



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Planning Board

Monday, April 24, 2017

7:00 PM

Council Chambers

Call to Order

Roll Call and Declaration of Quorum

The meeting was called to order by Chair, David Douglass. Other members present were: Keith Elder, Bill Walker, and Nick Kalogerakis.

Town Engineer, Jon Earle, was also present.

Approval of Minutes

[PB 17-026](#) April 10, 2017

Attachments: [Minutes 4-10-17](#)

Bill Walker made a motion to accept the minutes of the April 10, 2017 meeting.

Seconded by Keith Elder.

Vote: Three in favor. No one opposed. Nick Kalogerakis abstained.

Bill Walker made a motion to take the agenda items out of order.

Seconded by Nick Kalogerakis.

Vote: All in favor.

Public Hearings

[PB 17-027](#) 16-25 Highland Views Manufactured Housing Park & Mixed Use Development (formerly Windham Line). Major subdivision and site plan preliminary plan review. Chase Custom Homes & Finance Inc. to request review of a 24 unit manufactured home park, and a mixed use complex containing 10 residential apartments and a 2,935 square foot 10 unit self-storage facility. The property in question is located on 19 Roosevelt Trail Tax Map: 7, Lots: 63, 66, Zone: Commercial III (C-3) and Manufactured Housing Park Overlay (MHPO).

Attachments: [16-25 Highland Views MHP_Final_04-19-17](#)[Highland Views Submission Materials](#)[Highland Views Plans - 3-31-2017](#)

Jeff Amos, an engineer with Terradyne Consultants, was present representing the applicant. He explained:

- The application was for a 24 unit manufactured housing park, located to the rear of the property and a ten unit, mixed use development, at the front of the property. Each unit would have a self-storage facility on the bottom floor with an apartment above it.
- The entrance was off Route 302, directly across from Land of Nod Road.
- The first part of the entrance road would meet town standards for a minor private road. The right-of-way for the manufactured housing park would have be 23 feet wide, in compliance with the ordinance.
- They had met the town's water quality and quantity standards as well as DEP standards and had provided phosphorous calculations that showed they were not exporting more phosphorous than was allowed for the site.
- Multiple Best Management Practices (BMPs) would reduce the phosphorous export so it was well below the allowance. Each lot would have limitations on the amount of disturbance allowed. Houses would have a roof drain filter strip to separate roof water from the rest of the site water. They proposed a series of wooded buffers, a gravel wetland, and an underdrain filter.
- They had met with the Highland Lake Association.
- The site would be served by public water. The plans had been approved by Portland Water District.
- Each of the self-storage/apartment buildings would have its own septic system. The park would drain to a community septic system.
- A hydrogeological assessment of all the septic systems had been submitted, reviewed and approved by the town.
- Building elevations had been submitted.
- They requested a waiver of the high intensity soil survey. There were adequate test pits to provide information regarding the exact soils. Nothing would be gained by a high intensity soil survey. The waiver request had been reviewed by the town engineer and he found it to be reasonable.

Public Comment

Tom Bannen, president of the Highland Lake Association – Three members of the Association had met with Mr. Amos to discuss the proposal and the stormwater plan. The Association members had a few comments which they believed had been addressed. They had no existing concerns with the proposal. At a January Planning Board meeting he had requested that no waivers be granted. They now thought that the waiver request was reasonable.

The one outstanding concern was access to the water. Whenever there was shared use and shared access it was important to have control over it to prevent the introduction of invasive plants, pollution, etc. Their concern regarding access to the lake was insuring it would not create any additional burden of nutrients or other problems associated with uncontrolled public access. Controlled access could be a gate or monitoring.

Mr. Bannen explained Highland Lake had been experiencing a persistently recurring algae bloom for the past three summers. It was a pico plankton, which had not been spotted in Maine before. This algae was not well studied in a freshwater

environment. They would start a project soon to identify the genus and species of the algae, which was not known at this time. The Town of Windham had awarded them \$4,000 as part of the watershed protection grant, to investigate and attempt to mitigate the algae bloom. Anything that could be done to reduce phosphorous and nitrogen in the lake would help.

John Wilcox, a past member of the Highland Lake Board – He wondered if the area that had been constructed by the former owner for run-off was included in the stormwater plan.

Eunice Wilcox, a Highland Lake resident – She asked if there would be a road association. Would there be any way to dialogue with the entire neighborhood? Would each deed have any information or legal right-of-way to the lake?

Mr. Amos responded:

- They would provide a gated and locked access to the lake and show it on the final plans.
- The exterior drainage swale that was constructed by the former owner had resulted in an action being taken against him in the 1980s by DEP. DEP had been to the site and was of the opinion that the swale was stable, ought to stay as it was, was in compliance with what they were proposing, and met DEP regulations. It surrounded the former camp ground area and diverted everything away from it along the edge.
- The project was a manufactured housing park, which meant there was one common owner. People buying in would have rights and a deeded access to the lake but they would be leasing the land that the house was sitting on. There would be an association that they bought into with rules and regulations for living in the park. The association would be owned by one entity.

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

[PB 17-028](#)

17-07 Gambo Public Boat Launch. Site plan amendment and Shoreland Zoning permit. S.D. Warren Company to request review of a public boat launch facility on the Presumpscot River. The subject property is located at Soccer Drive and identified on Tax Map: 5 Lot: 7, Zones: Industrial (I) and Resource Protection (RP).

Attachments: [17-07 Gambo Public Boat Launch 04-19-2017](#)
[Gambo Boat Launch Cover Letter 2017 4 12](#)
[Gambo Boat Launch Site Plan 2017 4 12](#)

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

- The proposal was for a public boat launch on land that was owned by the Windham Youth Soccer Association.
- They had completed details regarding access, easements, DEP permits, and a contract to do the work. They were in the process of coordinating a schedule with the Windham Youth Soccer Association so construction wouldn't interfere with soccer.
- Minor grading adjustments would ensure stormwater flow to the ditches beside the ramp. The slopes on site shouldn't produce overly erosive conditions. What they had proposed for culverts, rip-rap and swales, should adequately manage run-off from

the site.

- They no longer proposed to install a concrete plank in the water, pending Army Corp of Engineers approval. Could it be made a condition of approval that staff could approve the change to add in the concrete plank at a later date, as a minor revision, should the Army Corp approve it?
- The proposed installation of a barrier at the end of the paved area had been the subject of public comment and discussion at the site walk. This would discourage the use of motorized trailered access to the water. One suggestion was to stagger the guardrails in order to create a physical barrier across the paved section. They were agreeable to that.

Public Comment

Doug Smith, Laskey Road – He lived on the stretch of river that would be served by the boat ramp. He was pleased with the design. He commented that muscle powered boats were encouraged. They did not produce erosive wave action. He requested that the rip-rap be either large enough so the rocks could not be thrown into the water or that the concrete plank could be installed.

Mr. Roma responded that they were agreeable to using some larger material to secure the sides.

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

Continuing Business

[PB 17-034](#)

16-25 Highland Views Manufactured Housing Park & Mixed Use Development (formerly Windham Line). Major subdivision and site plan preliminary plan review. Chase Custom Homes & Finance Inc. to request review of a 24 unit manufactured home park, and a mixed use complex containing 10 residential apartments and a 2,935 square foot 10 unit self-storage facility. The property in question is located on 19 Roosevelt Trail Tax Map: 7, Lots: 63, 66, Zone: Commercial III (C-3) and Manufactured Housing Park Overlay (MHPO).

Attachments: [16-25 Highland Views MHP_Final_04-19-17](#)

[Highland Views Submission Materials](#)

[Highland Views Plans - 3-31-2017](#)

Board Comments:

Jon Earle reminded the Board that the application had been before the Board on January 9th as a public hearing. Only lot 66 was advertised and only abutters to that lot were notified of the public hearing. Prior to this meeting abutters to both lots were notified of the public hearing.

The Board commented:

- What was the designated common area that was accessed by the 20 foot wide access?
- What were the failure points of the septic systems and how would that be controlled? What was the associated maintenance?

- *Were the apartments and storage units interconnected?*
- *Would the people in the ten apartments to have motorized access to the lake?*
- *It would be helpful to owners of the homes if the lake association would provide information regarding care of the lake.*

Mr. Amos replied:

- *The common area included the stormwater ponds, the septic systems, and the large wetland. They were required to have a ten foot wide stabilized access to each of the stormwater ponds for maintenance and inspections.*
- *The two smaller systems were pretty standard. The community septic system had gravity drains to it. It would consist of a series of in-drains that were a plastic structure which sat on top of free drain gravel material. Typically the break points would be just downstream of that. They had designed a toe extension with 14 inches of gravel that extended 75 feet downstream to help dissipate the flows and control them. Beyond that the nitrate plume met state standards just downstream of the toe extension. Those systems came with regular inspections.*
- *The apartments/storage units would be built as two buildings in groups of five with a fire wall between each. There was a driveway access to the self-storage units. The main entrance to the apartments would be up the sidewalk and around to the front of the building. There would be a means to access the self-storage unit from the corresponding apartment if both were rented by the same tenant.*
- *Tenants would be able to access the pond but there were no plans to improve the existing stabilized access.*

The applicant had requested a waiver of 910.C.1.c.1. High Intensity Soil Survey submission requirement based on the medium intensity soils map and preliminary septic system investigation and hydrogeological assessment.

Bill Walker made a motion to accept the waiver request.

Seconded by Keith Elder.

Vote: All in favor.

PB 17-032

17-07 Gambo Public Boat Launch. Site plan amendment and Shoreland Zoning permit. S.D. Warren Company to request review of a public boat launch facility on the Presumpscot River. The subject property is located at Soccer Drive and identified on Tax Map: 5 Lot: 7, Zones: Industrial (I) and Resource Protection (RP).

Attachments: [17-07 Gambo Public Boat Launch 04-19-2017](#)

[Gambo Boat Launch Cover Letter 2017 4 12](#)

[Gambo Boat Launch Site Plan 2017 4 12](#)

The Board commented:

- *The ramp would be an asset to the community.*
- *The concept of staggered guardrails made sense. Consideration should be given to the height of the guardrails and possible conflicts with people carrying canoes.*
- *Was the purpose of the concrete slab that was subject to Army Corp review only so there would be something sturdy to walk on in the water?*

Mr. Roma responded:

- The wooden top of the guard rail would be mounted above the steel plates so it could be used as a slide.
- If you were to step into the water it was an organic mucky type of bottom there. The plank was to create some stabilization at the river bank.

Keith Elder made a motion that the application for project 17-07 Gambo Public Boat Launch 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 Nick Kalogerakis.

Vote: Three in favor. Keith Elder abstained.

Bill Walker made a motion that the Site Plan & Shoreland Zoning Use application for 17-07 Gambo Public Boat Launch on Tax Map: 5, Lot: 7, was to be approved with conditions with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- The overall property has been developed as a soccer field facility with associated parking. The portion of the property identified as the location for the boat launch facility is located at the far western end of the existing parking area and is currently wooded between the parking area and the Presumpscot River.

Vehicular and Pedestrian Traffic

- The new access to the boat launch facility will be approximately 317' feet long, with the first 150 feet to be gravel surface, and final 167 feet to the water will be paved.
- Five (5) new parking spaces for passenger vehicles and Two (2) trailer parking spaces are to be constructed in a parking area on the access to the launch facility.

Sewage Disposal and Groundwater Impacts

- No new subsurface wastewater disposal systems are proposed as part of this amendment to the plan.

Stormwater Management

- This project has received a NRPA permit by rule from the Maine DEP dated March 7, 2017.
- This project will require a permit from the Army Corps of Engineers.
- The concrete pad that was proposed to be located below the normal water line has been removed due to scheduling conflicts with ACOE permitting. The applicant is requesting the Planning Board authorize the Town Planner to approve the addition of the concrete plank below the water surface at such time that an ACOE permit is granted.
- Jon Earle, PE, Town Engineer, offered the following comments on the submission in an email dated March 13, 2017:
 - Extending the limits of paving would help reduce the chance of erosion of the gravel road over slopes approaching 7% and steeper.
 - Discharge from the level lip spreaders on either side of the boat ramp exceed the slope required for treatment in the BMPs. The maximum slope allowed is 15:1 and

existing slopes scale to approximately 6:1 to 8:1.

- Grading for the ramp access road has been changed to direct runoff to a ditch on the south side of the road and then to a level spreader to reduce the amount of water that will run down the paved portion of the road and to the river.

Erosion Control

- Silt fence location is shown on the site plan.
- This project will require a soil erosion permit from Code Enforcement prior to construction activities.
- Jon Earle, PE, notes in an email comment dated March 23, 2017 that there is a construction entrance detail included in the plan set, but no construction entrance is shown on the site plan. Clarification is requested.
- Additional riprap has been added to the plan at the bottom of the boat ramp concrete where runoff would enter the river to reduce the potential for erosion.

Utilities

- No utilities are proposed as part of this amendment.

Financial Capacity

- Applicant has estimated project costs at \$80,000, and indicated that the project will be self-financed.

Landscape Plan

- The project is within a wooded area between existing playing fields and the Presumpscot River.
- No new landscaping is proposed as part of this amendment.

Conformity with Local Plans and Ordinances

1. Land Use

- This amendment does not have an impact on the zoning standards in Section 400 of the Land Use Ordinance.

2. Comprehensive Plan

- This project meets the goals and objectives of the 2003 Comprehensive Plan.

3. Others:

Impacts to Adjacent/Neighboring Properties

- No lighting is proposed as part of the new boat launch facility.

SHORELAND ZONING PERMIT REVIEW

1. Will maintain safe and healthful conditions;

The proposed boat launch facility will clear a small area for development and will maintain the existing character of the parcel. The facility will not interfere with the general health of any neighboring properties.

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

Appropriate measures have been incorporated into the site plan to minimize any potential water pollution associated with the use of the facility. The applicant will obtain a soil and erosion control permit prior to starting construction activities.

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

No wastewater facilities or disposal areas are proposed as part of this plan amendment.

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

The project involves minimal disturbance below the waterline of the Presumpscot River. A precast concrete pad will be placed below waterline. This portion of the Presumpscot is impounded by the dam at Gambo Falls. There are not wetlands or mapped wading bird habitat mapped in the project area.

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

Clearing of vegetation in a Resource Protection district is limited to that which is necessary for the proposed use. Vegetation clearing limits are shown on the site plan. This proposal will result in a new point of public access to the Presumpscot River.

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

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

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

A portion of property located along the river appears to be located within the mapped 100 year floodplain.

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

A. Minimum Lot Standards/B. Principal and Accessory Structures

There are no new lots or structures associated with this application.

C. Piers, Docks, Wharves, Bridges, and Other Structures and Uses

The boat launch facility meets the standards for structures extending below the normal high water line in this section of the Shoreland Zoning Ordinance.

D. Campgrounds

This application does not include any campgrounds.

E. Individual Private Campsites

This application does not include any individual private campsites.

F. Commercial and Industrial Uses

This application does not include any commercial or industrial uses.

G. Parking Areas

The seven (7) parking spaces are more than 50-feet away from the shoreline, as required by this section. The spaces are sized for regular vehicles that are "car-topping" canoes and kayaks to the facility. Vehicles hauling boats would be required to utilize spaces in the larger parking area as proposed.

H. Roads and Driveways

No new roads or driveways are proposed as part of this application.

I. Signs

This application does not include any proposed signs.

J. Storm Water Runoff

The applicant shall obtain a soil and erosion control permit from Code Enforcement when obtaining a building permit. See Site Plan Amendment comments above for more detail.

K. Septic Waste Disposal.

There are no existing septic systems on the property, and none proposed through this amendment.

L. Essential Services

The applicant is not proposing to install any new electrical poles, transmission lines, satellite dishes, generators, hydrants etc.

M. Mineral Exploration and Excavation Permits

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

N. Agriculture

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

O. Timber Harvesting (Repealed)

P. Clearing or Removal of Vegetation for Development Other Than Timber Harvesting
Vegetation clearing limits are shown on the site plan.

Q. Erosion and Sedimentation Control

The applicant shall obtain a soil and erosion control permit from Code Enforcement when obtaining a building permit.

R. Soils

There are no subsurface disposal systems located on the property.

S. Water Quality

The proposed use will not discharge pollutants on or into the ground or to waters of the State.

T. Archaeological Sites

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

U. Home Occupations

This application does not include a home occupation.

V. Animals in Shoreland Zone

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

CONCLUSIONS

1. *The plan for development reflects the natural capacities of the site to support development.*
2. *Buildings, lots, and support facilities will be clustered in those portions of the site that have the most suitable conditions for development.*
3. *Environmentally sensitive areas, including but not limited to, wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and, sand and gravel aquifers will be maintained and protected to the maximum extent.*
4. *The proposed site plan has sufficient water available for the reasonably foreseeable needs of the site plan.*
5. *The proposed site plan will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.*
6. *The proposed use and layout will be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved.*
7. *The proposed site plan will provide for adequate sewage waste disposal.*
8. *The proposed site plan conforms to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.*
9. *The developer has adequate financial capacity to meet the standards of this section.*
10. *The proposed site plan will not alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.*
11. *The proposed site plan will provide for adequate storm water management.*
12. *The proposed location and height of buildings or structure walls and fences, parking, loading and landscaping shall be such that it will not interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value.*
13. *On-site landscaping does provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.*

CONDITIONS OF APPROVAL

1. *Approval is dependent upon, and limited to, the proposals and plans contained in the application dated March 6, 2017, as amended April 12, 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 814.G. of the Land Use Ordinance.*
2. *The guardrail barrier before the water's edge and the ramp may be altered to show a staggered pattern vs. a linear pattern with a gap.*

Seconded by Nick Kalogerakis.

Vote: Three in favor. No one opposed. Keith Elder abstained.

New Business

[PB 17-029](#)

17-11 Majestic Woods, Phase 3. Major residential subdivision sketch plan review. Shoreland Development, LLC to request review of a 22 lot cluster subdivision. The property in question is located on Swett Road and identified on Tax Map 6, Lot 63-13, Zone: Farm (F).

Attachments: [17-11 Majestic Woods Phase III Sketch 04-19-2017](#)

[Majestic Woods Amended Subdivision Sketch Application 2017 4 3](#)

[Majestic Woods Sketch Plan 2017 4 3](#)

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

- *The first two phases of the subdivision had created 12 single-family residential lots on Swett and Chute Roads. The remaining thirteenth lot was a 39 acre parcel with a 50 foot right-of-way off of Swett Road and some additional frontage on Chute Road. Another 28 acre parcel had been conveyed out during the phase one and two time frame.*
- *This third phase created an issue in keeping track of the net density calculations for the initial phase of the subdivision, based on a conventional layout. The thirteenth lot was a part of that subdivision.*
- *They proposed to develop the thirteenth lot in a cluster configuration. He'd had discussion with planning staff regarding the best way to deal with densities for the cluster without double-dipping. Mr. Roma believed there was agreement that the subdivision had to be considered by the land it actually occupied and all the deductions for net areas as regulated by the cluster subdivision ordinance.*
- *Access for the project was from Swett Road through the 50 foot right-of-way.*
- *The road length was about 1,800 feet from Swett Road to the end of the cul-de-sac. It was proposed to be built to minor street town standards.*
- *Mr. Roma understood that sidewalks would not be required because there were no other sidewalks to connect to and it was a dead-end road.*
- *Houses would have sprinkler systems.*
- *The ordinance required 50% of the net buildable area be open space. They were about an acre short of that requirement. They requested a waiver from the standard.*
- *The project would require a Site Location permit from DEP.*
- *A high intensity soli survey would be required.*
- *They may request a waiver of the ordinance requirement for a hammer-head every 1,000 feet for dead end roads that were not on public water. The road would end in a cul-de-sac. Mr. Roma was going to discuss the need for a hammer-head at the thousand foot mark with the fire department.*
- *They were currently checking for vernal pools.*
- *Colley Wright Brook had an associated flood plain. They would leave that area in open space.*
- *They would employ filters and buffers to treat stormwater.*

Jon Earle commented the Planning Director, who had reviewed the application, was of the opinion that while the current calculations were only shown for lot 13 they should include all the land area of the subdivision as it was approved in 2014.

Mr. Roma replied the calculations would be accounted for on the plan.

The Board commented:

- *The Fire Chief should agree to the elimination of the hammerhead before the waiver request was granted.*
- *It was easier to have a paved apron than a sidewalk which would not be plowed or maintained, and would trap water which had to be discharged.*
- *How many acres of open space were there?*
- *Where did the brook go?*
- *What was the difference in density standards?*

- *Had they considered doing conventional, 80,000 square foot lots and seeing what the impact was?*

Mr. Roma responded:

- *They were meeting the gross land area, which was over 21 acres. That exceeded the 50% requirement for gross land area of open space. It was the 50% net area for which they requested the waiver because including the one missing acre had negatively impacted the layout of the proposed properties.*
- *He thought the brook went to the Presumpscot but he wasn't sure.*
- *There were bonus lots available under the cluster standards that were not under conventional standards. That was the only difference. When you deducted out all the wetlands, etc. it seemed there was a similar approach, whether it was done under one or under both. He would discuss it with staff to be sure everyone was comfortable with it.*
- *They had not considered a conventional subdivision on the remaining land. There was flood plain and the road would run down the middle of the site. There would be wider road frontages and fewer lots, which would be tucked around the wetland areas.*

Bill Walker made a motion to schedule a sitewalk and a public hearing at preliminary review.

Seconded by Keith Elder.

Vote: All in favor.

Other Business

[PB 17-030](#)

Election of Chair and Vice-Chair

David Douglass nominated Keith Elder as Vice-Chair.

Seconded by Bill Walker.

Vote: Three in favor. No one opposed. Keith Elder abstained.

Bill Walker nominated David Douglass as Chair.

Seconded by Nick Kalogerakis.

Vote: All in favor.

By-laws

The Board commented:

- *When a meeting happened on a holiday it delayed application review. Could add an additional meeting be held during that week?*
- *Holding a sitewalk just before the meeting seemed a better way than having one on Saturday morning.*

Consensus of the Board was favorable to holding site walks on meeting Mondays before the meeting.

Adjournment

Keith Elder made a motion to adjourn.

Seconded by Bill Walker.

Vote: All in favor.