

Town of Windham

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DATE: March 23, 2021

TO: Staff Review Committee
FROM: Jenn Curtis, Planner
Cc: Lee Burdman, Jonlee Windham, LLC

RE: 20-18 Windham Mall Restaurant and Coffee Shop - Minor Site Plan
Staff Review Committee Meeting March 24, 2021.

Overview –

The applicant is proposing to redevelop an existing restaurant property by demolishing the existing 4,000 square foot building at 799 Roosevelt Trail and replacing it with a joint restaurant and coffee shop with a drive-thru, proposed to be 4,560 square feet. The proposed redevelopment is located on the site of the existing Pizza Hut at the Windham Mall.

The Pizza Hut site plan was approved by the Planning Board in 1993.

This application has been classified as a minor development as the gross non-residential floor area proposed to be constructed is less than 5,000 square feet.

As of the date of this memo, the application was lacking a description of which non-required commercial district design standards are proposed to be met.

The peer-reviewer requested some changes and had questions regarding the phosphorus treatment that have not been fully resolved.

There is still uncertainty as to whether the project is required to pay the North Route 302 Road Improvements Impact Fee.

Updated architectural plans and an example of the likely mural to be incorporated were submitted on March 23, 2021, which have not been fully reviewed.



Figure 1. Aerial view of site, approximated outline in blue

Tax Map: 70 Lot: 14-L01, Zone: Commercial I (C1)

SITE PLAN REVIEW

Staff Comments:

1. Waivers:
 - a) None
2. Complete Application:
 - a) *Staff find the application complete with regard to submission requirements*

MOTION: The application for project 20-18 StarChip is found complete in regard to the submission requirements based on the application checklist, but the Staff Review Committee retains the right to request more information where review criteria are not fully addressed.

3. Public Hearing: A public hearing has not been scheduled for this project.
4. Site Walk: A site walk has not been scheduled for this project.

Findings of Fact and conclusions for the

Windham Staff Review Committee,

MOTION: The Site Plan application for 20-18 StarChip on Tax Map: 70 Lot: 14-L01 is to be **(approved with conditions/denied)** with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- Lot 14-1 is currently developed, with a vacant former one story brick Pizza Hut restaurant building.
- The site is surrounded by Roosevelt Trail, the shared mall driveway, mall parking, and a gas station and convenience store.
- The area of the front setback between the building and Roosevelt trail is currently a grassed area with a partial 4' berm.

Vehicular and Pedestrian Traffic

- A full access driveway to the site is proposed from the interior ring road serving the mall parking lot, which connects to Roosevelt Trail.
- There is an existing sidewalk along the Roosevelt Trail lot frontage.
- The application states that “An assessment of anticipated vehicle trips performed by Traffic Solutions states that the estimating the weekday AM and PM peak hour trips estimates an average of 121 trips during the AM peak hour, 139 trips during the PM peak hour.
- 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 applicant submitted a Traffic Movement Permit dated January 29, 2021. Off-site mitigation includes installation of a striped crosswalk between the project site and the Hannaford parking lot, re-striping the crosswalk and re-installing existing pedestrian signage at the entrance to Windham Mall. The permit requires the applicant to pay the Town of Windham an Impact Fee of \$20,000 towards future improvements to address safety concerns given the additional vehicular traffic volumes through this corridor from the project. Fee to be paid prior to occupancy.
- There are 28 parking spots proposed. 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 uses. The parking spaces meet the dimensional requirements of the performance standards, including that 30% of the spaces are 10'x 20'. The proposal includes two handicap spaces nearest to the front entrance.
- There appears to be adequate provision for safe movement of traffic through the site, including adequate space for movements and stop bars, crosswalks, directional arrows, and other directional information painted on the pavement.
- There are two pedestrian walkway connections to the sidewalk on Route 302. Where the walkway crosses the drive-through lane, painted crosswalks are shown. A sidewalk is depicted connecting the pedestrian access from Roosevelt Trail to the front of the building.
- Bollards are shown around the corners of patio seating areas to protect outdoor diners from vehicles.

Sewage Disposal and Groundwater Impacts

- The site will be served by a new subsurface wastewater disposal system. All components of the existing septic system are to be removed.
- The applicant submitted an HHE-200 subsurface wastewater disposal application submitted to the Maine Department of Health and Human Services. The submittal included a subsurface wastewater disposal system design signed by Site Evaluator Brad A. Frick. It indicates that the system would support 1,837 gallons per day generated by 8 employees, 63 seats, and 2 public restrooms. The design incorporates two 2,000-gallon septic tanks, a 1,000 gallon grease trap, and 2 pods of 27 chambers to be located underneath the parking lot.

Stormwater Management

- The applicant submitted a Stormwater Management Report. The report summary indicates that runoff quantity requirements are met by reducing the rate of stormwater runoff from the site. Runoff from impervious areas will be directed to a subsurface infiltration/detention basin, sand filter, or water quality unit via underground piping.
- This development is in the NPDES (National Pollutant Discharge Elimination System) urbanized area as designated by the Environmental Protection Agency for the Town of Windham. . The proposed development will not result in an acre or more of disturbed area, relative to the applicability of Chapter 144 – Post- Construction Stormwater Ordinance.
- The project requires an amendment to the Site Location of Development Act permit (SLODA) for the project area. The applicant provided the permit application materials to the Town for review and comment.
- In an email dated August 3, 2020 Town Engineer Mark Arienti, P. E. commented: The report states that the proposed BMPs will receive runoff from over 95% of impervious surfaces and from over 80% of developed areas. Calculations are provided that show that the post-development peak runoff rates will be less than the predevelopment rates for the 2-yr, 10-yr, and 25-yr, 24-hr storms. Mark had a few questions about flow and catchment, and requested additional information.
- In an email dated August 5, 2020, Will Haskell, P.E. of Gorrill Palmer provided 18 peer-review comments. Among other things, Will commented that test pits to determine depth to seasonal high water and bedrock should be excavated in the footprints of the subsurface storage areas.
- The applicant received a SLDA permit L-04289-26-L-A on March 1, 2021. It states, among other things, that;
 - The predicted phosphorus export for the project site based on the applicant's model is 0.07 pounds per year. However, the proposed project is eliminating a pre-existing source of phosphorus on the project parcel and is eligible for a mitigation credit of 0.32 pounds per phosphorus per year, resulting in an overall phosphorus export from the site of zero pounds of phosphorus per year. Therefore, the proposed stormwater treatment will be able to reduce the export of phosphorus in the stormwater runoff below the maximum permitted phosphorus export for the site.
 - Prior to occupancy of the new facility the applicant must submit a copy of an executed long-term maintenance contract (minimum of 5 years and renewable) with a service provider for the on-going inspection and maintenance of the stormwater management structures to the BLR.
- The applicant responded to the comments in an email dated March 9, 2021.
- In an email dated March 23, 2021, Will Haskell, P.E., of Gorrill Palmer provided several comments to the updated plans and DEP permit, including:

- A pipe diameter needs resizing
- Construction oversight language should be added to the plans
- A draft maintenance agreement should be included for the stormwater treatment system
- A request for details about phosphorus control, including the area proposed for mitigation credit.

Erosion Control

- The applicant submitted an Erosion and Sediment Control Note and Details Plan (C-602), and Landscape Plan (C-701) with Erosion and Sediment Control notes, including best management practices to prevent sediment transport, winter construction notes, and measures for revegetating disturbed areas post-construction.

Utilities

- Water will be supplied by public water. The application includes a letter from the Portland Water District dated September 10, 2020, stating that a sufficient and healthful water supply exists.
 - It is not clear that the email from Portland Water District meets the requirements of the Water Supply provision at 812.G.2: If the project is to be served by a public water supply, the applicant shall secure and submit a written statement from the Portland Water District that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.
- The application indicates that the site will be served by gas, telecommunication, and electricity supplied by existing lines in Roosevelt Trail. Any new service lines must be underground, per requirements of 812.I.
- There is an existing hydrant located directly across Roosevelt Trail. The applicant stated in an email response to planning staff dated March 9, 2021, that the development is not proposing a fire suppression system. A fire suppression system is not required by the Town of Windham Fire Prevention and Life Safety Code (§95.4.1).

Financial and Technical Capacity

- The applicant provided a statement from the Maine Department of the Secretary of State dated May 28, 2020, indicating that Jonlee Windham, LLC is a business in good standing, and a letter from Gorham Savings Bank dated May 28, 2020, stating that Jonlee Windham, LLC has the financial capacity to complete the proposed project.
- The applicant has retained the services of a qualified engineering design and development services firm.

Impacts to Adjacent/Neighboring Properties

- The proposed development is not expected to have any undue adverse impacts to adjacent or nearby properties due to noise, lighting, pollution, unsightly conditions, vibrations, hours of operation, or any other form of nuisance.

- A photometric plan dated February 23, 2021 was submitted, indicating that the project will comply with the lighting standard and will not exceed .5 footcandles at lot lines with abutting properties.
- Two pad-mounted dumpster enclosures are shown on the plan. The final plans incorporate a detail of a 7' stockade fence trash enclosure.

Conformity with Local Plans and Ordinances

1. Land Use

- In accordance with §806.D.5, where the project is located in a Watershed of a lake most at risk from new development as designated in Maine DEP, Chapter 502, the project has been reviewed by a qualified independent reviewer in compliance with the stormwater standards included in the Maine Department of Environmental Protection Chapter 500 including basic, general, phosphorus, flooding, and other standards. The review shall also ensure compliance with performance standards contained in Sections 812.E, 812.F, 812.H, 812.J, and 812.K of the land use ordinance.
- The proposed uses of the site are Restaurant and Drive-through Facility. Both uses are allowed in the C1 District.
- This project meets the minimum lot size requirements and minimum lot frontage requirements of the C1 District.
- This project will meet the 10-foot minimum and 20-foot maximum front setback from Route 302 in the C1 District.
- This project will meet the 6-foot side and rear minimum setbacks in the C1 District.
- No parking shall be located within a structures' front setback area. The parking located at the side of a building shall not extend closer to the street than the front façade of the building. The space between the parking lot and street shall be landscaped according to an overall plan for the property. The existing strip of grass with trees shown on the margin of the parking lot and entrance/exitway is shown to remain. No other landscaping is proposed. The drive-through lane is located within the front setback. A drive-through is not a parking lot.
- The building facade must be oriented parallel to Roosevelt Trail. At least one primary entrance must be located on the building's front façade. A primary entrance that will provide ingress and egress and be operable at all times the building is occupied is located on the building's front façade.
- The plan shows a sidewalk from the front entrance to Route 302.
- The plan will comply with Drive-through Facility standards in Section 500 performance standards.
- The applicant proposes to meet the Commercial District Design Standards as follows:

Architecture

A1: Building Style

- National franchise prototypes are permitted provided they meet the Design Standards for architectural principles, scale, color, rooflines, and materials. Buildings that are stylized to the point where the structure is a form of advertising are not acceptable.

A2: Materials

- Synthetic wood cedar siding and corrugated metal are proposed to cover the primary siding. *Staff note that metal siding is not one of the material types referenced in the design standards.*

A3 Color

- Facade colors shall be low reflectance. The use of high intensity, high reflectance, chrome, metallic, or fluorescent colors are prohibited on the primary building face.

A4 Roofline

- The applicant is providing a flat roof with two slightly pitched projections on top, breaking up the horizontal line. The rooftop projections will be covered in corrugated metal.

A5 Façade

- a. The building façade which is proposed to face Roosevelt Trail is proposed to be 70 feet long. As required by section 813.A5.a of the Site Plan Review regulations, the proposed project is required to provide 28 linear feet of transparent openings. The building design as provided by the project architect proposes 29 linear feet of transparent openings through the use of doorway openings, windows, and spandrel glass.
- b. No blank or unadorned walls are proposed
- c. N/A – no vending machines
- d. All windows and doors will be trimmed
- 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. Conformance with this standard still needs to be verified.

A6: Building style coordination (for multi-building)

- The two sections of the building are coordinated

A7: Entrance

- The building will have clearly defined entrances on the north, east, and west sides.

A8: Architectural Details

- Details are proportional to scale

Site/Parking

B6 Screening

Utilities and dumpsters are screened.

Landscaping/Lighting

C1,C2,C3: The applicant submitted a lighting (photometric) plan – Sheet C-801 demonstrating that the lighting will not exceed the standard of .5 footcandles at the property boundary. The existing light poles on the south and east side are to be converted to LED. Fence and patio lighting is to be included. Plans say to see tentant plans by others.

C5: Snow Storage Areas

- a. A snow storage area is shown at the eastern edge of the parking area, near the dumpsters.

Bike/Ped

D1,D2: Continuous internal walkways are provided from the public sidewalk to the principal customer entrances on the site.

D4,D5: There is an existing sidewalk on Roosevelt Trail. A new sidewalk is to be constructed along the internal access road where the main property entrance is located. Crosswalks will be provided to connect the site to Roosevelt Trail and to the adjacent Hannaford parking area. The existing crosswalk on the internal entrance/exit road where it intersects Roosevelt Trail will be re-stripped, per the MDOT Traffic Movement Permit.

D6: A concrete pad with bike racks is shown on the north side of the parking lot.

- The applicant must meet an additional 8 Commercial District Design Standards that are not required.
- The development is subject to the following Section 1200 Impacts Fees, to be paid at with the issuance of a building permit: North Route 302 Road Improvements Impact Fee, Safety Impact Fee, Municipal Office Impact Fee. See COA #3.

2. Comprehensive Plan

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

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/does not conform** 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 October 25, 2019, as amended November 13, 2019, 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. In accordance with the Maine DOT Traffic Movement Permit #01-00266-A-N, prior to occupancy, the applicant shall pay the Town of Windham an Impact Fee of \$20,000 towards future improvements to address safety concerns given the additional vehicular traffic volumes through this corridor from the project. If this impact fee is used to fund an MPI (Municipal Partnership Initiative) or a PPI (Planning Partnership Initiative), the full impact fee collected must be applied to the total project cost.
 3. In accordance with the Maine DOT Traffic Movement Permit #01-00266-A-N prior to occupancy, the applicant shall pay the Town of Windham an Impact Fee of \$63,800 towards future signal improvements to address traffic delay concerns given the additional vehicular traffic volumes through this corridor from the project. Fee to be paid prior to initial occupancy of the development. If this impact fee is used to fund an MPI (Municipal Partnership Initiative) or a PPI (Planning Partnership Initiative), the full impact fee collected must be applied to the total project cost.
 4. The development is subject to the following Section 1200 Impacts Fees, to be paid at with the issuance of a building permit: North Route 302 Road Improvements Impact Fee (if determined by traffic analysis), Safety Impact Fee, Municipal Office Impact Fee.