

Town of Windham

Planning Department
8 School Road
Windham, ME 04062

voice 207.894.5902

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: 19-26 – Copart Phase 2: Major Site Plan & Shoreland Zoning Permit, Final Plan Review. Planning Board Meeting: March 22, 2021

Overview –

This application is for an Automobile Auction Facility consisting of a 7,200 square foot office/warehouse building with a 25 acre gravel storage area at 11 Bedrock Terrace. The facility is proposed on the amended Lot 5 of the Quarry Ridge Business Park, concurrently under review by the Planning Board as Project 19-25 Quarry Ridge Business Park 5th Amended Subdivision. The Staff Review Committee approved a minor site plan application on August 7, 2018 for a 5.65 acre Automobile Auction Facility on Lots 5, 6, and 7 of the Quarry Ridge Business Park. Copart Phase 1 was classified as a minor site plan as the development was within an approved subdivision. The proposed subdivision amendment and site plan will require an amendment to the Maine Department of Environmental Protection Site Location of Development Approval Order #L-18029-39-L-N dated November 16, 2005 as amended.

Lots 5, 6, and 7 of the Quarry Ridge Business Park are zoned ED and a portion of Lot 15 is zoned Farm. The Automobile Auction Facility is proposed within the ED zone and a portion of the F zone utilizing 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.

Other portions of Lot 15 are zoned Resource Protection (RP). In accordance with the Shoreland Zoning Ordinance, parking facilities are allowed in the RP zone with a permit issued by the Planning Board. Approval of the site plan application will constitute the required Planning Board approval. The development proposed within the RP zone is limited to areas that were previously disturbed during approved mineral extraction operations. Shoreland Zoning Ordinance findings are included below.

The Sketch Plan was reviewed at the Planning Board meeting on November 28, 2019, and a site walk was held on October 26, 2020. A public hearing was held at the meeting on January 11,

2021, where the Final Plan application, except for DEP permit approval, was reviewed. The DEP permit applications were also included in the Final Plan application at that point, and were reviewed by the Town Engineer, and a third-party reviewer. At the January 11 meeting, the Planning Board requested the applicant work with the Town Engineer to propose additional safety measures to prevent incidental spills related to the fuel cube. See updated findings under Sewage Disposal, Water Quality and Groundwater Impacts. On February 25, 2021, the DEP permit was issued. It has been reviewed by the Town's Engineer and third-party reviewer. A draft condition of approval #3 has been added, as recommend by their review. See updated findings under Stormwater Management.

Comments from the Phase 1 approval are in italics. New comments from the staff memo dated January 7, 2021, appear as underlined text below.

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

SITE PLAN REVIEW

Staff Comments:

1. Waivers: None

1. Complete Application: *Staff find the application complete*

MOTION: The final plan application for project 19-26 Copart Phase 2 is found complete in regard to the submission requirements based on the application checklist, but the Planning retains the right to request more information where review criteria are not fully addressed.

2. Public Hearing: A public hearing was held on January 11, 2021 Planning Board meeting.

3. Site Walk: A site walk was held on October 26, 2020.

Findings of Fact and conclusions for the

Windham Planning Board,

MOTION: The Site Plan and Shoreland Zoning application for 19-26 Copart on Tax Map: 21, Lots 15, 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

Utilization of the Site

- *The three (3) subject parcels total approximately 10.43 acres and is currently undeveloped. The properties are Lots 5, 6, and 7 of the Quarry Ridge Business Park, a 12 lot commercial*

subdivision. The majority of the site is relatively flat and is an active quarry operation with multiple stockpiles on site. The parcels are encumbered by 30 foot wide drainage easements along the northerly side of the Lots along Bedrock Terrace and between Lots 5 and 6 and Lots 6 and 7.

- The four (4) subject parcels total approximately 50.24 acres and is currently undeveloped. The properties are Lots 5, 6, and 7 of the Quarry Ridge Business Park, a 12 lot commercial subdivision, and a 40.01 acre portion of the remainder of the original subdivision parcel (Lot 13 on the subdivision plan). The majority of the site is relatively flat and is an active quarry operation with multiple stockpiles on site. Stormwater ponds constructed as part of the previous phases of the subdivision are located in the Farm zoned portion of the parcel.
- 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. A portion of the RP area has been excavated for the permitted mineral extraction operation, while the remainder is a forested buffer to the wetland.

Vehicular and Pedestrian Traffic

- *The Quarry Ridge Business Park is accessed by a paved public road, Enterprise Drive. The applicant proposes to construct three (3) 24 foot wide entrances (one entrance for each lot) onto Bedrock Terrace, a private road, to serve the project.*
- For Phase 2 of the project the applicant proposed to construct one (1) 30 foot wide entrance onto Bedrock Terrace, widening the entrance to Lot 5 on the Phase 1 approval. The other entrances will be regraded.
- *The paved portion of Bedrock Terrace terminates approximately 150 feet from the intersection of Bedrock Terrace with Enterprise Drive, well before the frontage of the subject property. Both Enterprise Drive and Bedrock Terrace are designed to the industrial street standard and are intended to be offered for public acceptance.*
- *The site improvements consist of parking lots constructed with reclaimed asphalt surfaces, to be used to the temporary storage of automobiles that are offered for sale by the applicant, an automobile auction business. Sufficient parking for employees is available.*
- *The project may be subject to the North Route 302 Road Improvements Impact Fee (Section 1204). A traffic analysis shall be conducted in order to determine the traffic impact and requisite impact fee total, as measured by additional vehicle trips to be generated by a development project that pass through the North Route 302 Capital Improvement District in the peak commuter hour.*
- *The final plan submission states that the use is expected to generate 6 to 8 truck deliveries per day.*
- *In an email dated July 19, 2018 Town Engineer Jon Earle, PE, questioned if improvements to Bedrock Terrace would be completed in conjunction with this project or if the existing gravel portion of Bedrock Terrace was able to accommodate the proposed development. He also requested a traffic analysis to determine the peak hour traffic.*
- *In a memo dated July 24, 2018 Derek Caldwell, PE, PTOE of Sebago Technics estimated that 2 carrier vehicles would enter and exit the site during the commuter peak hour and provided an estimate of the North Route 302 Road Improvements Impact Fee of \$765.30.*

- *In a response to comments submitted July 25, 2018 the applicant confirmed that the approved upgrades to Bedrock Terrace will be completed in conjunction with this project.*
- *In an email dated July 30, 2019 Town Engineer Jon Earle, PE stated he had no further comments on the project.*
- The site improvements consist of a 7,200 square foot office/warehouse building with a paved parking area with 57 parking spaces and a gravel storage area for auction vehicles. The total proposed impervious area is approximately 25 acres.
- 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.
- 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.
- A traffic impact study must be submitted with the final plan set if the project will generate fifty (50) or more trips during the a.m. or p.m. peak hour.
- The applicant states that the expected peak traffic numbers will remain within the thresholds approved with the subdivision. The Final Site Plan submission includes a Traffic Generation Analysis stamped by traffic engineer, Darek H. Caldwell, P.E., PTOE, stating that the project is expected to generate a maximum of 25 trips during both the AM and PM peak hours. The approved subdivision allocated 21 AM and PM peak hour trips per lot. As this development is to take place on three of the lots, it would be allocated 63 AM and PM peak hour trips.
- The project may be subject to the North Route 302 Road Improvements Impact Fee (Section 1204). A traffic analysis shall be conducted in order to determine the traffic impact and requisite impact fee total, as measured by additional vehicle trips to be generated by a development project that pass through the North Route 302 Capital Improvement District in the peak commuter hour.
- The Final Submission dated October 5, 2020 included a calculation of the North Route 302 Road Improvement Impact Fee at \$4,974.45
- In a response to comments on the Final Submission dated December 18, 2020, the applicant revised the percentage of trips to the north and south, resulting in an updated calculation of \$7,270.35.
- Windham Drifters maintains a snowmobile trail across a portion of existing Lot 15. The applicant should address if this trail will be maintained and if so, show it on the plan.
- The Final Submission states that the snowmobile trail will be relocated outside the limits of the Copart parcel in coordination with Grondin and the Snowmobile Club.

Sewage Disposal, Water Quality and Groundwater Impacts

- *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.*

- *The proposed use does not require a sewage disposal system.*
- *The properties are located in the Sebago Lake Watershed.*
- *A fuel cube is proposed for fueling of onsite work vehicles. The location on Lot 6 is shown on Sheet 4 of 9. Details of the fuel cube and a Spill Prevention Control and Countermeasure (SPCC) Plan should be provided.*
- *The proposed use should not have a significant impact on the quantity or quality of area groundwater.*
- The proposed 7,200 square foot office/warehouse building will be served by a private subsurface wastewater disposal system.
- Test pit soil analysis should be submitted with the final plan. The test pit location must be shown on the plan.
- The Final Plan submission includes an HHE form, prepared by licensed Site Evaluator Gary M. Fullerton. The HHE describes a 1,000 gallon treatment tank and 800 square foot disposal field designed to accommodate 20 employees.
- The final plan should show the location of the fuel cube and the submission should clarify if a greater amount of fuel will be stored on site than the Phase 1 approval.
- The Final Plan submission on December 18, 2020 included the location of a fuel cube on a 10x10 concrete pad, surrounded by bollards. The pad is set back more than 75' from the nearest property boundary. The application states that the fuel cube is double-walled, which creates a secondary containment for leaks, should the internal tank rupture. The Planning Board may wish to enquire about having a secondary backup containment created by adding raised sides to the concrete pad. This may seem like extraordinary measure, but the site is located in a sensitive watershed areas. The fuel cube will be used to fuel the loader that will be moving vehicles around the yard.
- In a comment dated October 29, 2020, peer reviewer Will Haskell, P.E., asked if the crushed stone surface proposed for the vehicle storage area would reduce the ability to detect leaking fluids, and recommended that a portion of the storage area be paved and used for vehicles that may have leaking fluids.
- In a response to comments dated December 18, 2020, the applicant responded, among other things, that they are agreeable to construction of a 200' x 200' paved pad on the south side of the building, and also referred to Copart's Drip Prevention and BMP's for ground water protection.
- Mark Arienti, P.E., Town Engineer sent an email on January 13, 2021 requesting that the applicant make some modifications to the plan to further prevent the likelihood or possibility of spills related to the fuel storage cube.
- The Final Plan updated on January 22, 2021 depicts the fuel cube location adjacent to the parking lot area behind the building. It is located on a concrete pad and surrounded by bollards. In an email dated January 25, 2021, the applicant noted the inclusion of a weekly above ground storage tank inspection requirement to the spill response manual for Windham (on page 13), and a spill kit verification has been added to the inspection checklist (line 16). The applicant also stated that "Each tank is outfitted with a fuel level gauge to prevent overfilling. If an overfill were to occur, the unique design of having the fill port located inside the spill box/secondary containment effectively eliminates any chance of a release to the environment. Copart also utilizes a national network of

professionally trained jobbers for fuel deliveries which further reduces the risk of an overfill event.”

- Mark reviewed the updates sent by the applicant on January 22, and responded on January 25, 2021 that the additional detail on the fuel cube and the increase to weekly inspections seemed sufficient. He had no further comment.

Stormwater Management

- *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. Lots 5, 6 and 7 were permitted with 1.46 acres, 2.20 acres, and 1.99 acres of impervious area respectively. The proposed site improvements include gravel parking areas designed so that the total impervious area created on individual lots is less than the maximum allowable limit as approved. Stormwater runoff will be directed to 30-foot wide grassed drainage ditches between each lot, which is consistent with the drainage plan prepared as part of the Site Law permit. Lots 6 and 7 both drain to existing detention pond #3, and Lot 5 drains to existing detention pond #1.*
- The project must receive approvals from Maine DEP for an amendment to a Site Location of Development Act permit and must comply with the standards of DEP Chapter 500 Stormwater Management. The permit amendment has not been received as of the date of this memo.
- An amended DEP permit must be submitted as part of the Final Plan submission.
- The Final Plan submission dated October 5, 2020 included a Stormwater Management Plan, as submitted to DEP, which included Water Quality Calculations, Pre-and Post-Development Stormwater Modeling, and an Inspection, Maintenance, and Housekeeping Plan.
- In a comment dated October 29, 2020, peer reviewer Will Haskell, P.E., had a significant number of Stormwater Management related comments related to flow analysis, seepage, and the design of stormwater management structures. The comments were responded to on December 18, 2020, and a follow-up set of comments from Will on December 30, 2020 indicated that most of the initial comments had been resolved. Four remaining comments on the stormwater management plan should be reviewed for response prior to final approval.
- On November 5, 2020 Town Engineer Mark Arienti, P.E., commented on the phosphorus calculations, and requested that the applicant confirm that compensation opportunities are available in the Little Sebago Lake Watershed.
- In a response to comments dated December 18, 2020 the applicant stated that Copart is to be responsible for maintenance and repair of stormwater infrastructure on Lot 5 of the subdivision and provided an email correspondence with the Little Sebago Lake Association indicating that they have interest in compensation opportunities.. They are of

the understanding that RJG&F, LLC, owner of Lot 13, maintains the existing pond located at the southwest corner of the property, mostly off of the Copart subject area.

- An amended DEP permit was not issued as of the date of the January 7, 2021 memo.
- Maine DEP order L-29113-26-A-N. :-29113-VP-B-N, and L-29113-IW-C-N; Site Location of Development Act, Natural Resources Protection Act, Significant Vernal Pool Inland Waterfowl and Wading Bird Habitat was issued on February 25, 2021, authorizing the proposed project. Among the findings is the analysis of impacts to phosphorus, which requires the applicant to pay an \$82,610 mitigation compensation fee to the Cumberland county Soil and Water Conservation District, prior to construction, to be utilized at other sites in the Little Sebago watershed to reduce phosphorus exports to the pond.
- Third-party reviewer, Gorrill Palmer, reviewed the DEP order on behalf of the Town and commented that the Town may want to monitor conditions of approval related to prohibiting tree cutting between June 1 and July 31, and providing construction oversight of stormwater treatment BMPs. They also commented that the permit requires quarterly monitoring of groundwater mounding and quality, with one analysis prior to the on-site storage of vehicles, and an annual submission of the results to MDEP. Gorrill Palmer suggested that the Town may also want to require a submission of the annual results to the Town. Town Engineer Mark Arienti, P.E., agreed that the Town would want the results of groundwater monitoring sent to the Town. See draft COA #3.

Erosion Control

- *A soil erosion and sediment control plan was submitted with the plan set (Sheet 8 of 9). This included a narrative best management practices plan along with construction details of the proposed erosion control measures shown on Sheets 4, 5, 6, and 7.*
- A soil erosion and sediment control plan for Phase 2 must be submitted as part of the Final Plan submission.
- The Final Plan submission includes an Erosion and Sediment Control Plan that includes installation of sediment barriers and revegetation to minimize erosion potential from development activities during and after construction. The Erosion Control Plan includes locations of elements on site, a narrative, and construction details for reference.

Utilities

- *No new utilities are proposed to serve this project.*
- *There are existing fire hydrants on Enterprise Drive at corner of Bedrock Terrace and on Bedrock Terrace at the property line between Lots 2 and 5. The hydrant locations are shown on the plan.*
- The property must be served by underground utilities.
- The proposed building will be served by public water with a service from the 8" water main in Bedrock Terrace.
- The applicant must submit an Ability to Serve letter from the Portland Water District that confirms the proposed water services conform with its design and construction standards, that the development will not result in an undue burden on the systems, and the water lines

will be installed in a manner adequate to provide needed domestic and fire protection flows.

- The Final Plan submission includes an Ability to Serve letter from Portland Water District, dated December 4, 2019.
- An existing fire hydrant is located on Bedrock Terrace and is shown on the plan.

Technical and Financial Capacity

- *A May 2018 bank statement from Bank of America, N.A. has been provided as evidence of financial capacity.*
- *The applicant has provided information on the licensed professionals working on this project as evidence of technical capacity.*
- Evidence of financial capacity must be provided as part of the next submission.
- The applicant estimates that the project will cost \$6.5 Million.
- The Final Plan submission dated October 5, 2020 included a 2020 third quarter report for Copart, Inc. indicating a net income of \$147.5 Million.
- Evidence of technical capacity must be provided as part of the next submission.
- The Final Plan submission dated October 5, 2020 states that Copart has an existing facility in Lyman Maine, and over 200 others throughout the country and is experienced in site development. Copart has additionally retained the services of Sebago Technics, to perform Site Design and Permit Acquisition and Compliance work. Sebago Technics has been in business over 35 years and has a variety of professionals on staff with the required experience and expertise.

Landscape Plan

- *The Final Plan submission Exhibit 15 states that the applicant is not proposing landscaping at this time. Thirty (30) foot wide grasses areas are proposed between individual lots. A perimeter fence with sliding gates at each entrance is shown on Sheet 4 of 9. Fence and gate details are shown on Sheet 9 of 9.*
- *Section 406.I 5 requires a 40 foot minimum buffer strip along Bedrock Terrace. Section 511 requires that the landscaped buffer strip be covered with trees or shrubs for at least ten (10) percent of its area. The site plans shows the parking area setback 30 feet from the front property line.*
- *The rear of Lots 5, 6, and 7 abut the Farm Zone, a residential district. Section 406.I requires a 50-foot wide buffer strip. 20 feet nearest the boundary shall be maintained as a landscaped buffer strip as defined, and the remaining 30 feet of the buffer strip shall also be used and maintained as a suitable planting area for lawn with trees, shrubs or other landscape material.*
- A landscaping plan must be submitted as part of the final plan set.
- Landscaping plans were submitted with the Final Plan submission. They show landscaping around the building, and some at the site perimeters, where not already vegetated.

- 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.

Conformity with Local Plans and Ordinances

1. Land Use

- *This project meets the minimum lot size requirements and minimum lot frontage requirements of the ED zoning district.*
- *This project has met 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. The parking lots on the final plan revised July 25, 2018 show a 20 ft setback between Lots 5 and 6 and Lots 6 and 7 and along the easterly border of Lot 7.*
 - *Automobile Auction Facilities require a 6 foot tall opaque fence to enclose any outdoor storage area. Fence details are shown on Sheet 9 of 9. A 9 foot tall 26 gauge white painted interlocking steel panel fence is proposed.*
- *Automobile Auction Facility Performance Standards, Section 506*
 - *Automobiles shall be kept on the lot for no more than 180 cumulative days*
 - *All stored automobiles shall be kept in a designated parking area.*
 - *The designated parking area shall be screened from public ways and abutting properties.*
 - *The Automobile Auction Facility shall ensure that leaking fluids from damaged or wrecked vehicles are collected or contained per applicable Maine Department of Environmental Protection standards.*
 - *Automobile Auction Facilities shall require an annual inspection by the Code Enforcement Officer.*
- This project meets the minimum lot size requirements 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 15 to be added to the proposed reconfigured lot is zoned Farm. Development proposed within the ED zone may also utilize Section 404 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.
- This project must meet the maximum building coverage (50%) and maximum impervious area (75%) requirements of the ED zoning district.
- The project is proposing a 7,200 sf building and 27.3 acres of impervious surface, of the total lot size of 50.2 acres.
- 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 sketch plan is located on the Farm side of the property line as permitted by Section 404.

- On Final Site Plan sheets 6-8, dated December 18, 2020, there is a 50' wide landscaped buffer shown at the southern property border, with the F District. On the overall site plan, the buffer strip appears to be the same width, but is described as a "25' wide strip of land to be maintained". The applicant should clarify that it is to be a 50' wide buffer strip with (at least) the 20' nearest the boundary to be maintained as a landscaped buffer strip.
- All parking lots shall maintain a 30 ft setback from all property lines.
- All parking lots shown on the Final Site Plan are set back at least 30' from the property lines.
- Automobile Auction Facilities require a 6 foot tall opaque fence to enclose any outdoor storage area.
- The Final Overall Site Plan notes that there will be a "white interlocking steel panel" around the perimeter of the gravel parking area. It does not specify the height. A corresponding detail was not found by staff.
- Automobile Auction Facility Performance Standards, Section 506
 - Automobiles shall be kept on the lot for no more than 180 cumulative days
 - All stored automobiles shall be kept in a designated parking area.
 - The designated parking area shall be screened from public ways and abutting properties.
 - The Automobile Auction Facility shall ensure that leaking fluids from damaged or wrecked vehicles are collected or contained per applicable Maine Department of Environmental Protection standards.
 - Automobile Auction Facilities shall require an annual inspection by the Code Enforcement Officer.

2. Comprehensive Plan

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

3. 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). Parking Facilities are allowed with a permit issued by the Planning Board. The development proposed within the RP zone will be limited to areas that were previously disturbed during approved mineral extraction operations. See Shoreland Zoning Review FOF below.

Impacts to Adjacent/Neighboring Properties

- *The Final Plan submission Exhibit 10 states that no lighting will be installed.*

- *The use is not expected to generate a significant amount of solid waste so will not need to have a dumpster location on site.*
- *The impacts of the proposed use to neighboring properties should be negligible.*
- Site lighting must be shown on Final Plan, and details of fixtures must be included in the submission.
- Specifications for lighting were included as part of the Final Plan submission. A photometric plan was also included, which demonstrates that the project will not exceed 0.5 footcandles of light at the property boundary lines.

SHORELAND ZONING PERMIT REVIEW

1. Will maintain safe and healthful conditions;

The project will be required to meet the Town standards for an automobile auction facility, and will be required to meet the requirements of their Maine DEP Site Location of Development Act Permit.

2. Will not result in water pollution, erosion, or sedimentation to surface waters;

Appropriate measures have been incorporated into the site plan to minimize any potential water pollution associated with the use of the facility, including that the project is designed to prevent the runoff from the parking lot flowing directly into the wetland. Instead, it will drain to the proposed detention pond, which then flows to the infiltration basin, before draining to local waterways and water bodies.

See FOF for Sewage Disposal, Water Quality and Groundwater Impacts, Erosion Control, and Stormwater Management, under Site Plan Review above.

3. Will adequately provide for the disposal of all wastewater;

See FOF for Sewage Disposal

4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

See FOF for Sewage Disposal, Water Quality and Groundwater Impacts, Erosion Control, and Stormwater Management, under Site Plan Review above.

5. Will conserve shore cover and visual, as well as actual, points of access to inland waters;

The development proposed within the RP zone will be limited to areas that were previously disturbed during approved mineral extraction operations.

6. Will protect archaeological and historic resources as designated in the comprehensive plan;

No portions of the property or the project area are within a mapped “Area of Known or Expected Pre-Historic Archeological Sites” in the 2003 Comprehensive Plan. There are no historic structures or sites on the property.

7. Will avoid problems associated with flood plain development and use; and

The applicant states that a small portion of the combined lot is located within a mapped floodplain area. No development is proposed in the floodplain.

8. Is in conformance with the provisions of Section 199-15, Land Use Standards.

See “Conformance with Local Plans and Ordinances” above, under Site Plan Review for project compliance with Land Use Standards.

D. Campgrounds

This application does not include any campgrounds.

E. Individual Private Campsites

This application does not include any individual private campsites.

F. Commercial and Industrial Uses

This application does not include any commercial or industrial uses within the shoreland zone, that are prohibited.

G. Parking Areas

The proposed parking area within the RP zone is more than 50 feet from the shoreline or tributary stream, and is designed to prevent stormwater runoff from flowing directly into a water body, tributary stream, or wetland.

H. Roads and Driveways

No new roads or driveways are proposed in the shoreland zone as part of this application.

I. Signs

This application does not include any proposed signs.

J. Storm Water Runoff

See Site Plan review findings above, for Stormwater Management and Erosion Control.

K. Septic Waste Disposal.

See Sewage Disposal findings above, under Site Plan review.

L. Essential Services

The applicant is not proposing to install any new services in the shoreland zone.

M. Mineral Exploration and Excavation Permits

The application is not for mineral exploration or any other mining or gravel pit operations.

N. Agriculture

The applicant is not proposing any livestock grazing areas, mature stockpiles or any agriculture activities within the parcel.

O. Timber Harvesting (Repealed)

P. Clearing or Removal of Vegetation for Development Other Than Timber Harvesting

Vegetation clearing limits are shown on the site plan.

Q. Erosion and Sedimentation Control

The applicant shall obtain a soil and erosion control permit from Code Enforcement when obtaining a building permit. The contractor shall provide evidence of certification by Maine DEP in Erosion Control Practices.

R. Soils

See FOF for Sewage Disposal, Water Quality and Groundwater Impacts, Erosion Control, and Stormwater Management, under Site Plan Review above.

S. Water Quality

See FOF for Sewage Disposal, Water Quality and Groundwater Impacts, Erosion Control, and Stormwater Management, under Site Plan Review above.

T. Archaeological Sites

The parcel and abutting parcels do not appear to be associated with any archaeological or historic resources and are not listed on the National Register of Historic Places.

U. Home Occupations

This application does not include a home occupation.

V. Animals in Shoreland Zone

This application does not include any animals in the shoreland zone.

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 November 4, 2019, amended October 5, 2020, and further 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. Based on information contained in the Traffic Impact Analysis, the project is subject to a North Route 302 Road Improvement Impact Fee of \$7,270.35
3. Condition of approval #14 of the DEP order # L-29113-26-A-N/L-29113-VP-B-N/L-29113-IW-C-N requires annual groundwater monitoring of the infiltration basin prior to and during operations. The applicant shall submit a copy of each report to the Town of Windham, Maine, Attn: Planning Department.
4. Prior to construction, the applicant shall provide evidence that they have paid the \$82,610 mitigation compensation fee to the Cumberland county Soil and Water Conservation District, to be utilized at other sites in the Little Sebago watershed to reduce phosphorus exports to the pond, as required by DEP order # L-29113-26-A-N/L-29113-VP-B-N/L-29113-IW-C-N.