maintain a minimum grass height of approximately 6 inches and to prevent the growth of woody vegetation. All maintenance of the roadside swales, with the exception of routine mowing, shall be the responsibility of the Town of Windham Public Works Department.
5. The Wetlands within the open space easement on land retained by the owner is intended to provide nitrate uptake from future subsurface wastewater disposal systems located on individual lots within the Quarry Ridge Business Park subdivision wetland areas within this easement shall remain in their undisturbed natural state. The owner may amend the open space easement and develop land within it to suit future project needs without individual lot owners approval. Such future alterations shall require prior approval of the Maine Department of Environmental Protection, the Town of Windham, and other authorities with jurisdiction. Land within the open space easement shall be retained by the owner and may only be conveyed as part of the business park prior to any such sale or conveyance of land within the open space easement, the owner shall amend the Maine Department of Environmental Protection Site Location of Development Approval Order #L-18029-39-L-N dated November 16, 2005 as amended, for the quarry ridge business park to include such land within the subdivision as open space.
6. Development of the Quarry Ridge Business Park is subject to the terms and conditions of the Maine Department of Environmental Protection Site Location of Development Approval order #L-18029-39-L-N dated November 16, 2005. This amendment was further authorized by DEP permit L-18029-39-T-M. December 4, 2020.
7. Each of the two created lots shall be developed to attract no more than 1/2 of the number of anticipated total peak hour trips, as evenly divided amongst the original 12 lots in the subdivision, based on the Maine DOT Traffic Movement Permit, which calculates out to 10 AM peak hour trips and 10 PM Peak hour trips for each lot, 15-3-A and 15-3-B.