



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Final

### Planning Board

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Monday, April 10, 2017

7:00 PM

Council Chambers

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#### Call To Order

#### Roll Call

*The meeting was called to order by Chair, David Douglass. Other members present were: Margaret Pinchbeck, Keith Elder, Bill Walker.*

*Planning Director, Ben Smith, was also present.*

#### Approval of Minutes

[CD 17-118](#) March 27, 2017

**Attachments:** [Minutes 3-27-17 - draft](#)

*Bill Walker made a motion to approve the minutes.*

*Seconded by Margaret Pinchbeck.*

*Vote: All in favor.*

#### New Business

[PB 17-024](#) 16-02 Route 302 Subdivision for M.S. Hancock, Inc. Third amendment to an approved subdivision. Little Mountain, LLC to request an amendment to transfer 2.1 acres of Lot 2A to Lot 2A-2. The property in question is located at 968 Roosevelt Trail and identified on Tax Map: 21, Lots: 2A and 2A-2, Zone: Commercial 1 (C-1).

**Attachments:** [17-04 MS Hancock 3rd Amended Subdivision 04-07-17](#)  
[MS HANCOCK 09-1984](#)  
[968 Roosevelt Trail LLC - MS Hancock 2nd Amendment 01-2016](#)  
[16041-PRELIM-170306](#)  
[Little Mountain LLC Amended Subdivision Application 2017 4 3](#)

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

- The subdivision had been amended. Development plans for the property had changed since then.*
- They now proposed to create a lot around the existing building at the front of the lot, including the road frontage. The remaining land would be merged with the*

abutting, Big Mountain Storage property.

- An existing easement would be retained to where it met the property line and then it would be extended another 20 feet so shared access would be possible in the future. There was no plan for shared access now.
- As the previously approved project had evolved it developed into more than the owner was prepared for. They thought it made sense to access the new buildings through the existing facility.

Ben Smith explained:

- As it currently existed, the Big Mountain lot was nonconforming. The ordinance allowed changes to nonconforming lots as long as it did not increase the nonconformity.
- The site was originally approved as a three lot subdivision in 1984. Each change to it had come before the Board for approval in compliance with regulatory and permitting requirements.

The Board commented:

- Initially, the storage buildings had been approved with the understanding that the appearance of the front building would be improved to meet design guidelines.
- There was a steep divide between the two properties. What would happen if the lot was divided but the Board didn't approved construction on the rear parcel?
- What about the 40 foot driveway easement?
- If the front lot stayed with Little Mountain, did that mean that the approval for the back portion of the property was no longer valid?
- What rights had been reserved for utilities?
- Why shorten the easement?

Ben Smith explained:

- He believed there was a shared driveway easement having 20 feet on each property. It hadn't been clear to him which portions of the easement would be retained with the subdivision amendment.
- The 40 foot driveway easement currently existed on an approved plan. He understood that would carry through, even though there was no proposal to locate a driveway or entrances any differently than they were located on the ground today.
- The application submission reopened the prior approval for the back portion. When the back portion was combined with the Big Mountain property, it would make it a legally non-conforming lot, just as it currently was.
- They would be able to proceed with a new amended site plan.

Mr. Roma explained:

- The second amended subdivision plan included a 40 foot shared driveway easement which was 20 feet on either side of the common boundary line.
- They had included a draft easement release which would release a portion of the right-of-way because it didn't need to extend as far back. The goal was to provide enough access to get to the property. The easement was creating restrictions on the parcel. They couldn't locate the building and still provide ingress and egress over the easement there. In order to put the buildings and stormwater ponds on the property they had to locate a building in the area where the easement currently existed. There was no practical location for the driveway to be constructed to the back land as long as the building was there.
- He would discuss the site plan under the next application. It didn't provide for any improvements to the right-of-way.
- The intent in the next application was to relocate utilities.

*Bill Walker made a motion that the final subdivision application for 17-04 MS Hancock Subdivision, 3rd Amendment Tax Map: 21, Lot: 2-A was to be approved with the following findings of fact and conclusions.*

**FINDINGS OF FACT**

**A. POLLUTION**

- *This application is for the division of the property only. As such there is no impact on stormwater or groundwater resources.*

**B. WATER**

- *This amendment request will not have an impact on the demand for water supply for domestic or fire suppression needs.*

**C. SOIL EROSION**

- *No new development is proposed as part of this application, so there is no anticipated soil disturbance or impacts on soil erosion or sediment leaving the subdivision boundaries.*

**D. TRAFFIC**

- *Parcel A is meant to be combined with the abutting property owned by Double A Properties, LLC.*
- *There is a 40-foot driveway easement over both the Double A and Parcel A lots. The applicant should clarify whether or not the Survey, Inc. plan, dated March 2017, should be updated based on the wording of the Partial Termination of Reciprocal Access Easements document included in the submission dated April 3.*

**E. SEWERAGE**

- *This application does not include a new private subsurface wastewater disposal (septic) system.*

**F. SOLID WASTE**

- *No new buildings or uses are proposed that would impact the disposal of garbage.*

**G. AESTHETICS**

- *This application will have no impact on aesthetics of the site.*

**H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES**

- *Comprehensive Plan:*
- *The plan does meet the goals of the 2003 Comprehensive Plan.*
- *Land Use Ordinances:*
- *The Big Mountain, LLC property, shown as Map 21, Lot 2A-2, is a Nonconforming lot of record, as it only has about 50-feet of frontage on Route 302. The remaining 2.1 acres of land, labeled on the plan as Property of Little Mountain, LLC, is proposed to be combined with the Big Mountain property. This arrangement is*

*allowed as it would not increase the degree of nonconformity, meaning it does not further reduce the frontage of the property.*

- The Property of Little Mountain should be shown on this plan as being combined with the Big Mountain property. As currently shown this 2.1 acre lot is a property with no frontage.*

- Subdivision Ordinance*

- The post-construction tree cover line must be shown on the Preliminary Plan, along with a note stating that there will be no clearing of trees 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 (§911.E).*

- The Tax Map and Lot numbers provided by the Tax Assessor must be shown on the Final Plan.*

- Subdivision plan data compatible with the Town GIS must be submitted as part of the Final Plan submission.*

- Others:*

#### *I. FINANCIAL AND TECHNICAL CAPACITY*

- The subdivision amendment will not require site work or the installation of new roads or utilities.*

#### *J. RIVER, STREAM OR BROOK IMPACTS*

- No impacts are anticipated as a result of the creation of the lot labeled as Parcel A.*

#### *CONCLUSIONS*

- 1. The proposed subdivision will not result in undue water or air pollution.*

- 2. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the site plan.*

- 3. The proposed subdivision will not cause an unreasonable burden on an existing water supply.*

- 4. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.*

- 5. The proposed subdivision will/will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.*

- 6. The proposed subdivision will provide for adequate sewage waste disposal.*

- 7. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste.*

- 8. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.*

- 9. The proposed subdivision conforms with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.*

- 10. The developer has adequate financial and technical capacity to meet the standards of this section.*

- 11. The proposed subdivision is not situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in*

Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.

12. The proposed subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

13. The proposed subdivision is situated entirely or partially within a floodplain.

14. All freshwater wetlands within the proposed subdivision have been identified on the plan.

15. Any river, stream, or brook within or abutting the subdivision has been identified on any maps submitted as part of the application.

16. The proposed subdivision will provide for adequate storm water management.

17. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.

18. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.

19. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will/will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located. (N/A)

20. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.

#### CONDITIONS OF APPROVAL

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated March 2017, and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the Planning Board or the Town Planner in accordance with Section 913 of the Subdivision Ordinance.

Seconded by Keith Elder.

Vote: All in favor.

#### [PB 17-025](#)

17-05 Expansion of JMC Self Storage/Little Mountain Self Storage & Retail Amendment. Site plan amendment. Big Mountain, LLC to request review of an amendment eliminate the 4,750 square foot retail building and to the combine the public warehousing previously approved at 964 and 968 Roosevelt Trail. The subject property is located at 964 Roosevelt Trail and identified on Tax Map: 21 Lots: 2A and 2A-2, Zone: Commercial I (C-1).

**Attachments:** [17-05 Little Mountain Self Storage Facility - JMC Expansion - Final](#)

[JMC Self Storage Amended Site Plan Application 2017 4 3](#)

[JMC Self Storage Facility Amended Site Plan 2017 4 3](#)

[Previous Site Plan - JMC Self Storage](#)

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

- The proposal was to amend the approved site plan to add additional storage

units, two climate controlled units in the back and two units in front with exterior doors for drive-up access.

- Much of the stormwater management and grading was similar to the previous site plan as far as finished floor elevations and the elevations of the site plan. They had to find a way to combine the two parcels in a way that the grades for the driveways were comfortable and they could manage the stormwater run-off from the slopes. This would be done by widening the area, increasing the grade in some areas and decreasing the grade in others.
- The infiltration basin had been moved from its location on the previous site plan.
- Security would be provided by a single gate.

The Board commented:

- The turn on the driveway appeared tight.
- What about parking? Was a handicap parking space needed?
- How would traffic flow around the buildings?
- There was a new alignment of the buildings.
- How would snow removal and storage be managed?
- What about stormwater?
- Would there be a hydrant for the buildings?
- There was a preference for the extension of an existing guardrail, as opposed to the installation of boulders.
- How would the rockery wall be constructed?
- Code required building sprinklers depending on what was stored. They would have no control over what was stored. What would they do?

Mr. Roma responded:

- There was plenty of room to turn with a trailer. There was a wide area of pavement. The drive was not intended for two-way traffic.
- People would typically park in parallel spaces in front of their unit for loading and unloading. Parking would be unstriped.
- They could put directional signs on the buildings for the exit and one-way traffic.
- Revised building elevations and a revised site plan would be submitted.
- Snow would have to be removed because of space constraints.
- One pond was conducive to infiltrating water. Another would overflow into the existing ditch, which would be reconstructed.
- They had not yet finalized the water supply.
- The rockery wall would not be very tall. If there were not enough rocks on site to build it they would use pre-cast concrete with a split face look to it.
- They would pursue the requirement for sprinklers with the State Fire Marshall's office.

Margaret Pinchbeck made a motion to schedule a public hearing.

Seconded by Bill Walker.

Vote: Three in favor. Keith Elder opposed.

## **Other Business**

## **Adjournment**

Margaret Pinchbeck made a motion to adjourn.

Seconded by Keith Elder.

*Vote: All in favor.*