



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Draft

### Planning Board

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Monday, October 25, 2021

6:30 PM

Council Chambers and Remote Via Zoom

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To join the meeting remotely, use this link: <https://us02web.zoom.us/j/143936937>. You may also call 1-646-558-8656 and enter meeting ID: 143 936 937

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#### 1 Call To Order

#### 2 Roll Call and Declaration of Quorum

*The meeting was called to order by Chair, Keith Elder. Other members present were: Marge Govoni, Evert Krikken, Kaitlyn Tuttle (via Zoom), and Colin Swan.*

*Town Planner, Steve Puleo, was also present.*

#### 3 [PB 21-065](#) Approval of Minutes: September 27, 2021

**Attachments:** [Minutes 9-27-21 - draft.pdf](#)

*Marge Govoni made a motion to approve the minutes of the September 27, 2021 meeting.*

*Seconded by Colin Swan.*

*Keith Elder – In favor      Colin Swan – In favor  
Marg Govoni – In favor      Kaitlyn Tuttle – In favor  
Evert Krikken – In favor*

*Vote: All in favor.*

### **Public Hearings and Continuing Business**

- 4 [PB 21-061](#) 21-01: Camping World Surface Parking Facility (formerly Lee's Family Trailer Expansion) - Major Site Plan Amendment. Camping World is proposing to develop an additional 5 acres of parking area to expand the existing recreation vehicle and trailer sales and service operation at Camping World (formerly Lee's Family Trailer) to the 5.8-acre portion of the undeveloped abutting property, located behind Tractor Supply. The property is located at 480 Roosevelt Trail and identified on Tax Map: 15 Lots: 1A, 2 Zone: Commercial III (C3) District.

**Attachments:** [MEMO AMENDED SITE PLAN\\_CampingWorldSurfaceParking\\_21-01\\_102021.pdf](#)  
[MAJOR SITE PLAN APPLICANT-RESPONSE UPDATESCampingWorld\\_21-01\\_10-18-21.pdf](#)  
[MAJOR SITE PLAN REVISED-PLAN CampingWorld\\_21-01\\_10-18-21.pdf](#)  
[COMPLETENESS MEMO MajorSitePlan CampingWorld\\_21-01\\_10-04-21.pdf](#)  
[MAJOR SITE PLAN APPLICANT-RESPONSE CampingWorld\\_21-01\\_10-04-21.pdf](#)  
[MAJOR SITE PLAN PLAN CampingWorld\\_21-01\\_10-04-21.pdf](#)  
[Lee Family Conset Agreement EXECUTED.pdf](#)  
[SLOD\\_FRHP Lincolnshire, LLC\\_L27551CN.pdf](#)  
[ZBA Notice of Decision Lees Family Trailer\\_2021-02-04.pdf](#)

*Dustin Roma, with DM Roma Consulting Engineers, was present representing the applicant. He explained:*

- *DEP had granted the Site Location of Development permit.*
- *A traffic analysis was done.*
- *Access to the site was now enter only/exit only.*
- *The parking area had been defined and striped; parking spaces were angled.*
- *Designated trailer parking areas had been striped.*
- *There was a new entrance for dropping off units.*

*Colin Swan made a motion that the amended major site plan, project #21-01 Camping World Surface Parking Facility Expansion was found complete regarding the submission requirements based on the application checklist, but the Planning Board retained the right to request more information where review criteria were not fully addressed.*

*Seconded by Marge Govoni.*

*Roll Call*

<i>Keith Elder – In favor</i>	<i>Colin Swan – In favor</i>
<i>Marg Govoni – In favor</i>	<i>Kaitlyn Tuttle – In favor</i>
<i>Evert Krikken – In favor</i>	

*Vote: All in favor.*

*Public Comment*

*There was no public comment. The public hearing was closed.*

*Board Comment*

- *Customer queuing on Route 302 before or after hours had been expressed as a concern. There should be a sign posted directing people to Danielle Drive.*
- *It would be helpful to have traffic flow addressed on the web site.*
- *Was the buffer along Danielle Drive 20 feet?*
- *There was no separation between Danielle Drive and where trailers would be parked.*
- *Would there also be an access road to the storm water basin?*
- *The traffic study wasn't done at a good time for the traffic.*
- *Were there any plans to replace the chain-link fence in front?*
- *Would the ditch in front be maintained?*

Marge Govoni made a motion that the amended site plan application for project #21-01 Camping World Surface Parking Facility Expansion on Tax Map: 15, Lots: 1A and 2, was to be approved with conditions 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 totaling 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.
  - o The applicant responded on October 4, 2021, that the snow storage will not occur in the filter basin.
  - o The applicant agrees to add a Condition of Approval #4 to conduct an annual post-construction stormwater certification.
  - o 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 data to be submitted with their Annual Construction Stormwater Certification." And,
  - o 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 the 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 storm water management plan must annually engage the services of a qualified third-party inspector who must certify compliance with the post-construction storm water 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.*

*Seconded by Colin Swan.*

*Roll Call*

Keith Elder – In favor      Colin Swan – In favor  
Marg Govoni – In favor      Kaitlyn Tuttle – In favor  
Evert Krikken – In favor

Vote: All in favor.

- 5      [PB 21-045](#)      21-12: 68 High Street Subdivision. Minor Subdivision sketch plan review. Mr. James Cummings is requesting a review of a proposed 3-lot subdivision by creating one single-family lot and a duplex lot for development. The lot with an existing two-unit building will remain as a two-unit dwelling. The property in question is located at 68 High Street and identified on Tax Map: 37, Lot 21, Zone: Village Commercial (VC).

**Attachments:** [MEMO MINOR SUB 68HighStree 21-12 10-21-21.edited.pdf](#)  
[MINOR REVISED SUB PLAN 68HighStSubdivision 21-12 10-18-21.pdf](#)  
[MINOR SUB APPLICANT RESPONSE 68HighStSubdivision 21-12 10-18-21.pdf](#)  
[MINOR SUB APPLICATION 68HighStSubdivision 21-12 10-04-21.pdf](#)  
[COMPLETENESS LETTER MinorSubdivision 68HighStreetSubdivision 21-12 10-12-21.pdf](#)  
[PublicComments 101421.pdf](#)  
[EoinHiggins Public Comments 08-23-2021.pdf](#)  
[Longely and Palmer Public comments 08-23-2021.pdf](#)

Dustin Roma, with DM Roma Consulting Engineers was present representing the applicant. He explained:

- The lot had been divided within five years so the division had to be included on the plan, although one lot was owned by someone else.
- The remaining land would be designated for a single family use on one lot and the second could be a single family, or duplex lot.
- If any additional dwelling units were added within the next five years would require major subdivision review from the Planning Board.
- There was a drainage pipe from High Street into property which had created a ravine. They proposed a rip-rap plunge pool at the outlet of the culvert.
- The drainage plan was a combination of the plunge pool and grading driveways so only the portion within the right-of-way drained toward the street. The portion in the lots would be pitched and drain toward the rear.
- Buildings would have roof line drip edges and foundation drains which ran toward the rear.
- Portland Water District had provided an ability to serve letter water and sewer.

*Public Comment*

Ellen McGill, High Street – She understood from owner of the existing duplex that they were putting in more units and they seemed to be doing a lot in there. Every house or apartment usually had two cars. Lots of traffic was coming across the street, blocking driveways and mailboxes. She hoped, if new houses were there, they would have parking for two cars rather than on-street parking. There was also a noise issue.



*Andy Palmer, High Street – He agreed with everything Ms. McGill had said. The lots were very tiny, and on a cliff. He also worried about light pollution in his back yard and would appreciate if it could be kept down.*

*Rebecca Longley, High Street – 31 units were being built on Depot Street and there was noise from that construction. There had been an emergency where the ambulance and fire truck had trouble getting by the parked cars; it was a concern. You couldn't get out of your driveways.*

*Cindy Smutz, High Street – She had heard young people laughing and talking at 9, 10 o'clock at night. Cars were parked two and three feet away from the sidewalk. She didn't want the end result to be no one could park on road.*

*There was no more public comment. The public comment hearing was closed.*

*Colin Swan made a motion that the minor subdivision application for the 68 High Street Apartments project was found complete in regard to the submission requirements based on the application checklist, but the Planning Board retained the right to request more information where review criteria were not fully addressed.*

*Seconded by Marge Govoni.*

#### *Roll Call*

*Keith Elder – In favor      Colin Swan – In favor  
Marg Govoni – In favor    Kaitlyn Tuttle – In favor  
Evert Krikken – In favor*

*Vote: All in favor.*

#### *Board Comment*

- Were the driveways wide enough for two cars? Could the curb cuts be 20 feet wide? Was there a restriction as to how close the driveways could be together?*
- Would the town engineer or CEO be involved with the grading plans?*
- Noise was enforceable through the police department.*
- It was extremely tight, but there were no waiver requests. Would love to see something for off-street parking.*
- Had a permit been pulled for additional apartments to the existing two-family? How long would it be before another division could occur?*
- Was there any structural impact to the bank from tree removal?*
- The town engineer's review should be added to approval of the building applications and storm water for lots 2 and 3.*
- It would be nice to have a little buffer from headlights on the back of the driveway.*

*Colin Swan made a motion that the minor subdivision application for the 68 High Street 3-lot subdivision on Tax Map: 37, Lot 21 was to be approved with conditions with the following findings of fact and conclusions.*

#### *FINDINGS OF FACT*

##### *911. - SUBDIVISION REVIEW*

##### *911.A. – Basic Subdivision layout*

- The size of the existing parcel is 42,149. The site has 10,200 SF of steep slopes (>*

25%).

- The net residential area is 42,149 SF and the net residential density is 2,500 SF per dwelling unit allowing a maximum number of dwelling units of 12.
- The applicant is proposing one new single-family building lot, one new duplex building lot, and one lot for the existing duplex. The applicant states the lots will be sold and developed by another party.
- The Planning Board should consider adding a Condition of Approval to require the development of the duplex to amend the minor subdivision to a major subdivision the lot with proposed duplex is developed after the development of the lot with the single-family or the additions of more dwelling units exceed five (5) units within a five (5) year period. (The existing two-unit property at 68 High Street was split and sold to a new owner and the applicant is proposing to create two (2) building lots with no construction.)
- The minor subdivision is not expected to result in undue air or water pollution.
- The applicant shall provide monuments at the lot boundary corners of Lot 1, 2, and 3 along the street ROW. The Town suggests the Planning Board required a pin or monument to be placed at the northeast corner of the subdivision.
- During the Development Review Team meeting, Assessing Department will provide addresses and map-lot numbers for the final plan review. The applicant has not provided property addresses for the new lot or Map Lot number from the Assessing Office with their final application. The Planning Board shall require addressing and Map Lot information on the final subdivision recording plan to be verified by the Town Planner prior to the release of the signed recording plan.

#### 911.B. – Sufficient Water

- The Portland Water District (PWD) has a water supply line in the High Street ROW and is available for future connections to the single-family home and duplex.
- The applicant has not provided the PWD "Ability to Server" letter in the final submission. The Planning Board shall require the PWD "Ability to Serve" letter and verified by the Town Planner prior to the release of the signed recording plan.
- The closest fire hydrant is within 1,000 feet of the proposed subdivision.

#### 911.C. - Erosion Control and Impact on Water Bodies

- A surface drainage plan or stormwater management plan must be submitted for the final plan review regarding the construction of the single-family and duplex buildings.
- The applicant provided a stormwater runoff plan from the new buildings by collecting and filtering the surface drainage through roofline drip edge Best Management Practices. The runoff will be collected and discharged through the foundation drains located at the rear of the building. The surface runoff from the driveways will be directed to High Street and picked up in the existing storm drain. The Town discharges the road runoff drainage through an existing stormwater culvert outfall on the High Street property.
- The applicant is proposing a drainage easement for the Town as part of the subdivision approval.
- Soil erosion and sediment control plan was submitted with the final plan review regarding the construction of the single-family and duplex buildings. The applicant shows the installation of silt fencing locations on sheet 4 of 5 of the plan set.
- During the final review, the Town Engineer requested the applicant provide a proposed grading plan. The applicant intends to sell the lots and is not proposing to build the buildings or engage in site work. The Town Engineer suggests adding a note to the subdivision plan requiring grading details for each lot will be included as part of the building permit process.

#### 911.D. – Sewage Disposal

- The proposed single-family and duplex structures will be connected to the Portland Water District (PWD) sewer located in the High Street ROW.

- The applicant has not provided the PWD "Ability to Server" letter in the final submission. The Planning Board shall require the PWD "Ability to Serve" letter and verified by the Town Planner prior to the release of the signed recording plan.

*911.E. – Impact Natural Beauty, Aesthetics, Historic Sites, Wildlife Habit, Rare Natural Areas or Public Access to the Shoreline*

- The applicant will provide more information relating to the natural resource impacts for the final review.
- The property does not have shoreline frontage.
- The applicant did not show the limits of tree clearing as part of the final plan submission for the single-family and duplex buildings. A note should be added to the subdivision recording 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.
- The applicant has not provided the required note limiting the clearing of trees on the subdivision recording plan. The Planning Board should require the addition of the note to the signing plan and verified by the Town Planner.

*911.F. – Conformance with Land Use Ordinances  
Comprehensive Plan:*

- The plan does meet the goals of the 2017 Comprehensive Plan.

*Land Use Ordinances:*

- The minimum lot size of 5,000 SF for standard lots in the VC zoning district.
- Lots meet the lot frontage requirement of 50 feet for the VC Zone.
- The net residential density requirement is 2,500 SF.
- The net residential density calculations are shown on the subdivision recording plan.
- Single-family and duplex are permitted use in the VC zoning district.

*Subdivision Ordinance*

- The applicant did not provide Tax Map and Lot numbers from the Tax Assessor for the final plan submission review.
- Subdivision plan data, compatible with the Town GIS, has not been submitted in the final plan submission.
- The building setback requirements are shown on the final plan submission for all lots. Per the Code Enforcement Officer, the rear yard setback for Lot 3 is the boundary measuring 49.41-feet.
- For the final plan review, the applicant shall describe how solid waste will be collected and disposed of. The solid waste generated during construction will be hauled from the site and disposed of at a licensed waste handling facility. Residents will use the Town's curbside trash collection service.
- The applicant will show the proposed driveway location and building envelopes for Lots 2 and 3 the final plan review.

*911.G. – Financial and Technical Capacity*

- Evidence of financial capacity must be provided as part of the final plan review. The applicant is proposing to sell the lots. The costs of recording the subdivision plan are nominal, and the applicant is self-funding.
- Evidence of technical capacity must be provided as part of the final plan review. The applicant contacted DM Roma Consulting Engineer for permitting management and site design. The Planning Board required the subdivision record plan to be stamped and signed by a State of Maine License Survey prior to the Planning Board signing the recording plan.

*911.H. – Impact on Ground Water Quality or Quantity*

- No impacts on groundwater are expected from the future development of the structures that will be connected to the Portland Water District (PWD) water supply and sewage disposal system.

*911.I. – Floodplain Management*

- The subject property is not in a mapped FEMA Floodplain boundary.

*911.J. – Stormwater*

- The applicant has provided see Section 911.C. - Erosion Control and Impact on Water Bodies above for details. A surface drainage plan or stormwater management plan for the single-family and duplex buildings final plan review.
- The Town Engineer has reviewed the proposed stormwater drainage plan and has accepted the plan to use roofline drip edge filters and to allow driveway runoff to sheet flow in the High Street ROW. The Town Engineer suggested a Condition of Approval and plan note concerning the requirement for roofline drip edge filter, construction details, and the specific location to be reviewed during the building permit process.
- The applicant shall provide a draft stormwater easement for the existing municipal storm drain. The applicant has not provided a drainage easement for the Town's stormwater culvert outfall.
- The Town Engineer states, "the [stormwater] culvert referenced above should have a drainage easement granted to the Town to allow for maintenance of the culvert on the subdivision's property. Also, the subdivision plan states that stormwater runoff from the driveways will flow into the road ROW where it will go into the Town drainage system. Generally, the Town requires developments to manage runoff on-site. The applicant should consider pervious pavers of equivalent that would allow for this."
- The applicant responded the easement area is shown in the plans and is not proposing to build structures, only to sell the new lots. The subdivision plan illustrates possible locations of the driveways, general structure footprints, and utility connections. The applicant proposes to install a plunge pool at the end of the stormwater culvert to control the stormwater runoff from the road, spreading the flow and allowing better infiltration.
- The Town Engineer stated that the existing area has resulted in erosion and that a plunge pool would help minimize future soil erosion. He also suggests using pervious pavers for the driveway reducing the amount of runoff to the road ROW. The Town Engineer supports suggests use of both the pervious driveway pavers and the plunge pool BMPs to minimize possible soil erosion from the stormwater culvert outfall.

*911.K. – Conservation Subdivision*

- Conservation subdivisions are permitted in Farm or Farm Residential zoning districts only.

*911.L. – Compliance with Timber Harvesting Rules*

- The applicant of the 3-Lot subdivision will not involve timber harvesting activity. All tree removal will be limited in scope and minimal.

*911.M. – Traffic Conditions and Street*

- The applicant states the minor subdivision will generate approximately three (3) peak-hour trip ends. The small amount increase of traffic expected will not adversely the are road network. The placement of driveways will not adversely impact vehicular movement on the High Street.
- All driveway curb cuts will require a "driveway opening" permit from Public Works Department.

### CONCLUSIONS

1. *The subdivision 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 subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.*
5. *The proposed subdivision will not cause any 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 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 subdivision will provide for adequate sewage waste disposal.*
8. *The proposed subdivision conforms to a duly adopted subdivision 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 subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.*
11. *The proposed subdivision 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 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/does not provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.*
14. *All freshwater wetlands within the proposed subdivision have/have not been identified on the plan.*
15. *Any river, stream, or brook within or abutting the subdivision has/has not been identified on any maps submitted as part of the application.*
16. *The proposed subdivision will provide for adequate stormwater 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 has/does not have a lot of depth to shore frontage ratio greater than 5 to 1.*
18. *The long-term cumulative effects of the proposed subdivision will/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.*
20. *The timber on the parcel being subdivided has/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 October 4, 2021, amended October 25, 2021, and supporting documents and oral representations submitted and affirmed by the applicant and conditions. If any conditions are imposed by the Planning Board and any variations from such plans, proposals, supporting documents, and representations are subject to review and approval by the Staff Review Committee or the Town Planner in with Section 913 of the Subdivision Ordinance.

2. The minor subdivision approval shall be amended to a major subdivision approval if there is any further creation of dwelling units other than two (2) units for Lot #, within a five (5) period, and one (1) unit for Lot #2, and two (2) units on Lot #3.
3. The applicant shall install a monument at the northeast corner of the subdivision.
4. Each new dwelling unit shall require providing two (2) off-street parking spaces.
5. The applicant shall add a note to the subdivision plan requiring grading details for each lot and prior to the issuance of the building permit, the building permit application applicant shall provide for review and approval Town Engineer of a grade erosion control plan.
6. The applicant shall add a note subdivision plan requiring the use of roofline drip edge filters for the new residential structures and prior to the issuance of the building permit, the building permit application applicant shall provide for review and approval of the construction details of filters and showing specifically the filters locations by Town Engineer.
7. Prior to the release of the signed subdivision recording plan, the applicant shall provide to the Town Planner an executed and recorded drainage easement with the Town of Windham for the Town's High Street stormwater culvert and outfall plunge pool.

Seconded by Marge Govoni.

Roll Call

Keith Elder – In favor      Colin Swan – In favor  
Marg Govoni – In favor      Kaitlyn Tuttle – In favor  
Evert Krikken – In favor

Vote: All in favor.

## **New Business**

### **6      [PB 21-062](#)**

**The application INCOMPLETE in regard to Section 807.f.1.(b). The Town has advertised the proposed parking expansion project and has received public comments. The Planning Board can not make a final determination on the proposal until it is in a completed state.**

21-20: Bangor Savings Bank Parking Expansion. First Amended Site Plan. The application is to construct 15 space parking expansion to serve the new Bank Branch and Office Building. The properties in question are located at 6 Abby Road and 745 Roosevelt Trail and identified on Tax Map: 67, Lots: 54, 55, 56, Zone: Commercial I (C1).

**Attachments:** [MEMO AMENDED MAJOR SITE PLAN](#)  
[BangorSavingsBank-CrossIns ParkingExpansion 21-20 102121.pdf](#)  
[APPLICANT RESPONSE AmendedSitePlan BangorSavingsBankParkingExpansion 21-20 102121.pdf](#)  
[REVISED PLAN AmendedSitePlan BangorSavingsBankParkingExpansion 21-20 100121.pdf](#)  
[COMPLETENESS MEMO AmendedSitePlan BangorSavingsBankParkingExpansion 21-20 100721.pdf](#)  
[APPLICATION AmendedSitePlan BangorSavingsBankParkingExpansion 21-20 100121.pdf](#)  
[PLAN AmendedSitePlan BangorSavingsBankParkingExpansion 21-20 100121.pdf](#)  
[PublicComment Graves 101921.pdf](#)

*The applicant had requested to postpone the application until the November 8, 2021 Planning Board meeting.*

- 7      [PB 21-063](#)      19-20: Les Wilson & Sons Pit - Major Site Plan - Approval Extension. The applicant is requesting one (1), one-year extension, per [Section 814.A.2.](#), to their October 9, 2019 approval for a new 4.8-acre mineral extraction operation from Maysens Way. The property in question identified as Tax Map: 7 Lot: 36 D. Zone: Farm (F).

**Attachments:** [MEMO APPROVAL EXTENSION](#)  
[SitePlan LesWilson&SonsPit 19-20 101821.pdf](#)  
[APPROVAL EXTENSION REGUST LesWilson&SonsGravelPit 19-20 100821.pdf](#)  
[19-20 Les Wilson Pit Approval 12-12-19.pdf](#)  
[Site Plan of Mineral Extraction - Maysens Way \(10-7-19\).pdf](#)  
[Cover Letter - Les Wilson & Sons Pit.pdf](#)  
[Pit Reclamation Plan 2019\\_10\\_30.pdf](#)

*Chris Wilson was present. He explained:*

- *The project had been approved two years ago.*
- *He had been working with the town's engineer toward town acceptance of Maysen's Way and hadn't yet gotten to the point of providing a performance guarantee for the pit.*
- *The approval was expiring.*

*Board Comment*

- *The pit was approved in 2019 for five years. Two years later had they been using the pit? Did the request extend the five-year period?*
- *The chain and stanchions wouldn't keep kids out of the pit. Was it a safety issue?*
- *Once the pit was finished would it become part of the first phase of the subdivision or would it be phase 2?*

*Colin Swan made a motion to approve the first one-year extension, in accordance with Section 814.A. making the plans the Findings of Fact, Conclusions, and Conditions of Approval valid through October 9, 2022.*

*Seconded by Marge Govoni.*

*Roll Call*

*Keith Elder – In favor      Colin Swan – In favor*  
*Marg Govoni – In favor      Kaitlyn Tuttle – Had left the meeting.*  
*Evert Krikken – In favor*

*Vote: Four in favor.*

### **Other Business**

**8      [PB 21-064](#)      Appointment of a Planning Board Member to the Long Range Planning Committee.**

*Keith Elder made a motion to appoint Evert Krikken to the Long Range Planning Committee.*

*Seconded by Marge Govoni.*

*Roll Call*

*Keith Elder – In favor      Colin Swan – In favor*  
*Marg Govoni – In favor*

*Vote: Three in favor. No one opposed. Evert Krikken abstained.*

### **Adjournment**

*Colin Swan made a motion to adjourn.*

*Seconded by Keith Elder.*

*Vote: All in favor.*