



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Planning Board

Monday, July 24, 2017

7:00 PM

Council Chambers

1 Call To Order

2 Roll Call and Declaration of Quorum

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

Planner, Amanda Lessard, was also present.

3 [PB 17-065](#) Approval of Minutes: June 26, 2017

Attachments: [Minutes 6-26-17 - draft](#)

Margaret Pinchbeck made a motion to approve the minutes.

Seconded by Nick Kalogerakis.

Vote: Three in favor. No one opposed. Bill Walker abstained.

Public Hearing

4 17-12 Babbidge Farm Subdivision. Major subdivision preliminary plan review. Sebago Heights, LLC to request review of a 17 lot residential cluster subdivision. The subject property is located on Falmouth Road and identified on Tax Map: 13, Lot 44, Zones: Farm (F), Stream Protection (SP).

Bill Walker recused himself because he had been involved in the land division between the developer and the owner of the back land. He did not feel that he could be unbiased.

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

- The parcel was slightly under 30 acres and located off of Falmouth Road.*
- They proposed 17 lots with a new 1,600 foot long roadway that would be built to the town's public road standards.*
- The project was being reviewed for a DEP stormwater permit. They were avoiding wetland impacts so it did not require an NRPA permit from DEP.*
- The project had been designed to meet DEP's phosphorous control standards.*
- The water distribution system had been approved by Portland Water District.*
- They were currently locating underground power and transformer locations.*
- All the lots had suitable soils for septics.*
- There were three stormwater filters proposed; test pits had been located*

around them.

- They would be requesting waivers:
 - o The locations of street trees at 50 foot intervals would be shown on the plan.
 - o DEP was not going to require a hydrogeological assessment because McIntosh Brook and the wetlands would prevent nitrate plumes from going over the property line.
 - o The project would be served by public water.
 - o The ordinance required a single contiguous lot for open space. In this case the road provided access to the rear of the property and divided the open space.
 - o The ordinance required that 50% of the land suitable for development be included in the common open space. Because of the way the lots were situated meeting that requirement would result in oddly shaped lots. They were less than a tenth of an acre off.
 - o Street design standards required hammer-heads to be installed every 1,000 feet. The roadway was 1,600 feet with a cul-de-sac. Location of a hammer-head at the 1,000 foot point would be in an area with wetlands on one side and a stormwater filter on the other that they were trying to preserve. Any vehicle needing to turn around would use the cul-de-sac before they used the hammer-head. It would also add impervious area in a place where they were trying to maintain phosphorous control standards.

Public Comment:

Rosie Hartzler, Vice-President of the Highland Lake Association – She explained Highland Lake was experiencing the fourth year of a pico cyanobacteria bloom. They suspected it was because of a high nutrient load in the lake. Highland Lake was on the DEP list of lakes at risk.

The proposed development was in the lake watershed. McIntosh Brook was the major feeder brook into the lake. She had looked at the stormwater proposal for the development. It looked to her as if there were mitigation plans for up to 71% of the proposed phosphorous run-off that might come from the development. They were offering a mitigation fee of \$10,000.00 to the state for the 29% that was not covered in the phosphorous plan.

This was totally unacceptable to the Highland Lake community. They were in crisis and very concerned about any soil disturbance that may increase phosphorous run-off to the lake and lead to more issues. The Highland Lake Association had received a grant from the town to study the issue. It seemed counter-intuitive for the town to consider more development within the watershed that could potentially increase the nutrient load to the lake and exacerbate the problem.

Chantal Scott, Highland Lake Association member – She asked the Board to consider hiring a consultant to advise the Board. There was currently a disconnect between DEP and the Highland Lake struggles with the pico cyanobacteria. They may not have all the knowledge they need to consider the stormwater permit.

The developer was seeking a waiver for contiguous open space. This went against the ordinance. Most of the open space left was wetlands. There was a bonus density for open space that was open to the public. People recreating in the open space would increase the phosphorous load into McIntosh Brook and the lake.

The subdivision road was based on an old logging road that had split the wetlands. Land that had been split from the wetland by the logging road shouldn't be considered dry land. Two acre lots per the farmland zoning would be much less impact on the watershed than the cluster subdivision.

Ginger Lawson – She stated they were struggling to try and mitigate issues in Highland Lake. Those affected the property around the lake also. The problem with providing approval for the type of proposed open space was it was great for wetland protection but it would never be used.

The road access was quite dangerous. She had nearly been killed a few times coming out of the Lowell Farm Road, where the fire department was. Thousands of cars went by every day. It was a really dangerous place to make a left out of.

She understood you could request that DEP turn down the \$10,000 mitigation fee and asked that to be done. What was the status of the application for the DEP stormwater permit? What was the location of the vernal pools? It appeared to her that at least one was in the center of where building on the lots was. All of it flowed down hill to McIntosh Brook which was the most significant brook inflow to the lake.

Dustin Roma replied:

- They had made their application to DEP for stormwater management but had not received any comments back yet. There had been two preapplication meetings for the project. The phosphorous design standards were very technical. They were confident that whatever DEP approved would effectively manage phosphorous for the watershed. They would do everything they could to limit that.*
- They were looking at deed restrictions that would reduce the amount of cleared area the lots could have. Many of the lots had buffers or individual rain gardens on them in an effort to maintain phosphorous from the predevelopment levels.*
- There was already a small amount of development on the property from the woods road which had run-off into the wetlands and the stream. They would be sure all the infrastructure from the new road collected and treated it. There was virtually nothing leaving the site. Additionally, they proposed a culvert under Falmouth Road that would direct water into the new stormwater filter which would treat a portion of Falmouth Road run-off that currently dumped right into the brook.*
- His first consideration in deciding if there could be a subdivision in the location had been if there could be a safe access point. On each side of the hill there were points where sight distance was lost. The proposed access was located in a good place to avoid those. They met the site distance requirements based on a 50 mph driving speed.*
- A vernal pool survey had been done. The vernal pools were considered non-significant by DEP standards. There were two that they would stay away from.*
- There was no impact on the wetlands themselves. The road was put in areas that were already developed. They had provided wooded corridors and were using all the best management practices that should be done and meeting all the requirements they had to from DEP.*
- They had created an off-set line 100 feet from the brook so no one would own land within the designated resource protection area.*

- The lots had buffers located on them in addition to the section of open space behind the lots down to the river. The backside of the lots had uniform grades, sloping away from the lots that made them very suitable for buffers.
- They had offered to do either an individual lot by lot nitrate plume analysis or a global analysis. The study had not yet been completed.
- The bonus density was established by the ordinance to allow development of properties reasonably. They felt they had met all the standards to do that.
- The wetland by the road was a low area. There would be fluctuating levels of ground and surface water throughout the wetlands during the year. There was no evidence of rutting or erosion that would indicate the area received lots of water on a regular basis. He could not speak to whether the areas had been connected in the past.
- He believed you would end up with a similar amount of development for a standard non-cluster subdivision with fewer lots. There would be twice as much road frontage and likely a similar amount of road. The lots, being country lots, would have bigger lawns, longer and bigger driveways, maybe bigger, more sprawling homes.

Kim White, Highland Lake – Some of the lots looked like they had wetlands on the developable land.

Mr. Roma responded they could not avoid wetlands on all of the lots; some had to be included. That was the way the town ordinance was written and what the land dictated. Each of those lots had been looked at individually.

Chantal Scott requested the Board to consider the difference in phosphorous load between four to six two acre lots as opposed to seventeen cluster lots.

Ginger Lawson requested that the vernal pools be shown on the plan. Marking them and providing some upland around them would help. She questioned whether it made sense to put septic on small lots with wetland on them.

There was no more public comment.

Continuing Business

- 5 [PB 17-067](#) 17-12 Babbidge Farm Subdivision. Major subdivision preliminary plan review. Sebago Heights, LLC to request review of a 17 lot residential cluster subdivision. The subject property is located on Falmouth Road and identified on Tax Map: 13, Lot 44, Zones: Farm (F), Stream Protection (SP).

Attachments: [17-12 Babbidge Farm Prelim 07-17-17](#)
[Peer Review Babbidge Farm 07-12-17](#)
[Babbidge Farms Preliminary Subdivision Application 2017 7 3](#)
[Babbidge Farms Subdivision Plans 2017 7 3](#)
[Babbidge Farms Stormwater Management Report](#)
[Babbidge Farms SW1 - STORMWATER MAP PRE](#)
[Babbidge Farms SW2 - STORMWATER MAP POST](#)

The Board commented:

- *How would the southern open space be accessed?*
- *Was there a limit on tree cutting?*
- *Please explain the phosphorus mitigation.*
- *Would it be possible to have a deed restriction that prevented the use of fertilizer?*
- *Nitrate plumes should definitely be shown for septic systems on those lots that had wetlands.*
- *What about site distance on Falmouth Road?*
- *Had the vernal pool locations been forwarded to Inland Fisheries and Wildlife?*
- *A streetlight?*
- *The cul-de-sac was close to a wetland. Snow removal may be pushed into it.*
- *What were setbacks to the vernal pools?*
- *What was the distance from the river through the common land to the potential deed restricted tree line?*
- *Because Highland Lake was at such high risk, the \$10,000 that would go to the mitigation fee should be used on the project rather than giving it to the State.*
- *The undisturbed, noncleared common space below the lots was a benefit to the public and Highland Lake.*
- *Was it possible to provide a wooden boardwalk over the sensitive wetland areas to provide access to the common space?*
- *How wide was the radius around the cul-de-sac?*
- *What about hiring a consultant for the Board?*
- *This was very sensitive and the hydrogeologic and high intensity should be completed.*
- *Had the Fire Chief reviewed the proposed turn-around?*

Mr. Roma responded:

- *There were two ways to get into the open space from the subdivision road. Ten foot wide vegetated access would be provided to the stormwater filters that were adjacent to the subdivision road and open space.*
- *Clearing limitations on the lots would be a condition of the DEP stormwater permit.*
- *A certain amount of phosphorous export on the lot was allowed. As many best management practices as possible were incorporated to try to achieve the exact same amount of phosphorous export as was currently there. If you came up short of that the mitigation credit was available to offset it. They didn't know if DEP would accept it. They may be asked to do more. The \$10,000 would be used to help pay for other mitigation projects in the watershed that may have a higher impact.*
- *Deed restrictions could be part of the proposal as well.*
- *They would be sure the site distance for a 45 to 50 mph range was on the plan.*
- *The vernal pool locations had not been forwarded to Inland Fisheries and Wildlife.*
- *There were no setbacks required to nonsignificant vernal pools.*
- *It was probably 200 feet from the river to the tree line.*
- *They would see what boardwalks would entail. They had been trying not to have any drainage impacts to the wetlands.*
- *They had proposed less than the town's requirement of 29 feet for the cul-de-sac radius.*

Amanda Lessard stated:

- *A streetlight would be required at the intersection with Falmouth Road.*
- *If the Planning Board waived a part of the public road standard it may affect Town Council's consideration for acceptance of the road.*
- *Hydrogeologic analysis had not yet been submitted. If it was beyond the capabilities of in house review the ordinance made provision for that. With a DEP submission, the State had professionals on staff and the town deferred review to them.*

Mr. Roma stated that based on the discussion:

- They would have a high intensity soil survey completed.
- They would have a hydrogeologist analyze the septic systems.
- They would revise to meet the town's street standards requirements.
- It sounded like the open space layout was appropriate so they wouldn't make any substantive changes to it.
- They would not add a hammerhead turn around in the middle of the roadway.
- He would connect with the Fire Chief regarding the revised layout.

- 6 [PB 17-068](#) 17-10 Weeks Farm. Major Subdivision preliminary and final plan review. Great Lots of Maine LLC to request review of a 17 lot residential subdivision. The subject property is located at Overlook Road and identified on Tax Map: 10 Lot: 30, Zone: Farm Residential (FR).

Attachments: [17-10 Weeks Farm PrelimFinal 07-19-2017](#)
[Weeks Farms Subdivision Plan 07-19-17](#)
[Weeks Farm PKG 19Jul2017](#)
[Peer Review Weeks Farm 07-12-17](#)
[Weeks Farm PKG 05Jul2017](#)
[Weeks Farm Subdivision Plan 07-06-17](#)
[Weeks Farm Final Plan application 07-05-17](#)
[Peer Review Weeks Farm 06-26-17](#)

Paul Hollis was present representing Great Lots of Maine. He explained:

- The site was 22 acres on Overlook Road. They proposed 17 lots.
- Overlook Road was an existing road. They had obtained an easement from an abutter which created a 40 foot right-of-way. The remainder of the right-of-way was 50 feet wide. They proposed a 20 foot wide paved roadway with two foot shoulders on each side. A turn-around was proposed to be located on lot 9.
- Wetlands had been delineated and were depicted on the plan.
- Lots would have a 15 foot, five year no-cut vegetated buffer.
- Driveway locations had been identified on the plan.
- Six stormwater treatment buffers had been identified.
- A waiver of the high intensity soil survey submission requirement had been granted.
- They requested a waiver of the stormwater flooding performance standard because they would be treating 82.2% of the stormwater and that exceeded the ordinance requirement.
- They requested a waiver of the hydrogeologic assessment submission requirement because the subdivision was not located over a significant sand and gravel aquifer, and based on a letter from their soil scientist stating the development was so far from the property boundary that the standard could be waived.

The Board commented:

- Who would be responsible to maintain the buffer system?
- What about the access to lot 3.
- Was the road standard 24 feet?
- Who was responsible for snow removal on the road?
- Would the road remain private?

Mr. Hollis replied:

- The buffer would be maintained by first, Mr. Hollis, and then by the homeowners'

association. After the stormwater management buffers were created there was a maintenance program in the association documents.

- Access to lot 3 would be via a travel and utility easement over lot 1.

Amanda Lessard stated:

- The road standard was a 20 foot travel way with a two foot primary shoulder and a two foot secondary shoulder.
- The road would remain private.
- The town was responsible for snow removal because there was a public access easement on it.

Margaret Pinchbeck made a motion to grant the waiver of the stormwater flooding standard.

Seconded by Nick Kalogerakis.

Vote: Three in favor. Bill Walker opposed.

Margaret Pinchbeck made a motion to grant the waiver hydrogeologic assessment requirement.

Seconded by Nick Kalogerakis.

Vote: Three in favor. No one opposed. Bill Walker abstained.

Margaret Pinchbeck made a motion that the preliminary and final application for project 17-10 Weeks Farm Subdivision 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: All in favor.

Bill Walker made a motion that the Subdivision application for 17-10 Weeks Farm Subdivision on Tax Map: 10, Lot: 30 was to be approved with conditions with the following findings of fact and conclusions per staff memo dated July 17, 2017.

FINDINGS OF FACT

A. POLLUTION

- No portion of this subdivision is within the mapped 100 year floodplain.
- This subdivision is not located over a significant sand and gravel aquifer.
- A hydrogeologic assessment must be submitted as part of the Preliminary Plan as the subdivision is not served by public sewer and the subdivision has an average density of more than one dwelling unit per 100,000 square feet.
- In an email dated June 19, 2017, Town Engineer Jon Earle PE noted that a site plan with contour information showing the nitrate/nitrogen concentration at the property lines should be included as part of the hydrogeologic analysis.
- In a letter dated June 26, 2017 from Mark Cenci, the applicant requests a waiver from the hydrogeologic assessment submission requirement.
- The new residential lots will not result in undue air or water pollution.

B. WATER

- *All lots are proposed to be served by public water for domestic use and fire protection.*
- *A written statement from the Portland Water District indicating that there is adequate water supply to service the subdivision must be submitted with the Preliminary Plan.*
- *An email dated June 15, 2017 from Robert Bartels, PE, or the Portland Water District indicates that the 12 inch water main in Albion Road is suitable to serve the proposed subdivision on Overlook.*
- *In an email dated June 19, 2017, Town Engineer Jon Earle PE questioned if the water main would be private or public. If proposed to be a public main, easement language for future maintenance by PWD should be provided.*
- *Connection to the existing water main on Albion Road will require a road moratorium restoration plan per Public Works Director Doug Fortier.*
- *In an email dated June 19, 2017, Town Engineer Jon Earle PE requested that detail for the cross section of the excavation and trench repair of Albion Road in accordance with Chapter 120 Streets & Sidewalks Section 210-14.B should be added to the Final Plan.*
- *Revised plans dated July 5, 2017 includes Note 6 that a bituminous pavement surface overlay shall be installed on the full width of Albion Road for a distance of 20 feet from the edges of the cut.*
- *The closest fire hydrant is located on Albion Road east of the Overlook Road intersection. Fire Chief Brent Libby requests that hydrants be spaced every 1,000' and the development as shown will likely require the installation of 2 hydrants. Hydrant locations should be shown on the plan.*
- *Hydrants and water main locations and details are shown as part of the Preliminary Plan on Sheets 2, 3 and 6. Proposed hydrants, located near the property boundary of Lots 4 and 6, and at Lot 17 are shown on the plan with a revision date of July 5, 2017.*
- *A revised road plan and profile sheets were submitted on July 19, 2017 that addresses comments from the Portland Water District to show locations of water main valving.*

C. SOIL EROSION

- *An Erosion and Sedimentation Control Plan prepared by Attar Engineering, Inc dated June 5, 2016 on Sheet 7 has been submitted as part of the preliminary plan set. It takes the form of printed best management practices plan rather than on-the-ground designation of erosion control measures.*
- *This project may require a Maine Department of Environmental Protection (DEP) Chapter 500 Stormwater Permit. The applicant must submit a stormwater plan that meets the water quality and quantity standards as well as the flooding standard of Section 3, DEP Chapter 500.*
- *This project is in the NPDES (National Pollutant Discharge Elimination System) area as designated by the Environmental Protection Agency for the Town of Windham. This may mean there are additional permitting requirements, and ongoing requirements for reporting of stormwater infrastructure maintenance if the area of development is greater than one (1) acre.*
- *Stormwater calculations are shown on Sheet 1 of the preliminary plan prepared by Attar Engineering, Inc dated June 14, 2016. Berm/Forested Buffer sizing is shown on Sheets 7 and 8. The six (6) berms/forested buffers will treat 82% of the proposed impervious and developed area. The applicant is requesting a waiver from the stormwater flooding standard.*
- *Sheet 8 of the revised plan set dated June 26, 2017 shows the subcatchment areas used to size the berm/forested buffers.*
- *In an email dated July 12, 2017, Town Engineer Jon Earle PE stated that the waiver*

request was reasonable and the project meets Chapter 500 water quality standards.

- A note should be added to the plan requiring permanent marking of the stormwater buffers.
- A stormwater operation and maintenance plan was submitted on June 15, 2017.
- Note 10 on the preliminary subdivision plan submitted July 6, 2017 requires temporary and permanent marking of the stormwater buffers.

D. TRAFFIC

- The subdivision lots will have frontage on Overlook Road, which is a private road with public easement for winter maintenance. A 40 foot wide easement provides access to the subdivision from Albion Road. A 50 foot wide right-of-way will be delineated around the existing Overlook Road through the subdivision.
- The standard subdivision private road note should be shown on the plan.
- At the Development Team on March 16, 2017, Public Works Director Doug Fortier requested that driveway locations and site distances be shown on the plan.
- Based on the distance to uses that would generate pedestrian trips, sidewalks are not required.
- At the Development Team meeting, the developer indicated that the roadway may be paved and sidewalks added to one side of the road from the intersection of Albion to the end of the project.
- The preliminary plan submission indicates that the development is expected to generate 170 trips per day. A Traffic Impact Analysis must be submitted for subdivisions projected to generate more than 140 vehicle trips per day.
- In an email dated June 19, 2017, Town Engineer Jon Earle PE requested submission of projected peak hour trips.
- A road plan and profile, prepared by Attar Engineering, Inc dated June 5, 2016 was submitted as part of the Preliminary Plan and is shown on Sheets 4 and 5 of 6. The road cross section is shown on Sheet 6 and appears to indicate the road will be constructed to a major private road standard.
- In an email dated June 19, 2017, Town Engineer Jon Earle PE stated that the construction detail should note that the road will be constructed to a major private road standard. He noted that the Town's understanding is that the construction of the roadway will involve reusing as much of existing gravel as possible. He recommended a gradation of the exiting material and areas with gravel not meeting Type D specifications should be noted on the as-built plan. He also requested that site distances at Albion Road and a construction detail for the hammerhead turnaround be added to the plan.
- A Geotechnical Investigation Report prepared by John Turner Consulting dated May 24, 2017 was submitted on June 20, 2017. Page 5 of the report indicates the existing gravel materials do not meet a Type A nor a Type D gravel specification.
- The July 5, 2017 final plan submission describes the improvements to Overlook. The developer no longer proposes to improve the road to the major private road standard. The revised plan set dated July 5, 2017 shows a road cross section detail on Sheet 6 where Overlook Road will have a 20' wide surface with 3" of pavement, with 2' gravel shoulders on each side, and the 20" aggregate subbase will consist of 10" of reclaimed gravel and 10" of Type D gravel.
- Note 14 on the final subdivision plans states that all roads will remain private roads.
- Driveway locations are shown on the subdivision plan submitted on July 6, 2017.
- In an email dated July 11, 2017, Town Engineer Jon Earle, P.E., requested sight distances at the intersection of Overlook Road and Albion Road, the number of peak hour trips, a hammerhead construction detail, and a stop sign detail.
- Sight distances are shown on the subdivision plan submitted on July 19, 2017. Sight distances looking east and west on Albion Road are in excess of 400 feet.

E. SEWERAGE

- *Lots will be served by private subsurface wastewater disposal (septic) systems.*
- *Soil test pit logs dated March 22, 2017, prepared by Mark Cenci Geologic, Inc were provided in the June 5, 2017 submission. All lots have at least one passing test pit.*
- *Test pit locations are shown on the Preliminary Plan Sheet 1.*

F. SOLID WASTE

- *Private residences in this subdivision will participate in the Town trash bag program.*
- *Development of these lots should not produce an undue burden on the Town's ability to collect and dispose of solid waste*

G. AESTHETICS

- *The site is predominately wooded with some forested wetland areas shown on the plan.*
- *There are no documented rare botanical features or significant wildlife habitat documented on the site.*
- *A landscape plan is required for the preliminary plan submission. Street trees are required at least every fifty (50) feet.*
- *A 15 foot forested buffer is shown along the entire frontage of all proposed subdivision lots and does not appear to be stormwater buffer. The applicant should provide additional detail on restrictions of this buffer area and where driveways are permitted to cross.*
- *Limits of tree clearing should be shown on the plan. A note should be added to the 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.*
- *Note 10 on the subdivision plan states that the 15' forested buffer must remain in its natural state with the exception of 20' wide openings for driveways.*
- *The tree line is shown on the subdivision plan and Note 13 specifies the restriction on clearing.*

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

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

- *Land Use Ordinances:*
- *All lots exceed the minimum lot size of 50,000 square feet for standard lots in the FR zoning district.*
- *Lots meet the lot width requirement of 150 feet for the FR zoning district.*
- *A piece of land 15,720 square feet is shown on the sketch plan to be transferred to the abutter, Albion Road, LLC. If this real estate is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot subject to subdivision review.*
- *Net residential density calculations have been provided on the Preliminary Plan submission.*

- *Subdivision Ordinance*
- *Standard notes and the standard condition of approval and waivers granted from performance standards must be shown on the Final Plan.*
- *The Tax Map and Lot numbers provided by the Tax Assessor are shown on the Final Plan.*

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

- *Others:*

I. FINANCIAL AND TECHNICAL CAPACITY

- *A letter dated April 27, 2017 from Dan McCarron, Chief Operating Officer at Maine Capital Group was submitted as evidence of financial capacity.*
- *A cost estimate for the project must be submitted.*
- *The applicant has provided information on the licensed professionals working on this project as evidence of technical capacity.*

J. RIVER, STREAM OR BROOK IMPACTS

- *This project will not adversely impact any river, stream, or brook.*

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 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 not 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 do not 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 was dependent upon, and limited to, the proposals and plans contained in the application dated March 7, 2017, as amended July 19, 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 Nick Kalogerakis.

Vote: Three in favor. Margaret Pinchbeck opposed.

New Business

- 7 [PB 17-066](#) 17-08 Moose Landing North Subdivision and Recreation Vehicle Display Lot. Major five (5) lot subdivision sketch plan review and major site plan review. Moose Landing North, LLC to request review of a commercial subdivision and a parking lot/display area for the expansion of a recreational vehicle and trailer sales business. The subject properties are located at 480 Roosevelt Trail and Danielle Drive and identified on Tax Map: 15 Lots: 1A, and 2, Zone: Commercial III (C-3).

Attachments: [17-08 Moose Landing North Subdiv_07-18-17_Sketch](#)

[Moose Landing North Commercial Subdivision and Site Plan](#)

[Application 2017 7 3](#)

[Moose Landing North Plans 2017 7 3](#)

[Moose Landing North Stormwater Maintenance Plan](#)

[Moose Landing North Stormwater Management Report](#)

Bill Walker rejoined the Board.

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

- This proposal was for a ten acre parcel on Route 302. They proposed to extend Danielle Drive to provide access to the five subdivision lots.
- This proposal was considered cumulative with the Tractor Supply site by DEP which affected their wetland fills and thresholds for establishing site law and stormwater. They had done pre and post development stormwater design and water quality treatment to

include the Tractor Supply site.

- One purpose of the application was to create an additional gravel display area for the use of the abutting Lee Family Trailer. They had gotten Zoning Board of Appeals approval to expand the use of Retail Sales, Automobile Sales on a portion of the property. It was not an allowed use in the zone so it was an expansion of a nonconforming use.
- Lot five, used for the trailer sales, would have a gated access. The lot would be used mostly for excess inventory. It was not a big display area. There would be some tree clearing so it was visible from Route 302 and the existing facility.
- The new roadway would be built to the town's industrial roadway standard.
- Public water would be extended up the roadway.
- Other than lot five, the lots were purely speculative. DEP required them to declare some development that could be approved, and for which stormwater infrastructure could be designed.
- The roadway would be extended to the adjacent parcel because there was vacant land with the potential for development sometime.
- Stormwater infrastructure would include a wet pond and two stormwater filters. Construction would be phased for one of the stormwater filters based development of the lot that would use it.
- There would be additional wetland impacts.
- Information had been submitted to DEP. They were waiting for comments back.
- There was a line of large pine trees along the property line. They didn't propose formal landscaping to the front because of the proposed stormwater filter.
- Stormwater quality calculations had come up a little short so they would be expanding existing wetlands along Route 302.
- They were requesting waivers of the high intensity soil requirement and the hydrogeologic assessment.

Amanda Lessard explained:

- The landscape plan for lot five would be part of a site plan application. Because the Retail Sales, Automobile Sales use on lot five would be considered nonconforming it would have to be combined with the Lee Family Trailer lot.
- The street tree requirement was only applicable to the extension of Danielle Drive.
- Landscaping review for the individual subdivision lots would occur as they were developed.

The Board commented:

- Would there be another plan that would show how it would connect to the Lee side?
- Where would stormwater go?
- Was the proposed hammerhead deep enough for a tractor trailer to back up?
- To what level was the stormwater plan designed?
- What part of the infrastructure would be initially built out?

Mr. Roma responded:

- They would provide a site plan that showed the existing Lee's lot and how it would combine with lot five.
- It may make sense to have a subdivision plan set and a site plan set because they were different.
- The lots would drain to the road and go to a culvert and into the pond on one side and to a soil filter on the other side.
- The hammerhead was designed to the town standard for a ladder truck.
- The stormwater had been designed to the 25 year storm frequency for peak flow.
- They would likely build the site plan portion of it. Access would be needed to the back lot. They would probably have to put the watermain in or they would have to phase

the plan. Paving the road would involve would require installation of the water main and probably running underground three-phase power.

- 8 [PB 17-071](#) Amendment to Town of Windham Land Use Ordinance, Chapter 140. Proposed Amendments to Section 800 Site Plan Review and Section 900 Subdivision Review to change the number of required hardcopy application submissions and number of signature sheets for approved plans.

Attachments: [PB Memo submission reqs packet 07-12-17](#)

Amanda Lessard explained:

- *Ordinance language required 15 hard copies of applications to be submitted for Planning Board review. The proposed requirement was three hard copies: one file copy, one peer review copy, and one public review copy.*
- *Electronic plans would be available to Board members.*
- *The amendment would clarify how many signature page copies would be needed for signing purposes.*
- *The amendments would have a public hearing at the next Planning Board meeting.*

The Board commented:

- *Sometimes it was hard to follow along on the tablet.*
- *Paper copies improved the ability to compare one plan to another.*
- *Sometimes small screens made it hard to see.*
- *Paper was preferred.*
- *What was the best way to do an appropriate review for the applicant and the public?*

Other Business

9 Adjournment

Margaret Pinchbeck made a motion to adjourn.

Seconded by Nick Kalogerakis.

Vote: All in favor.