

# Town of Windham

Planning Department  
8 School Road  
Windham, ME 04062

voice 207.892.1902

fax 207.892.1916

## MEMO

DATE: March 18, 2021

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

RE: 19-25 – Quarry Ridge Business Park, 5th Amendment  
Planning Board meeting: March 22, 2021

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### Overview –

This application is to amend an existing subdivision to combine Lots 5, 6, 7 and a portion of the remainder of the original subdivision parcel (Lot 13 on the subdivision plan) into one 50.24 acre lot. The Copart project (#19-26) is proposing to utilize the combined lot, if approved.

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 subdivision ordinance states that revisions to approved subdivision plans that do not involve the creation of additional lots or dwelling units, the procedures for Final Plan approval shall be followed (§913.B.2).

This proposed amendment was reviewed as Quarry Ridge Business Park 4<sup>th</sup> Amendment at the November 25, 2019 Planning Board meeting. At that meeting, the Board decided to wait to review the application until it had the required DEP permit. The final application is being reviewed as the Quarry Ridge Business Park 5<sup>th</sup> Amendment, as a 4<sup>th</sup> Amendment, to split Lot 3, was approved in December 2020.

Updates since that meeting include a Maine DEP permit and are underlined below.

Tax Map: 21; Lots 15 (portion), 15-5, 15-6, and 15-7. Zone: Enterprise Development (ED), Farm (F) and Resource Protection (RP).

### SUBDIVISION REVIEW

Staff Comments:

1. Waivers:

a.) **§910.B.1(c)(5) Hydrogeologic evaluation; Submission Requirement**

*The applicant submitted a waiver request from the hydrogeologic evaluation, stating that a hydrogeologic evaluation had been performed in 2006, for Phase 1B of the subdivision, and that the proposed subsurface wastewater disposal system will be located in the same general vicinity as originally depicted, excepting that it will be a greater distance from the property line. Test pit data in the proposed footprint, and an HHE-200 design form has been submitted.*

Staff find that the waiver was requested due to a comment provided by the third-party peer reviewer on October 29, 2020 that 910.B.1(c)(5) requires a hydrogeologic evaluation; however, it does not apply to this amendment, where §913.B.4 limits the scope of the Board's review to those portions of the plan which are proposed to be changed. The proposed subsurface wastewater system is within the scope of what has already been reviewed, and therefore a new hydrogeologic evaluation is not required.

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 19-25 Quarry Ridge Business Park Subdivision, 5<sup>th</sup> 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: A public hearing is not required for subdivision amendments. At the November 25, 2019 meeting, the Planning Board determined that a public hearing was not necessary. A public hearing was held on January 11, 2021 for project 19-26, Copart Phase 2, the site plan associated with this subdivision amendment. Additionally, a public hearing would have been held for the original subdivision.
4. Site Walk: A site walk is not required for subdivision amendments. A site walk was held on October 26, 2020 for project 19-26, Copart Phase 2, the site plan associated with this subdivision amendment. Additionally, a site walk would have been held for the original subdivision.

Findings of Fact and conclusions for the

**Windham Planning Board,**

**MOTION:** The application for 19-25 Quarry Ridge Business Park Subdivision, 5th Amendment on Tax Map: 21; Lots 15 (portion), 15-5, 15-6, and 15-7 is to be **(approved with conditions/denied)** with the following findings of fact and conclusions.

**FINDINGS OF FACT**

**A. POLLUTION**

- A portion of the lots impacted by this amendment are within the mapped 100 year floodplain. The floodplain boundary should be more clearly shown on the amended subdivision plan.
- No buildings are proposed within the floodplain.
- Note 14 of the proposed 4<sup>th</sup> amended subdivision plan dated November 4, 2019 notes that the wetland within the open space easement on the land retained by the owner in intended to provide nitrate uptake form future subsurface wastewater disposal systems located on individual lots within the Quarry Ridge Business Park. The easement area should be shown on the plan.

**B. WATER**

- The proposed Lot 5 will be served by public water and will not result in additional demand for water beyond the currently approved subdivision.
- An existing fire hydrant is located on Bedrock Terrace.

**C. SOIL EROSION AND STORMWATER MANAGMENT**

- A soil erosion and sediment control plan must be submitted as part of the next submission.
- 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 next submission.
- 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. An amended permit must be submitted as part of the next submission.
- Freshwater wetlands have been identified on the plan. No wetland impacts are proposed as part of the amended subdivision application.
- Maine DEP issued an approval for the subdivision amendment, L-18029-39-Q-M, finding that the amendment is a minor change and will not significantly affect any issues identified during previous Department reviews of the project site, on February 25, 2021.

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 construction to the public street standard.
- At the Development Team meeting on October 9, 2018 Town Engineer Jon Earle, PE, asked how the proposed traffic generation compared with the assumptions from the prior approval and contributed towards the Enterprise Drive/Route 302 traffic signal warrant analysis.
- The Final Plan application includes a traffic analysis concluding that “The number of trips generated by the site is less than that permitted as part of the original approved Maine DOT Traffic Movement Permit for the Quarry Ridge business Park.” Impact fees were also calculated and are contained in the findings for site plan project 19-26.

E. SEWERAGE

- The new Lot 15-5 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.

F. SOLID WASTE

- The proposed combination of three lots and addition of land to the lot should not have an impact on the Town’s ability to collect and dispose of household waste.

G. AESTHETICS

- The existing Lots 5, 6, 7 and the 40.01 acre portion of the remainder of the original subdivision parcel (Lot 13 on the subdivision plan) are relatively flat and are an active quarry operation with multiple stockpiles on site.
- A portion of the property is identified as significant habitat for wading birds and waterfowl and identified as the Resource Protection District on the plan.
- Limits of tree clearing should be shown on the 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.

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 Lot 15-5 meets the minimum lot size requirements and minimum lot frontage requirements of the ED zoning district. The remainder of Lot 13 continues to meet the minimum lot size and minimum lot frontage requirements of the ED zoning district.
  - The existing Lots 5, 6, and 7 are zoned ED and the abutting portion of Lot 13 to be added to the proposed reconfigured lot is zoned Farm. Development proposed within the ED zone may also utilize Section 404 of the Land Use Ordinance that states that where a land use district boundary line divides a parcel the regulations applicable to the less restricted portion of the lot may be extended 50 feet into the more restricted portion of the lot.
  - Development on this lot must meet the maximum building coverage (50%) and maximum impervious area (75%) requirements of the ED zoning district. Combined lot area is 50.2 acres. The building will cover 7,200sf (<1%), and impervious surfaces will be 27.3 ac (~54.4%)
  - District Standards, Section 406.I. The project must meet the standards of the ED zoning district.
    - In an ED District where a lot abuts a residential district boundary, a fifty (50) foot wide buffer strip shall be provided. Twenty (20) feet nearest the boundary shall be used and maintained as a landscaped buffer strip. The 50 ft buffer strip shown on the November 4, 2019 is located on the Farm side of the property line as permitted by Section 404.
    - 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 regulations and conditions placed on the original approval. The final amended plan should include language regarding Lot 13 similar to Note 13 on the 2006 2<sup>nd</sup> Amended Plan regarding the remaining land of RJGF, LLC.
  - A landscaping plan must be submitted with the next submission.
  - 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 are shown on the Plan.
  - Subdivision plan data compatible with the Town GIS must be submitted as part of the Final Plan submission.
- Others:
  - Chapter 199 Shoreland Zoning. A portion of the amended Lot 5 is located in the Resource Protection District, a 250 foot area surrounding a wetland complex identified as

moderate or high value wading bird habitat by Maine DEP and the Maine Department of Inland Fisheries and Wildlife (IF&W).

I. FINANCIAL AND TECHNICAL CAPACITY

- Evidence of financial capacity must be provided as part of the next submission.
- Evidence of technical capacity must be provided as part of the next submission.

J. RIVER, STREAM OR BROOK IMPACTS

- This project is located in the Pettingill Pond and Sebago Lake watersheds, both listed in DEP Chapter 502 as Lakes Most at Risk to New Development.
- No river, stream or brook impacts are anticipated as a result of the proposed amendment.

CONCLUSIONS (N/A)

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.
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 November 4, 2019, as revised December 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.