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## MEMO

DATE: October 19, 2021

TO: Windham Planning Board  
FROM: Steve Puleo, Town Planner  
Cc: Kevin Bostrom, FRHP Lincolnshire, LLC  
Dustin Roma, PE, DM Roma Consulting Engineers  
Development Review Team

RE: 21-01: Camping World Surface Parking Facility Expansion – Amended Major Site Plan Review  
Planning Board Meeting: October 25, 2021

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### Overview

The applicant is proposing to develop an additional 5 acres of a parking area to expand the existing recreation vehicle and trailer sales and service operation at Camping World (formerly the Lee's Family Trailer facility) to the 5.8-acre portion abutting property located behind Tractor Supply. The use, "Retail Sales, Automobile Sales," is not allowed use in the Commercial 3 Zoning District. As a result, this application required separate approval through the Zoning Board of Appeals (ZBA).



Figure 1. Aerial image of the subject property and surrounding area

Tax Map: 15; Lots: 1A and Lot 2. Zone: Commercial 3 (C-3).

### Background

The trailer sales and service use on the existing Lee's Family Trailer and now the Camping World lot was approved by the ZBA in 1984 as a special exception in the Commercial Zone. Planning Board site plan approval was granted in 1993 for the 50 foot by 80-foot service building, and an amendment was approved in 1999 for a 50 foot by 93-foot building to be used as showroom space for trailer sales. The Code file also includes a building permit in 2001 for a 50 foot by 20-foot lean-to addition to an existing building.

In 2017, the applicant obtained ZBA and Planning Board approval to expand the nonconforming use to a 4.2-acre portion of the undeveloped abutting property located behind Tractor Supply with more parking lot area for a display area for the recreational vehicle and trailer sales business, and a 6,300 square foot addition to the service building. As well, the applicant received approval for a 4-lot commercial subdivision at the end of Danielle Drive, on property adjacent to the previously approved site plan project area, that is now included in this amended site plan area. The 2017 approved subdivision was never recorded with the registry of deeds, and as of the fall of 2020, was declared null and void in accordance with Section 912.G.

A Notice of Violation and Stop Work Order was issued on December 15, 2020, noting that the owner had expanded a nonconforming use (automobile/recreation vehicle sales) without approval. A consent agreement between the applicant and The Town was signed on January 28, 2021. The application to the Planning Board for site plan approval of the expanded parking area is a requirement of the consent agreement. The Town is still holding a performance guarantee for the 2017 site plan approval, as the work was not completed as proposed and approved in 2017.

On February 4, 2021, the applicant received additional approval from the ZBA to expand the existing non-conforming use at 480 Roosevelt Trail, Lot 1-A "to the full 100% capacity".

Comments were solicited from the Development Review Team. Several members commented regarding traffic movements, and traffic being parked along Route 302 or nearby before or after hours and asked if a turning lane should be required.

Site Plan standards at Section 812.B.2.(f)&(g) related to these concerns are:

- (f) Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.
- (g) Accessways shall be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.

New comments related to the amended site application have been added to the staff memo dated March 4, 2021, and appear as underlined text. Portions that are no longer part of the application are ~~struck through~~.

## **SITE PLAN REVIEW**

### Staff Comments:

1. Jurisdiction: *The project is classified as a Major Development for a project of one (1) acre or more land development, which the Planning Board is authorized to review and act on by Section 805.A.2(c) of the Town of Windham Land Use Ordinance.*
2. Title, Right or Interest: *The applicant has submitted a copy of the deed recorded on March 12, 2021, in the Cumberland County Registry of Deeds Book 25932 page 109.*
3. Waivers: *None*
4. Complete Application: *N/A for Amended Site Plan. The Board should determine if they have received sufficient information to address the review criteria.*

**MOTION:** The amended major site plan, project #21-01 Camping World Surface Parking Facility Expansion is found complete regarding 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.

5. Public Hearing: The Planning Board determined to hold a public hearing of an amended major site plan project #21-01 Camping World Surface Parking Facility Expansion.
6. Site Walk: A site walk was held on September 27, 2021, at 5:30 PM.

Findings of Fact and conclusions for the

### **Windham Planning Board,**

**MOTION:** The Amended Site Plan application for project #21-01 Camping World Surface Parking Facility Expansion on Tax Map: 15, Lots: 1A and 2, to be **(approved with conditions/denied)** with the following findings of fact and conclusions.

## **FINDINGS OF FACT**

### **812. - MAJOR SITE PLAN PERFORMANCE STANDARDS**

#### **812.A. - Utilization of the Site**

- Camping World, Trailer and Service currently occupies the property and consists of several large sales and service buildings and gravel and paved parking areas for the display of recreational vehicles and trailers.
- The portion of the site proposed for the parking area expansion generally slopes up away from Route 302 to a high point at the back of the property. This property is U-shaped with two areas of frontage on Route 302, wrapping around the Tractor Supply retail store.
- The amended final plan shows three (3) wetland impact areas totalling 3,457 square feet. Wetland Impact Area 3 (84 square feet) was shown on the approved 2017 site plan.

**812.B. - Vehicular Traffic; 812.C. - Parking and Loading; 812.D. - Pedestrian Traffic**

- On the sketch plan, the applicant is proposing vehicular connections to the existing Camping World (formerly Lee's Family Trailer) lot and 30-foot-wide gated access connecting to the existing Danielle Drive cul-de-sac that abuts the property's western boundary.
- ~~Jon Earle, PE, Town Engineer, provided comments in an email dated March 13, 2017. Mr Earle suggests that consideration be given to the idea that the 30-foot wide connection to Danielle Drive is widened to a 50-foot right-of-way for future street network connectivity. Danielle Drive is a public street.~~
- ~~Staff suggests a connection from the Danielle Drive cul-de-sac area to the Tractor Supply entrance as part of this project. This entrance was built to the public street standard within an easement area that extends to Danielle Drive.~~
- Section 812.B.4 requires that internal vehicle circulation requires that the layout and design of parking areas shall provide for safe and convenient circulation of vehicles throughout the lot.
- Section 812.C requires that off-street parking be located within required buffer strips and at least five (5) feet from any side, rear or front lot line. Parking space dimension requirements do not apply to vehicles stored for display, sale or repair; however, the operator of the use shall demonstrate that there is enough land area to accommodate all vehicles within any setback or required buffer areas of the parking facility
- The amended site plan shows a 30-foot-wide access driveway connection to Danielle Drive.
- An entrance permit from the Public Works Department is required.
- Fire Chief Libby commented to the Development Review Team (DRT) about the sketch plan, that "Customers queueing on Route 302 seems to happen often before and after hours." He suggested utilizing Danielle Drive to alleviate this congestion, and also that the site should be delineated with travel and fire lanes to ensure access in the event of an emergency.
- ~~Police Captain Bill Andrew commented to the DRT about the sketch plan that he also was concerned about the parking of campers on the sides of 302 before and after hours due to closed and locked gates and lack of signage. He thought it should be considered if the turning traffic generated by the site warranted a turning lane, similar to what was constructed for Tractor Supply. A service entrance was also suggested.~~
- Mark Arienti, P.E., Town Engineer, commented to the DRT about the sketch plan, asking how the traffic will flow for trailers coming into and going out of the parking facility.
- At the Planning Board meeting on March 8, 2021, it was agreed that signage at the main commercial entrance on 302 directing trailer traffic to Danielle Drive may help to alleviate traffic queuing in 302.
- Per Planning Board's site walk comments, the applicant shall install a "DO NOT ENTER, EXIT ONLY" sign on the exit gate, facing Roosevelt Trail, to prevent vehicles from entering the exit driveway. The applicant shall install, on the inside of the entrance driveway gate from Roosevelt Trail, a "DO NOT ENTER" sign to prevent vehicles from exiting the entrance driveway.

**812.E. - Stormwater Management; 812.F. - Erosion Control**

- Mark Arienti, P.E., Town Engineer, states that the project meets Chapter 500 basic general and flooding standards.
- A stormwater management plan was submitted with the applicant's Site Location of Development Act permit applicant. The stormwater treatment and peak flow attenuation are proposed to be achieved by capturing the runoff from the new surface parking facility into a



large wet pond and three soil filter basins. Filter basin #1 has already been constructed. Under Maine DEP required installation filter basins #2 and #3 to capture and treat runoff from the existing facility and the large wet pond. The applicant proposed development will result in approximately 6.50 acres of impervious surface and 10.04 acres of total developed area and is subject to Chapter 500 Stormwater rules. Since the project will create over three (3) acres of impervious surface, a Site Location of Development Act permit (SLODA) is required.

- The applicant has provided the Site Location of Development Act permit from Maine DEP number L-27551-26-C-N.
- This project is inside Windham's MS4 urbanized area and will need to meet Chapter 144 – Post Construction Stormwater Ordinance requirements for construction phase inspections. A Stormwater Management Report and Maintenance Plan have been submitted as Attachment G of April 5, 2021, Final Plan Submission.
- ~~A Stormwater Management Report and Maintenance Plan have been submitted as Attachment G of October 2, 2017, Final Plan Submission. The report considers the total 10 acres on Lots 2 intended for the expanded parking area of Lee's Family Trailer and a 4-lot commercial subdivision to be accessed by an extension of Danielle Drive. All the development will generate a total of 3.2 acres of impervious area.~~
- Mark Arienti, P.E., Town Engineer, stated that the applicant had only finished a portion of their 2017 site plan development and is maintaining the remaining amount of the Performance Guarantee for the unfinished work.
- Gretchen Anderson, Town Environmental and Sustainability Coordinator commented on the sketch plan regarding snow storage, adding a condition of approval to conduct an annual post-construction stormwater certification, and if the parking area would be gravel or pavement.
  - The applicant responded on October 4, 2021, that the snow storage will not occur in the filter basin.
  - The applicant agrees to add a Condition of Approval #4 to conduct an annual post-construction stormwater certification.
  - Mark Arienti, P.E., Town Engineer, is requesting documentation of drawdown time on the underdrain soil filter basin. He states "Typically, on these sites with stormwater permits Ch. 500 requires documentation of things such as soil permeability and drawdown times, but the Town is not copied. I am requesting the applicant to copy the Town on soil permeability and drawdown times and suggest adding the adding the data to be submitted with their Annual Construction Stormwater Certification." And,
  - The parking will remain gravel.
- Soil erosion and sediment control plan were submitted with the final plan set. The applicant has provided sprinted best management practices and grading plans.
- A double row of silt fence or erosion control mix berm along with the wetland and stream areas.

#### **812.G. - Water Supply Provisions; 812.H. - Sewage Disposal Provisions**

- The entire site is served by the Portland Water District (PWD) and the applicant is not proposing any changes to the water service.

#### **812.I. - Utilities**

- No utility extensions are proposed as part of this amendment.

#### **812.J. - Groundwater Impacts; 812.K. - Water Quality Protection**

- No new subsurface wastewater disposal systems are proposed as part of this application.
- The project will not adversely impact any river, stream, or brook, as designated by MeDEP.

**812.L. – Hazardous, Special and Radioactive Materials**

- The proposed residential will not handle, store, or use any material identified by the federal or state as hazardous, special, or radioactive.

**812.M. – Shoreland Relationship**

- The proposed residential is not located in a shoreland zoning district.

**812.N. - Technical and Financial Capacity**

- The estimated cost for the project is \$400,000 and FRHP Lincolnshire, LLC Annual Report shows cash available in the balance sheet of \$37 million to demonstrate sufficient financial capacity.
- The applicant's project engineer firm is DM Roma Consulting Engineers and has provided the technical capacity of successfully site design and obtaining permitting of a similar project in the Town of Windham.

**812.O. – Solid Waste Management; 812. P. – Historical and Archaeological Resources; 812.Q. - Floodplain Management**

- The applicant has provided a letter dated February 23, 2021, stating that Inland Fisheries and Wildlife (IFW) "has mapped any Essential Habitats or inland fisheries habitats that would be directly affected by the project."
- Department of Agriculture, Conservation and Forestry provided a report dated January 29, 2021, stating "there are no rare botanical features documented specifically within the project area."
- The applicant submitted a response from the Maine Historic Preservation Commission, dated February 11, 2021, stating "that the project will not adversely affect historic properties."
- The proposed construction is not in the mapped FEMA floodplain.

**812.R. – Exterior Lighting; 812.S. - Noise**

- The applicant is not proposing to add any exterior lighting in the parking lot expansion.
- The proposed commercial use will not exceed 65 dB between 7:00 AM to 10:00 PM and 55 dB between 10:01 PM to 6:59 AM.

**812.T. – Storage of Materials and Screening (Landscape Plan)**

- A 20-foot Landscaped Buffer Strip is required along the lot frontage of Danielle Drive. The applicant is proposing to remove any existing dead tree in the landscaped buffer strip and replant it with four (4) Red Maple trees.
- Condition of Approval #1 in the Zoning Board of Appeal's approval of the expansion of the non-conforming uses requires that "A line of evergreen trees must be planted along the southeasterly sideline of the property at the berm of the pond pending DEP approval, or along the sidelines of the gravel driveway."
- The snow storage area will be along the edge of the new parking surface facility.

## Conformity with Local Plans and Ordinances

### 1. Land Use

- This project meets the setback requirements of the C-3 zoning district.
- This project meets the minimum lot size requirements and minimum lot frontage requirements (minimum 100 feet) of the C-3 zoning district.
- Zoning District boundaries should be shown on the plan.
- This project meets curb cut requirements of the C-3 zoning district (one curb cut on the same street, per parcel) – having an entrance on Danielle Drive, and Route 302.
- This use, "Retail Sales, Automobile Sales," is not allowed use in the Commercial 3 Zoning District. The Town of Windham Zoning Board of Appeals approved the expansion of a nonconforming use on May 4, 2017. The Zoning Board of Appeals granted additional approval for the expansion of a non-conforming use at 480 Roosevelt Trail, Lot 1-A "to the full 100% capacity" on February 4, 2021.
- The applicant has submitted a revised property deed that combines Tax Map Lot 1-A and Tax Map Lot 2 into one parcel. (See Condition of Approval #5)
- A 20-foot Landscaped Buffer Strip is required along the lot frontage of Danielle Drive.
- ~~• The project abuts a residential district to the south and must comply with the 50-foot Zoning District Boundary Buffer. Section 406.G.6.(g):~~
- ~~• Zoning District Boundary Buffer. Lots on which non-residential uses are located shall require a fifty (50) foot buffer from all property lines that abut a residential zoning district. The buffer shall meet the following requirements:~~
  - 1) No development shall be allowed within the buffer. This includes, but is not limited to, parking lots, signage, and light fixtures.
  - 2) The buffer must provide screening as described in the definition of "Buffer Strip", in Section 300 Definitions.
- The project must comply with the Section 500 standards for Retail Sales, Automobile Sales for parking requirements applicable to the storage of vehicles for display, repair or sale. See Vehicular and Pedestrian Traffic FOF.
- ~~• There is no maximum building coverage restriction in the C3 District.~~

### 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.

### 3. Others:

- Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 urbanized area. See Condition of Approval #4.

## Impacts on Adjacent/Neighboring Properties

- No new external lighting is proposed for the expanded parking area.

## CONCLUSIONS (N/A)

1. The development plan **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** the 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 groundwater.
11. The proposed site plan **will** provide for adequate stormwater 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.

#### CONDITIONS OF APPROVAL

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated September 8, 2021, as amended October 18, 2021, 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 Sections 814 of the Site Plan.
2. Prior to the pre-construction meeting, the applicant shall paint the and exit driveway directional arrows fronting Roosevelt Trail.
3. The applicant shall provide an informational map to customers and on the Camping World webpage showing how to enter the site from Roosevelt trail and inform commercial trailer deliveries to use the Dannielle Drive entrance.
4. Approval is subject to the requirements of the Post-Construction Stormwater Ordinance, Chapter 144. Any person owning, operating, leasing or having control over stormwater management facilities required by the post-construction stormwater management plan must annually engage the services of a qualified third-party inspector who must certify compliance with the post-construction stormwater management plan on or by May 1st of each year. The applicant shall include data of soil permeability and drawdown times of underdrain soil filter basins.
5. Before the expanded use can commence, the applicant must submit a copy of the executed deed documenting the entire area occupied by the non-conforming use as one parcel, to the Town of Windham Planning and Assessing Departments.