



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Planning Board

Monday, June 26, 2017

7:00 PM

Council Chambers

1 Call To Order

2 Roll Call and Declaration of Quorum

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

Planning Director, Ben Smith, and Planner, Amanda Lessard, were also present.

3 Approval of Minutes

[PB 17-059](#) June 12, 2017

Attachments: [Minutes 6-12-17 - draft](#)

Margaret Pinchbeck made a motion to accept the minutes.

Seconded by Nick Kalogerakis.

Vote: All in favor.

Public Hearings

4 17-03 Craig Road Subdivision. Minor subdivision final plan review. David Moore to request review of a three lot residential subdivision. The subject property is located at 15 Craig Road and identified on Tax Map: 4, Lot 31, Zone: Farm (F).

David Moore, the applicant, was present. He was proposing a three lot subdivision.

Amanda Lessard explained:

- One subdivision lot was Mr. Moore's home. He had not owned the property for five years so it wasn't exempt from subdivision review.
- Two additional house lots would be created.
- Craig Road was a public dirt road.
- Driveway locations were on the plan.
- Waiver requests for a surface drainage plan and soil and erosion control plan had been submitted. Staff had no problem with the waiver requests.

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

5 17-10 Weeks Farm Subdivision. Major subdivision preliminary 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).

Paul Hollis was present with Ken Wood from ATTAR Engineering, representing Great Lots of Maine, LLC, the applicant. He explained:

- They proposed a 17 lot subdivision on approximately 22 acres.*
- The site had 2.9 acres of wetland.*
- The subdivision would be served by an eight inch water line. They would obtain a 24 foot easement at the beginning of Overlook Road so Portland Water District would be able to install public water.*
- Electric service would be underground.*
- They proposed a road with 22 feet of pavement and two foot gravel shoulders on each side.*
- There were no wetland impacts; the project did not require DEP permitting.*
- Overlook Road currently existed with a 16 and 19 foot right-of-way. That would be expanded to 50 feet.*
- Six stormwater buffers were proposed.*
- They were requesting a waiver of the hydrogeological study submission requirement because the subdivision would be served by public water and septic plumes did not go near abutting wells.*
- They were requesting a waiver of the flood standard submission requirement because it was not required by DEP.*
- They were requesting a waiver of the high intensity soil survey submission requirement.*
- Residents of Overlook Road had requested Mr. Hollis to provide a bus shelter for school children. He agreed to; it would be located at the corner of the road.*

Mr. Wood explained:

- The project was not located in the Highland Lake watershed but it was in the Colley Wright Brook watershed.*
- They were adding about 10,000 square feet of impervious surface for the road, over 1,800 lineal feet. DEP's Chapter 500 provided them the ability to request a waiver if they treated 75% of the area. They were using buffers to treat 82%.*

Public Comment:

Greg Scott, Highland Lake – His concern was the water quality of Highland Lake. He asked where Colley Wright Brook flowed to downstream.

Mr. Wood explained that it flowed to Milliken and Inkhorn Brooks. Zero percent went to Highland Lake.

Chantal Scott, Highland Lake – She asked if they would pave the driveways. Would grass grow in the gravel road shoulders to help hold the gravel in place? She hoped they would follow the State of Maine phosphorous ordinances to protect waterbodies.

Mr. Hollis responded they had not made a decision regarding paving the driveways. One reason they wanted to narrow the road was because they didn't want to add impervious surface.

Two items of written public comment had been received by town staff.

Mr. Hollis responded to them.

- *One letter was from Bruce Estes- He had raised five issues.*
 1. *During construction activities would Overlook Road remain open to residents at all times? – Yes, at least half the road would remain open.*
 2. *The condition of the roadway during construction, mud, ruts, etc.? – They would maintain the condition of the roadway on the side they were on. If there were any mud or ruts they would be repaired by the end of the day.*
 3. *Access and deeded rights to Highland Lake for people in the subdivision. – There were no rights to Highland Lake for people in the subdivision. They were considering including that in the warranty deeds.*
 4. *Construction activities that may affect aquifers, existing houses all had wells. – Mr. Hollis referred to Mark Cenci's letter. The existing topography of the property prevented water from going to other wells on abutting properties.*
 5. *Who was the point person to address existing resident's concerns with the project? – Mr. Hollis was.*

Amanda Lessard added that the town maintained a performance guarantee on the project. There would be inspections of the work during construction.

- *The second letter was from Carol Bruni. She stated most of the people on the road were not happy about the development. She wanted speed bumps and lake rights for residents of the subdivision discussed. – Mr. Hollis responded that: they were willing to consider speed bumps. If that was done they would need to be in very specific areas, maybe two or three along the 2,100 foot stretch. He wanted to discuss it more with his engineer. There were no lake rights for any of the lots.*

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

6 17-13 Anglers Road Commercial Development. Major final site plan review. Kenneth Cianchette/ELC Management to request review of a 6,050 square foot restaurant/dance hall and outdoor music venue. The subject property is located on Anglers Road and identified on Tax Map: 80, Lot: 66, Zone: Commercial 1 (C-1) and Aquifer Protection Overlay District Zone B (APB).

Kenneth Cianchette, the applicant, was present with Caitlyn Abbott, from Sebago Technics and architect, Matt Provencal. Mr. Cianchette explained:

- *They proposed a new small business restaurant in a Windham. The venue was designed to bring in musicians year-round. They wanted to feature local live bands and country DJs.*
- *They proposed a high quality building that was designed to meet a high-end Nashville style establishment. Both the indoor and outdoor aspects were critical to the small business plan. He was sure the end product would be something the community would appreciate and enjoy.*
- *He had spoken to different community leaders to get their input and he made sure to conform to what the town was looking to do.*
- *He had met with the Father and administrators from the church across the street and had some good conversation. They had seemed comfortable with it.*
- *The Board had requested that he look into noise and traffic generation resulting from a larger concert sort of venue. He was confident it would not be a concert venue.*

- o *The noise ordinance for the Town was stringent.*
- o *He didn't believe they would need any sort of traffic control. He had discussed it with Police Chief Schofield who would let him know of anything that would be problematic.*
- *They were trying to create an atmosphere with live music where people could mingle after work.*
- *They proposed a small pavilion where they could have some dancing and music. The outdoor area would have some outdoor games for people to play. There would be picnic tables. That area would absorb some of the sound from the stage and provide some cover.*
- *They wouldn't be blasting the music and would test the area to be sure they didn't have noise pollution leaving the site.*

Ms. Abbott stated there had been some changes since the application was last before the Board.

- *Portable toilets were no longer proposed.*
- *The location of the water line had been changed. Portland Water District had given them approval for the capacity of the water line.*
- *They had met with DEP regarding a stormwater permit. They should have infiltration basins before any stormwater run-off would get to Chaffin Pond.*
- *The picnic tables would be covered with fabric awnings to help with noise control.*
- *They proposed to plant trees along the property line which would help control noise and screen the property.*
- *They proposed a paved parking area adjacent to the building and a larger gravel parking area.*

Ben Smith explained:

- *The role of the Board was to be sure the project met the standards of the town's ordinances and State requirements. Part of the review was to look at stormwater, traffic, site lighting, septic issues, and impacts on the neighborhood including the design of the building and landscape.*
- *Based on the checklist the project was essentially complete. There was still some outstanding information regarding: stormwater; some peer review comments about traffic and how it was being estimated; and how impact fees associated with the new intersection would be allocated.*
- *Design standards would apply. There hadn't been a lot of information in the submission about the design standards.*

Public Comment:

Barry Bernard, Shore Road –He was the secretary/treasurer of the Shore Road Association. Mr. Bernard stated that he and almost 300 property owners in the body of the neighborhood funnel had not received notice of the meeting. Other than Shore Road, Anglers Road was the primary entrance to the neighborhood; they were dirt roads.

Shore Road Association represented 38 residences along the shore of Pettingill Pond. 70% of the properties were located on the water; their contribution to Windham's property taxes was significant. Despite sound from Route 302 and occasionally Seacoast Fun Park, it was a private, quiet and tranquil neighborhood. They had no objection to a business owner's right to profit from the use of their property as long as it did not interfere with their own rights as property owners, tax payers and citizens.

With a fenced in dirt lot; outside music and drinking; and almost 20% of the parking reserved for motorcycles the music venue would be detrimental to the peaceful neighborhoods. Noise carried across the pond. It was unwanted and intrusive.

The nature of the development would attract a rowdy crowd. It was close to nature trails and children's' play areas and adjacent to a bus stop and across the street from condominiums and a church. It was incompatible with the neighborhoods. Property values were at risk with the venue at the entrance of the neighborhood.

Despite improvement to the intersection and paving at the beginning of Anglers Road, it remained a two lane road. It was at the beginning of narrowing of Route 302 and a frequent bottleneck and scene of accidents. With parking for 122 vehicles and a capacity of over 250 patrons it would add to traffic and area congestion. They had concern over the use of Shore Road to avoid the traffic light. It presented an annoyance and safety hazard to the residents of Shore Road.

Mr. Bernard presented a petition with over 100 signatures as evidence of their opposition. He stated everyone was extremely concerned with the impact to the quality of life and requested the Planning Board to deny use of the property as proposed.

John O'Brien, Business Manager for Our Lady of Perpetual Help Church – He said they had met with Mr. Cianchette. They had one mass on Saturday night and two on Sunday morning. They had expressed concern regarding noise during those masses. Their second concern was that noise would affect the rectory. Mr. Cianchette had expressed his desire to comply with Windham's noise ordinance. They saw no objection. Their concern, as with other groups, was the use of their parking lot. Mr. Cianchette had assured them he would not use the parking lot. Each of their concerns had been addressed.

More troubling was an email, received by their Pastor, which alleged that the church had received payment from Mr. Cianchette in return for their support. He wanted to be very clear. The church was not offered, it did not solicit, and certainly did not and would not accept any payment. The subject was never raised. He was not sure where the rumor came from but it was of serious concern. He would appreciate it if people would consider dealing with it in a factual manner.

Marcel Valliere, Anglers Road – He expressed concern for the layout, site planning, aesthetics and quality of the neighborhood. He had bought land on Pettingill Pond because of the quiet neighborhood. From an architectural standpoint he found it extraordinary that a music theatre would promote its sound towards condominiums and residences. There was a mound of rock. If the amphitheater was set behind the building it would buffer the sound and be an enormous benefit. The application had extreme faults in terms of architectural design and site planning. He strongly recommended the Board to consider everyone who had attended the meeting and to look at a way to allow development of the property but with all their concerns. He would love to see a fabulous restaurant, but he didn't want to see it pushing music and noise and mayhem into his neighborhood.

Colleen Seremet, Anglers Road – She had searched for a place where her children and grandchildren could experience the Maine that she had enjoyed growing up. She had found it on Pettingill Pond. It was a safe and quiet place to fish, canoe, kayak, and to enjoy ducks and loons. It was an enchanting, quiet, family oriented neighborhood. She appreciated the opportunity that commercial development might bring and asked that safety, noise, and the quality of life be taken seriously. She urged the Board to reject the application.

Kevin Norberg, Shore Road – He spoke regarding control of not just the facility but the actions of the patrons when they left. He got it that the property owners had rights but they did too. 122 cars on a parking lot would be a nightmare, a dust cloud all day long. This was not a great proposal next to a community. What would the development turn into? The intent was good but the actual impact that would have to be controlled by the cops was a nightmare.

Denali Viewregard, Shore Road – She was a student, in Windham Public Schools, who enjoyed ice skating and swimming with her friends on the lake. Her concern was that her bus stopped there. She didn't want rowdiness of the people and consumption of alcohol to be an influence to her friends. She had also heard they would be using paper plates. In an outdoor venue there would be littering. That was not good for the environment.

Sarah Adams, Shore Road – She stated it was a wonderful, quiet neighborhood. She loved it. Traffic was a concern. It was busy when the Church was letting out. In the summer boats and trailers went up and down the road. She didn't think the traffic study was accurate. More needed to be done addressing the impact of traffic on the neighborhood. She was concerned about noise and encouraged the Board to listen to the neighbors concern and to turn the applicant down.

Carol McClure, Anglers Road – She thanked the Town for fixing the intersection and straightening and widening Anglers Road. While they were working on it she could hear every time a dump truck tailgate banged shut. Comparing the sound of the tailgate banging to the sound of music from the same area made her cringe. She had purchased her property because of the tranquility, silence and beautiful environment. She was just getting used to the noise from the Fun Park. The location of the restaurant was not suitable. She asked the Board to give a lot of consideration before they made that decision.

Roland Tetrault, Mt. Hunger Shore Road – He wanted to add some distance to the noise issue. He was almost two miles from Route 302 and they heard traffic on it, particularly motorcycle traffic. They also occasionally heard noise from the Fun Park. This was not properly located.

Marcel Valliere, Anglers Road – The land use standards noted there should be a buffer between residential and commercial zones. He asked for an explanation of the buffer and how it would apply to the project.

Anne Goodrich, Shore Road – She was barely a quarter of a mile away and they heard everything, particularly when a motorcycle went down Route 302. How would they sleep at night? What was the next plan? Most of them had not gotten postcards. They weren't told. What happened the next time they wanted to expand? She agreed with the rest of the objections and asked the Board to

reject it.

Ben Smith explained that postcards were mailed as the means of public notice. Those were sent to people who owned property within 500 feet of the subject property. The assessor's database was used as the means of getting those addresses and determining who was within 500 feet. Postcards were also sent when an application was received and when a public hearing was scheduled. Agendas were also posted on-line. People who were interested in following the project could sign-up to receive emails or monitor the Planning Board website. The 500 feet was required by the ordinance and had increased to a wider area several years ago from just notifying direct abutters. 46 abutters had been notified.

Lynn Reiss, Eagle Drive – The pond was small and quiet with kayaks, canoes, and loons. It was a serene neighborhood. On water noise was affected differently. She hoped the Board would take that into account. There was a lot of noise that had come over the years. The thought that every evening would be filled with noise was deeply disturbing. The church admitted they had to use a gate to keep people from cutting through their parking lot. What would keep people from cutting through Shore Road and the other roads? She was left with a great deal of concern. The impact to the neighborhood would be huge.

Marty Martin, Shore Road – He explained there were a lot of children that lived in the area and expressed safety concerns for pedestrians on a dirt road. He was opposed to the whole thing.

Bob Steel, Anglers Road – He was against the project for all the stated reasons. Would it have a capacity of 250 people? What were the hours of operation? What was the means of ingress and egress to the property? Would the applicant pay for a police detail for crowd control before events? There should be a police detail for closing hours also. Route 302 and Anglers Road were two lanes. When the church had services and they tried to leave there was a bottleneck. How would 60 cars leaving get through traffic? The parking lot was dirt. Gas, oil, and antifreeze leakage from the cars would get into the water table, drinking water, and ponds. He asked the Board to consider that.

Scott Kavanagh, Anglers Road – He enjoyed sitting on his quiet dock that was Windham, Maine, not Portland or Nashville. He hoped the Board would consider that. The months when the outdoor theatre would be in operation: What hours would they be playing? How long would the sound checks take? What would they do with the vehicles for the bands and equipment? How long would it take? That should be taken into consideration for parking. They opposed the establishment.

John Millier, Anglers Road – He owned condominiums, with his business partner, next door. He was a business guy and thought that everyone should have that opportunity. The right place for the business was not where they were proposing it. Other businesses like it in Windham were not in areas that had neighborhoods directly attached. Nashville was a great town but the venues there were not in communities such as this. His condos, next door, the majority of them were rented by young families with small children. He had a serious concern with noise levels. His biggest concern was at closing time, in the summer, when the windows were open and a bunch of vehicles left. It would be loud. He knew it would not be conducive to the condos.

Chantal Scott, Falmouth – She lived on the widest point of Highland Lake. Windham was on the other side. They had a band playing at their house and the Windham police had showed up. Windham residents had complained because the band resonated across the lake. The biggest problem was phosphorous load into the lakes. Driveways, parking lots, large infiltration of those kinds of structures could ruin the resources that Windham had.

Jill Valliere, Anglers Road – Pettingill Pond was so shallow that it was more subject to damage from phosphorous. The proposal sounded like a fun place but at the end of the night everyone would be drunk. They would hear angry drunks, the police, and violence.

Bob Steel, Anglers Road – He had a video of the pond that he had made. He agreed to send it to staff for a better way to view it.

Jeanne Cramer, Anglers Road – She had been on Pettingill Pond all of her life. There were wonderful neighbors. The neighborhood had been rebuilt and restored and was mostly year round now. She felt this type of venue in that location would be the straw that broke the camel's back. They could not come back from that in terms of the disruption and intrusion that it would cause to all the residents. She agreed with those that had commented that it probably wasn't a good neighbor. Anglers Road was a two lane road and traffic was a concern. First responders may be delayed if there was an emergency. She opposed the proposal.

Raymond Cloutier, Shore Road – He had two young daughters. His neighbors were respectful of that and drove carefully. Occasionally someone didn't and they drove a little too fast. If you drove above 15 miles per hour you couldn't see around the curves or what was coming up and you couldn't stop. He didn't think the location was the right one.

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

Continuing Business

- 7 [PB 17-060](#) 17-03 Craig Road Subdivision. Minor subdivision final plan review. David Moore to request review of a three lot residential subdivision. The subject property is located at 15 Craig Road and identified on Tax Map: 4, Lot 31, Zone: Farm (F).

Attachments: [17-03 Craig Road Subdivision Final 06-20-17](#)
 [Peer Review Craig Road 06-20-17](#)
 [17-03 Craig Road Final Site Plan 06-14-17](#)
 [17-03 Craig Road Final Submission Info](#)

Mr. Moore had requested a waiver of the surface drainage plan submission requirement because there was no infrastructure and little disturbance proposed.

Margaret Pinchbeck made a motion to accept the waiver request.

Seconded by Keith Elder.

Vote: *All in favor.*

Mr. Moore had requested a waiver of the soil and erosion control plan submission requirement because there was no infrastructure and little disturbance proposed.

Margaret Pinchbeck made a motion to accept the waiver request.

Seconded by Keith Elder.

Vote: *All in favor.*

Margaret Pinchbeck made a motion that the application for project 17-03 – Craig Road 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 Keith Elder.

Vote: *All in favor.*

Margaret Pinchbeck made a motion that the subdivision application for 17-03 – Craig Road Subdivision on Tax Map: 4, Lot: 31 was to be approved with conditions with the following findings of fact and conclusions.

FINDINGS OF FACT

A. POLLUTION

- *A portion of this subdivision is within the mapped 100 year floodplain.*
- *Any development within a special flood hazard area must obtain a Flood Hazard Development Permit.*
- *The new residential lots will not result in undue air or water pollution.*

B. WATER

- *All lots will be served by individual private wells.*
- *The closest fire hydrant is located in Westbrook at the corner of Hardy Road and Small Hardy Road, approximately 1,100 feet from the Craig Road intersection.*
- *Fire Chief Brent Libby is comfortable utilizing the existing hydrant as the water supply for fire protection for this proposed subdivision. If additional lots are proposed in the future on Craig Road this determination will need to be revisited.*

C. SOIL EROSION

- *A surface drainage plan must be submitted as part of the Final Plan.*
- *Town Engineer Jon Earle provided comment on February 15, 2017 that a waiver of stormwater quantity analysis would seem appropriate given the amount of disturbance and lack of road construction and noted that a plan with topography will be needed to review treatment BMPs along with an overlay of hydrologic soils groups and culvert types. He also noted that there is an existing culvert north of Lot 2 (probably discharges across the corner of Lot 3 onto Lot 2 and the existing wetland).*
- *The applicant is requesting a waiver from the requirement for a stormwater management plan (see Waivers Requested, above).*
- *A soil erosion and sediment control plan must be submitted as part of the Final Plan. Staff recommends an erosion and sediment control plan for the individual lot*

development. Construction entrances should also be shown to prevent tracking or sediment onto public roads (Craig and Anderson).

- The applicant is requesting a waiver from the requirement for a soil erosion and sediment control plan (see Waivers Requested, above).

D. TRAFFIC

- All lots have frontage on Craig Road, a gravel surface public dead-end road. Lot 1 also has frontage on Anderson Road. Access to all lots will be provided on Craig Road.
- Driveway locations are shown on the plan. Entrance permits must be obtained from Public Works prior to construction.
- Based on the distance to uses that would generate pedestrian trips, sidewalks are not required.

E. SEWERAGE

- The proposed lots will be served private septic systems.
- Soil test pit analysis prepared by James Logan, of Albert Frick Associates, Inc. dated March 18, 2016 show that each lot has adequate soils to support a private septic system.
- The test pit locations are shown on the sketch plan. The test pit location for Lot 2 is shown in the side setback. The applicant should clarify if a septic system in this location will require an easement on Lot 3.
- In an email dated June 20, 2016 Town Engineer Jon Earle, PE notes that there while the soils are acceptable for a septic system, the disposal field will need to be sized as extra-large based on the presence of Profile 9 soils (silt loam, and silt clay loam shallow to groundwater).

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

- There is currently a single family residence on the site. The remainder of the site is an open maintained field with wooded vegetated buffers along a stream that bisects the property and also at the rear of the lot.
- A Portland Pipeline Easement and a Portland Natural Gas Easement bisects the lot.
- There are no documented rare botanical features for significant wildlife habitat documented on the site, as confirmed in a letter dated May 30, 2017 from John Perry of the Department of Inland Fisheries & Wildlife.
- Street trees are required at least every fifty (50) feet.
- 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.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
- The plan does meet the goals of the 2003 Comprehensive Plan.
- Land Use Ordinances:

- *All lots exceed the minimum lot size (80,000 sf) and minimum frontage (200 feet) requirements for standard lots in the F zone.*
- *Net residential density calculations are not shown on the plan however Lots 2 and 3 do list the total and net lot areas where the net are exceeds the minimum lot size. Any additional lots created from Lot 3 will require an amendment to the subdivision plan that provides a net residential density calculation.*

- *Subdivision Ordinance*
- *Standard notes and the standard condition of approval are shown on the final plan.*
- *The Tax Map and Lot numbers provided by the Tax Assessor are shown on the Final Plan.*
- *Digital transfer of the subdivision plan data must be submitted with the Final Plan submission for inclusion with the Town's GIS.*

- *Others:*
- *None*

I. FINANCIAL AND TECHNICAL CAPACITY

- *Demonstration of the applicant's financial capacity is not applicable as there is no new infrastructure proposed as part of this application.*
- *The applicant has retained the services of a Maine licensed Professional Land Surveyor to assist with the application.*

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 February 8, 2017, as amended June 14, 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 Land Use Ordinance.

Seconded by Keith Elder.

Vote: All in favor.

- 8 [PB 17-061](#) 17-10 Weeks Farm. Major subdivision preliminary 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 Prelim 06-21-2017](#)

[Peer Review Weeks Farm 06-19-2017](#)

[Weeks Farm Revised Prelim Plans 14Jun2017](#)

[Weeks Farm Application Scanned 15Jun2017](#)

[Covenants - Weeks Farm 06-14-17](#)

[00 Geotechnical-Investigation-Report_Overlook-Road_Windham-ME_s_tamped](#)

Amanda Lessard explained:

- *There were still some outstanding issues.*
- *Some submissions had been made after the Planning Board packets were done. There had not been an opportunity to review those.*

Margaret Pinchbeck made a motion to grant a waiver of the high intensity soil survey submission requirement.

Seconded by Keith Elder.

Vote: All in favor.

The Board commented:

- *The six no-cut buffers should be located on the plan.*
- *There was some concern regarding driveway locations on lots 8, 10, 12, and 13 because of constraints from buffers, wetlands, site distance, or grading issues.*
- *There may be wetlands that were not shown on the plan.*
- *Septic locations should be shown for lots 3, 10, 12, and 13.*

9 [PB 17-062](#)

17-13 Anglers Road Commercial Development. Major final site plan review. Kenneth Cianchette/ELC Management to request review of a 6,050 square foot restaurant/dance hall and outdoor music venue. The subject property is located on Anglers Road and identified on Tax Map: 80, Lot: 66, Zone: Commercial 1 (C-1) and Aquifer Protection Overlay District Zone B (APB).

Attachments: [17-13 Anglers Road Commercial Final 06-19-17](#)
[Peer Review Anglers Road Commercial 06-22-17](#)
[Peer Review Traffic Anglers Road Commercial 06-22-17](#)
[Anglers Road Final Application & attachments](#)
[Anglers Road Commercial 6-5-17 PLAN SET](#)
[Anglers Road Boundary Survey Plan by Others](#)
[06.26.17 - Erik's Church Architectural Planning Board Set](#)
[photometric 06-07-17](#)
[Anglers Road Correspondance 06-22-17](#)

Mr. Cianchette explained:

- *This was supposed to be a community place where people could go after work to have a good time. It would be a nice clean place that people could feel comfortable going to. He would make sure they were a respectable business. They didn't want any issues and wanted to respect the privacy and tranquility of the area.*
- *It would not be a concert venue. People would not be leaving all at once.*
- *They did not anticipate being open when school buses were there.*
- *The latest they would stay open would be 11 or 12 o'clock. They may operate only five days a week. Outside music would be probably from May to September or October. Hours for the outside venue would not be later than 9 or 10 o'clock.*
- *They had no intention of holding a mass gathering, which was 500 people.*
- *The town had a restrictive noise ordinance. They would do some testing to ensure they stayed within the limits and that the neighbors across the street were comfortable. They had numerous trees for sound obstruction between themselves and a variety of*

other neighbors. The site was laid out so sound would go down toward the dance floor and not out.

- They had no timeline for future development. The site was larger than they needed. He would wait to see how much parking was really needed before they considered future development.

Ms. Abbott stated:

- There were currently two curb cuts. The first one would be one way into the site. The second curb cut would be two way in and out. They would be asking for a waiver to keep the second curb cut.
- There was a 20 foot vegetated buffer of grass and trees along the front of the property.
- Stormwater for the project was regulated by the Town and DEP. A stormwater permit would be submitted. They proposed stormwater infiltration for surface runoff from the parking lot.
- They were in the watershed for Chaffin Pond.
- The traffic analysis for the site was being reviewed. The traffic analysis had indicated 97 trips per peak hour. If they generated over 100 trips per peak hour they would have to do a traffic movement permit.
- Parking for the music venue would be in a large a parking lot. 97 parking spaces were required; they proposed 233.
- The venue would have its own sound system which could be controlled.

Mr. Cianchette addressed noise concerns:

- The architect was experience designing buildings with noise considerations. There was a noise reduction coefficient and there were materials that would be used for construction of the inside of the building. Outside, the canvas awnings would help.
- They would do testing to be sure they remained under the limit of the noise ordinance.
- If they were needed they could install decimeters along the fence line.
- If someone was screaming they would be asked to leave.
- Some motorcycles were loud, but they would be on a public road. If they did not abide by state law it would be up to the police to enforce that. A lot of good people showed up on motorcycles, people who were veterans, police, insurance salesman, lawyers. He would not exclude a population just because of a bad rap from motorcycles.

Board comment:

- A sound study should be done prior to.
- It needed to be respectful of the area that it was going into.
- Most of the noise would be after business hours. Noise complaints would go to the Code Enforcement Officer. How could they respond to complaints that happened after business hours?
- Evergreen trees, rather than maples may help with the sound.
- Noise from inside the building could be loud when the doors were open.
- The parking area was a permeable surface; that was a concern.
- Traffic was a concern.
- There were things that couldn't be controlled: the crowd; the screams; the motorcycles. Late night police staff wouldn't be able to handle the crowd and its rowdiness.

Other Business

10 Adjournment

Margaret Pinchbeck made a motion to adjourn.

Seconded by Nick Kalogerakis.

Vote: All in favor.