



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Planning Board

Monday, March 12, 2018

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: Keith Elder, Bill Walker, Nick Kalogerakis and Griffin Bourassa.

Planner, Amanda Lessard, was also present.

3 [PB 18-016](#) Approval of Minutes: February 12, 2018

Attachments: [Minutes 2-12-18 - draft](#)

Nick Kalogerakis made a motion to accept the minutes of the February 12, 2018 meeting.

Seconded by Keith Elder.

Vote: All in favor.

4 Approval of Minutes: February 26, 2018

Nick Kalogerakis made a motion to table approval of the February 26, 2018 minutes until the next meeting.

Seconded by Keith Elder.

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

Public Hearings

5 17-11 Majestic Woods, Phase 3. Major subdivision preliminary plan review. Shoreland Development, LLC to request review of a 22 lot residential cluster subdivision. The property in question is located on Swett Road and identified on Tax Map: 6, Lot: 63-13, Zone: Farm (F).

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

- *They proposed 22 lots on a 39 acre parcel, designed as a cluster subdivision.*
- *They would submit:*
 - o *A high intensity soil survey*
 - o *Updated stormwater models*

- o Nitrate plume analysis
- o Well analysis –Nitrate plumes, septic systems and wells would be made a condition of approval of the DEP Site Location permit as part of design project. Any change to plan would require an amendment from DEP.
 - They requested a waiver of the requirement to have 50% of the open space be buildable area and had tried to improve the use of the open space. They would provide two parking spaces at the cul-de-sac and an area with a picnic table and kiosk with information for the public. From the parking area they would have an access driveway in the 50' right-of-way to the pond. An informal trail would extend to the water and another trail would provide access towards the Chute Cemetery.
 - They requested a waiver of the requirement for a traffic impact assessment. Traffic had been looked at during with previous phase and some improvements were made in that section of Swett Road. The subdivision road would be built to town standards and was intended to be accepted by the town.

Public Comment

Jamin Brown, Swett Road – He owned the property directly across from where the subdivision road would intersect with Swett Road. His big concern was the noise and light impact. The number of lots that were proposed almost tripled the number of houses on the southern end of Swett Road. What plans did the Town have to increase maintenance to Swett Road?

The southern end of Swett Road where it met Chute Road had about a 15 foot long section that had multiple four inch deep potholes. It happened several times during the course of the year and would get worse with the additional traffic. Parents tended to park at the southern end of Swett Road, as traffic increased having to pull around parked parents would increase the chance for accidents.

There was reference to some people not wanting a street light at the end of the road. If one was required they would like a directed light that wouldn't be seen or shine too brightly into the neighboring houses. What were the plans for trash and a school bus that would occur on Swett Road?

He was curious as to why the decision would be made to waive the requirement for 50% of green space to be developable instead of enforcing it. The southern end of Swett Road had quite a bit of foot traffic. The traffic would at least double, if not more. There were safety concerns for the pedestrians on Swett Road. He had moved to Windham to be in a quiet space. It sounded like it would add quite a bit of noise to neighborhood. The number of lots was more than he had expected and he was unhappy about that. He wanted to be sure Windham stayed a nice rural area for living. It felt like this was too much.

Jeanne Rhein, Chute Road – There was a brook behind her house that went directly into Colley Wright Brook which was already on the DEP endangered list. Dissolved oxygen affected marine life and it was the problem. Nitrates and phosphorous came from leach fields and septic tanks. All the homes that would be built there would impact the wetlands. The amount of open space ran down hill. She thought people walking through would affect the flora and fauna of the wetlands.

She had met with the DEP project manager regarding her concerns with the

project and the environment. What had happened to keeping rural Windham rural? It was a very rural area with a delicate environment and a lot of wetlands. She was concerned that Windham didn't care about the environment. They would put as many houses as they could on the smallest piece of property they could. The wild turkeys were in her back yard. The deer drank from the brook. She was going to have the water checked before the homes were built. Would the trees survive all the nitrates and phosphorous; would they survive the landscaping chemicals and salt from the road?

Highland Lake was endangered. Chaffin Pond was endangered. Pettingill Pond was endangered. Forrest Lake was endangered. Colley Wright brook was endangered. Were they trying to get every body of water in Windham on the DEP endangered list? Didn't anyone care? She had contacted a certified geologist, if she could get permission from the property owner there were two insignificant vernal pools that should be looked at. She needed time to contact the owner and get their permission. She needed time to get her own environmental specialist. Slow down the process and take a long hard look at what would happen to the homes that already existed. Some of the houses needed water filtration systems. Imagine being downhill from 22 homes with leach fields with nitrogen, phosphorous, chemicals from landscaping, and road salt coming down. If she had to she would take the Town to court. She would take DEP to court. She was really concerned about the wetland, about her neighbors and their groundwater.

It was nice to have a picnic table and hiking trails and a kiosk and two parking spots but that would impact the wetlands. This was a beautiful spot. Please don't let them ruin it. Her biggest fear was that if they built 22 homes there would be groundwater problems, problems with their wells and wetlands and she wouldn't see the turkeys, or deer going to the brook to drink. Was there any kind of expert going through and checking out the wetland? Had any experts gone up there?

Gray Lytle, Swett Road – He was directly adjacent to the property. He had a few concerns about traffic and people driving by his house, trash pick-up and student pick-up. If you went down Swett Road, as the frost left it turned into mush. It was already that way with the 15 or 16 house that were there. People moving in and getting deliveries, and construction trucks on the road would increase the damage to the road more than the 220 vehicle traffic. At the end, where Swett Road and Chute Road connected turned into a hole where the pavement ended. It had never been addressed or corrected. He would like to see either the town or the developer be responsible for paving up to the inlet so the erosion and traffic destruction of the road would be alleviated. People walked their dogs past his house. He hated to see an extensive amount of traffic going past those people every day. Further down Swett Road was like a war zone. There was a new culvert that had sunk and there were several dips in the road.

He would like traditional two acre lots like the rest of the development was. He wanted the character of the phase 3 development follow the character of the phase one and two developments. He was confused as to how they could benefit from one phase of lots being two acre lots and then take advantage of the extra space to do a different type of subdivision. Swett Road was already the hangout for high school kids once or twice a week. Who would maintain that space? Who would clean it up if it was town property? Would the town go pick

up the trash?

Was there any way to protect the current land owners from damage or impact from the development impacting their wells? Trees had been cut that were not even on the development property. He was concerned with the oversight. They were worried about a tight oversight and putting septic systems in where they were supposed to be put. The first part of it had not gone with much oversight. He had brought that up before and hadn't been contacted by anyone from the owners or their representative.

Everyone who turned into the development, their headlights would go right past his house every night. He would like something at the inlet of the road that would prevent some of that lighting ingress into his house. The big things were the 50%, either do the cluster subdivision and hit the 50% mark or keep it traditional like the rest of the development. He had anticipated 12 to 15 houses behind his. He also wanted to say the Planning Board was responsible for being sure the current residents of Windham and people that were trying to develop land were both served equitably.

Amanda responded:

- *Swett Road was a town road. The town would be responsible for it.*
- *Trash pick-up would be coordinated by the public works department and would be picked up once homes were occupied.*
- *They didn't have any direction over how the school department bus service. That determination would be made on the number of students and where they lived. It was not something that was under the Board's jurisdiction.*
- *Part of the Phase 2 approval was improvements to Swett Road from the intersection with Chute Road to the top of the hill. It was an existing gravel road so the developer hadn't been required to pave it.*

Mr. Roma:

- *They had calculated that the original parcel would have supported 40 lots as a conventional subdivision. All phases of the subdivision were only 34 lots, so they were still six lots below what the land could have supported if it had been laid out as a conventional subdivision. That took into account all the deductions for wetlands, steep slopes, etc.*
- *They were open to doing whatever the Board wanted in regard to the streetlight.*
- *Professionals with very good reputations in their fields had been hired to look at vernal pools and wetlands and to do nitrate analyses and to look at the groundwater. They were including information in their site location permit which dealt with surficial geology and estimating yield capacities and whether or not there would be anticipated impacts to wells for the type of density of development.*
- *DEP was the impartial third party reviewer. The most senior person at DEP's Land Bureau was reviewing the permit.*
- *They had proposed a cluster of evergreen trees at the corner to block vehicle headlights.*
- *The tree cutting was an unfortunate incident. Property lines had not been staked out at that time. They understood it was a serious matter and would convey the information to the owner so it didn't happen again.*
- *There were three locations where they would construct soil filters and an additional easement for a stormwater buffer. The homeowners association would be responsible for stormwater maintenance. The land it was on would be*

conveyed to the town.

- Documentation regarding vernal pools had been submitted to Inland Fisheries and Wildlife.

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

Griffin Bourassa made a motion to take Continuing Business for the application out of order.

Seconded by Nick Kalogerakis.

Vote: All in favor.

6 18-02 627 Roosevelt Trail Self-Storage. Major site plan final plan review. Robie Holdings, LLC to request review of 38,000 square feet of public warehousing in 8 buildings. The subject properties are located at 625 and 627 Roosevelt Trail and identified on Tax Map: 53 Lots: 37 and 37C, Zones: Commercial 1 (C-1).

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

- A public warehousing facility was proposed.
- The property had been purchased as four different lots. There was a 20 foot right-of-way to a residential use, located on a property to the rear of the site. That property had been sold to an abutting property owner and the 20 foot right-of-way had been eliminated.
- Two of the remaining properties, with road frontage, would be combined and a portion of that lot would be conveyed to a rear lot. The reconfiguration was reflected on Plan Sheet 2. This would separate the front building, which was intended for a different future use. Existing driveways would be combined for shared access. An existing center curb cut would be closed.
- They were requesting site plan approval for the combination of the lots into a 1.24 acre parcel and the redevelopment of the property for private warehousing.
- There would be two climate controlled units. The remaining warehousing would be cold storage.
- The front building would have office space for management of the facility. A new septic system was proposed for that building.
- An existing building would be demolished and an existing leach field removed.
- There was a requirement to provide a 50 foot vegetated buffer to an abutting residential use. There was a large stand of existing pine trees. This area would also provide a place for snow storage.
- Building elevations reflected a pitched roof; false windows; and dormers.
- Stormwater management would incorporate infiltration structures.

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

Continuing Business

- 7 [PB 18-017](#) 17-24 519 Roosevelt Trail Condos. Major subdivision final plan review. JTSH, LLC to request review of a five (5) unit residential subdivision. The subject property is located at 519 Roosevelt Trail and identified on Tax Map: 48 Lot: 30A, Zone: Medium Density Residential (RM) and Stream Protection (SP).

Attachments: [17-24 519 Roosevelt Trail Condos Final 03-08-2018](#)
[Peer Review_519Roosevelt_03-01-2018](#)
[519 Roosevelt Condos Plan Set 2018_2_20](#)
[519 Roosevelt Trail Final Subdivision Plan Application 2018_2_19](#)

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

- *There had been a question regarding the provision of a street light at the entrance. Staff's opinion was that it wasn't the town's policy to require a streetlight. They intended to install a project sign which would be lit from the ground.*
- *The 100 foot stream protection zone had been revised.*
- *The water service design had received final approval from Portland Water District.*

The Board commented:

- *Why were all areas of stormwater management not rain gardens?*
- *There was a discrepancy in the road width.*

Mr. Roma replied:

- *They had used the areas they could for rain gardens. Some drainage had been lost due to contours. The 75% requirement had been met.*
- *They requested a waiver of the major private road standard to allow a width of 22 feet.*

Nick Kalogerakis made a motion to grant a waiver from the major private road standard width to allow a 22 foot travel way with gravel shoulders finished in grass.

Seconded by Griffin Bourassa.

Vote: All in favor.

Griffin Bourassa made a motion that the Final Plan application for project 17-24– 519 Roosevelt Trail Condos 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.

Keith Elder made a motion that the Subdivision final plan application for 17-24 519 Roosevelt Trail Condos on Tax Map: 48, Lot: 30A was to be approved with conditions with the following findings of fact and conclusions.

FINDINGS OF FACT

A. POLLUTION

- *A portion of the proposed 2.16 acre property is located within the mapped 100 year flood plain. This flood plain area is located within the common area of the condo association.*
- *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. The applicant has requested a waiver from this submission requirement.*

B. WATER

- *All dwelling units will be served by public water from an existing main in Roosevelt Trail.*
- *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 Ability to Serve letter from the Portland Water District must be submitted with Final Plan.*
- *An email dated January 23, 2018 from Robert Bartels, PE, of the Portland Water District includes comments for a new service to the property. The existing service is to be retired.*
- *An Ability to Serve letter from the Portland Water District dated February 15, 2018 was submitted with Final Plan.*
- *The closed existing fire hydrant is located on Roosevelt Trail to the south of the proposed subdivision at the intersection with Varney Mill Road. Existing hydrant locations are less than 1,000 feet from the development.*

C. SOIL EROSION

- *An erosion and sedimentation plan, prepared by DM Roma Consulting Engineers, dated January 25, 2018, has been submitted as part of the Preliminary Plan. Notes and details are shown on Drawing D-1.*
- *This project may require a Maine Department of Environmental Protection (DEP) Chapter 500 Stormwater Permit. The applicant must submit a stormwater management plan that meets the water quality and quantity standards as well as the flooding standard of Section 3*
DEP Chapter 500 Stormwater Management.
- *This project is in the NPDES (National Pollutant Discharge Elimination System) area as designated by the Environmental Protection Agency for the Town of Windham. As a result, there will be additional construction inspection requirements and ongoing requirements for reporting of stormwater infrastructure maintenance if the area of development is greater than one (1) acre.*
- *A stormwater management plan has been submitted as part of the January 25, 2018 Preliminary Plan submission. The project proposes to treat the new 40,415 square feet (0.93 acres) of new developed area with a stone berm level spreaders discharging to a forested buffer, a rain garden, and roof drip edges on each condo building.*
- *A note should be added to the plan that the stormwater buffer will be permanently marked prior to the start of construction.*
- *A note should be added to the plan that all buildings will require the installation of a roofline drip edge.*
- *The raingarden location should be shown on the subdivision plan and a design for the rain garden should be submitted with the Final Plan.*
- *In an email dated February 2, 2018, Town Engineer Jon Earle P.E., confirmed that the project meets the Chapter 500 standards for water quality and noted that the applicant is requesting a waiver from the stormwater flooding standard, as more than 75% of the impervious and developed areas are treated through the use of wooded buffers, but a*
calculation showing the percentage of treatment by buffers was not provided.
- *The applicant responded to peer review comments on February 9, 2018 and provided stormwater buffer calculations.*
- *In an email dated February 12, 2018, Town Engineer Jon Earle P.E., stated that his comment was addressed.*
- *On the Final Plan Set dated February 20, 2018 the rain garden is shown on the subdivision plan Sheet S-1, design details are on Sheet D-3 and calculations were included in the application submission. Notes were also added to the subdivision plan*

that all buildings will require a roofline drip edge, and the stormwater buffer will be temporarily marked

prior to the start of construction and permanently marked after the lot is developed.

- In an email dated March 1, 2018, Town Engineer Jon Earle P.E., stated he reviewed the rain garden calculations and has no further comment.*

D. TRAFFIC

- Per Section 911.M.5.a.6 (pg 9-58) access drive standards for condominium subdivisions shall meet the major private road standard (right-of-way width is not applicable).*
- The site is accessed off of Roosevelt Trail, a paved public street. Sight distance for the new subdivision street should be shown for both directions along Roosevelt Trail on the Preliminary Plan.*
- At the Development Team meeting on December 1, 2017, Public Works Director Doug Fortier stated that the proposed entrance is located outside of the urban compact line and the Town will issue an entrance permit. He asked that the culvert be sized and shown on the plan.*
- At the Development Team meeting on December 1, 2017, Police Captain William Andrew recommended a streetlight at the proposed intersection where there would be increased traffic. Section 911.M.3.d states that streetlights may be required at intersections with existing public streets. There are existing streetlights to the north on Roosevelt Trail at the intersection with Provost Drive and to the south at the intersection with Danielle Drive.*
- The February 1, 2018 preliminary plan submission states that the based on the ITE Trip Generation Manual the proposed 5 residential condos are expected to generate 3 peak hour trip-ends and 30 daily vehicle trips.*
- The road plan and profile (Sheet CU-1) and details (Sheet D-1) dated January 25, 2018 propose constructing the condo access road with a 22 foot wide paved travel way with 1 foot gravel shoulders.*
- In an email dated February 2, 2018, Town Engineer Jon Earle P.E., commented that the culvert sizing calculations for the new culvert at the driveway entrance should be provided, the site distances should be shown on the plan, and the depth of gravel shown in the cross section needs to be increased to meet the major private road standard.*
- The applicant responded to peer review comments on February 9, 2018 and provided culvert sizing calculations and stated that the sight distances and revised roadway cross section would be provided with final plan.*
- In an email dated February 12, 2018, Town Engineer Jon Earle P.E., stated that his comments were addressed.*
- On the Final Plan Set dated February 20, 2018 the roadway section detail on Sheet D-1 was revised and sight distances and a street light are shown on the subdivision plan Sheet S-1. Light fixture catalog sheet was included in the application submission.*
- In an email dated March 1, 2018, Town Engineer Jon Earle P.E., noted that the roadway detail proposed a grassed wearing surface for the 2 ft gravel should requirement.*
- Planning staff does not recommend a public streetlight at this intersection as this proposed location and fixture would not be illuminating the existing public street. Additionally, the Town of Windham Streetlight Policy, adopted June 25, 2013, states that streetlights should be at intersection with private roads that serve more than 10 lots as is not the policy of the Town of Windham to use public funded street lights as "security lighting" for private property, or to illuminate business entrances or entrances to private streets.*

E. SEWERAGE

- The development will be served by one common private subsurface wastewater disposal systems.
- Soil test pit analysis prepared by James Logan, LSE dated February 1, 2018 show that the lot has adequate soils to support a private septic system. Test pit locations must be shown on the Preliminary Plan.
- A final HHE-200 subsurface wastewater disposal system design was included with the final plan submission. Test pit locations are shown on the final plan.

F. SOLID WASTE

- Residents of the single family dwellings will participate in the Town's pay-per-bag garbage 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

- A single family dwelling on the site was recently demolished. The site is lightly wooded and the majority is relatively flat. The rear of the property slopes towards Ditch Brook.
- There are no documented rare botanical features or significant wildlife habitat documented on the site.
- Street trees are required at least every fifty (50) feet (§ 911.E.1.b) and are shown on the preliminary plan.
- Limits of tree clearing are shown on the preliminary plan. A note should be added to the plan stating that clearing of tress 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 2017 Comprehensive Plan.
- Land Use Ordinance:
 - The lot meeting the dimensional standards of the Medium Density Residential (RM) District (minimum 20,000 square feet on public water and 100 feet of road frontage).
 - Net residential density calculations are shown on the plan.
- Subdivision Ordinance
 - Proposed landscaping is shown on the Preliminary Plan.
 - Standard notes and the standard condition of approval is shown on the plans.
 - Subdivision plan data compatible with the Town GIS was submitted as part of the Final Plan submission.
 - Draft condominium association documents were included in the Final Plan submission and must specify the rights and responsibilities of each owner with respect to the maintenance, repair, and plowing of the subdivision streets, open space and stormwater infrastructure.
- Others:
 - Street Naming and Addressing: The road name approved by the Assessing Department, Aquatic Way, is shown on the Final Plan.
 - Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES

MS4 area. The subdivision's new development is less than one (1) acre.

- *Shoreland Zoning: There is a 100-foot Stream Protection Zone on either side of this brook. The SP District boundary is shown on the plan. No development is proposed within the shoreland zone.*

I. FINANCIAL AND TECHNICAL CAPACITY

- *A letter dated January 25, 2018 from Jane Watson, Assistant Manager at Norway Savings Bank was submitted as evidence of financial capacity.*
- *The applicant has provided information on the licensed professionals working on this project as evidence of technical capacity*

J. RIVER, STREAM OR BROOK IMPACTS

- *The applicant should demonstrate that the project will not adversely impact any river, stream, or brook.*
- *The property abuts Ditch Brook. There is a 100-foot Stream Protection Zone on either side of this brook. The SP District boundary is shown on the plan. No development is proposed within the shoreland zone.*

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 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 have a lot depth to shore frontage ratio greater than 5 to 1.
N/A
18. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
19. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will/will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located. (N/A)
20. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.

CONDITIONS OF APPROVAL

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated November 20, 2017, as amended February 20, 2018, 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.
2. A streetlight is not required.
3. A waiver was granted from the major private road standard width to allow a 22 foot travel way with gravel shoulders finished in grass.

Seconded by Nick Kalogerakis.

Vote: All in favor.

- 8 [PB 18-018](#) 18-03 Sabatus Lane Subdivision. Major subdivision final plan review. Grondin Corporation to request review of 17 lot residential cluster subdivision. The property in question is located at Sabatus Lane and River Road and identified on Tax Map: 11, Lot: 12, Zone: Farm (F).

Attachments: [18-03 Sabatus Lane Final 03-08-18](#)
[Sabatus Lane Supplemental Information 2018_3_8](#)
[Peer Review Sabatus 03-01-2018](#)
[Sabatus Lane Supplemental Information 2018_2_28](#)
[Sabatus Lane Subdivision Final Plan Application 2018_2_19](#)
[Sabatus Lane Subdivision Plan Set 2018_2_20](#)

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

- The project was a 17 lot subdivision. 15 lots would be served by an 800 foot extension of Sabatus Lane. The other two lots would be served off of River Road.
- They had received the final ability to serve letter from Portland Water District.
- The intent was to offer the public roadway and open space for public acceptance.

The developer intended to build some trails through the property for the use of Dundee Park.

- *The location of the driveway on River Road had been approved by MDOT.*
- *They had their DEP permit by rule.*

Bill Walker made a motion that the Final Plan application for project 18-03 – Sabatus Lane 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 Griffin Bourassa.

Vote: All in favor.

Bill Walker made a motion that the Subdivision final plan application for 18-03 Sabatus Lane Subdivision on Tax Map: 11, Lot: 12 was to be approved with conditions with the following findings of fact and conclusions.

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. The applicant has requested a waiver from this submission requirement.*

B. WATER

- *The fifteen (15) lots on Sabatus Lane will be served by public water for domestic use.*
- *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 Ability to Serve letter from the Portland Water District must be submitted with Final Plan.*
- *An email dated February 2, 2018 from Robert Bartels, PE, of the Portland Water District states that it is possible to connect to the existing 8 inch water main in Sabatus Lane to serve the proposed subdivision.*
- *An Ability to Serve letter from the Portland Water District dated February 22, 2018 was submitted with Final Plan.*
- *Two (2) lots on River Road will be served by private wells. In accordance with cluster subdivision standards in Section 911.K3.b the applicant must demonstrate on the plan that it is possible to locate a subsurface wastewater disposal field and a well on each lot. When determined that it is necessary for specific lots, by the Planning Board, as a Condition of Approval, the location of these elements shall be elements of the subdivision plan, and any future changes to the location of these elements will require an amended subdivision review.*
- *Well exclusion areas for Lots 16 and 17 are shown on the subdivision plan revised February 1, 2017. Note 16 states that the private wells shall be located no more than 90 feet from the River Road right-of-way boundary.*
- *Existing fire hydrants are located on Cedar Lane east of Reba Lane and on River Road at the intersection of Presumpscot Road. Proposed hydrants should be shown on the plan. A new hydrant is proposed on the extension of Sabatus Lane at the lot line between Lot 3 and Lot 4 and is shown on Sheet PP-1 of the preliminary plan set.*

C. SOIL EROSION

- *An erosion and sedimentation plan, prepared by DM Roma Consulting Engineers,*

dated January 25, 2018, has been submitted as part of the Preliminary Plan. Notes and details are shown on Drawing D-1.

- This project may require a Maine Department of Environmental Protection (DEP) Chapter 500 Stormwater Permit. The applicant must submit a stormwater management plan that meets the water quality and quantity standards as well as the flooding standard of Section 3 DEP Chapter 500 Stormwater Management.
- This project is in the NPDES (National Pollutant Discharge Elimination System) area as designated by the Environmental Protection Agency for the Town of Windham. As a result, there will be additional construction inspection requirements and ongoing requirements for reporting of stormwater infrastructure maintenance if the area of development is greater than one (1) acre. See Condition of Approval #2.
- A stormwater management plan has been submitted as part of the January 25, 2018 Preliminary Plan submission. The project proposes to treat the 220,550 square feet (6.09 acres) of new developed area with two stone berm level spreaders discharging to a forested buffer, a buffer on Lot 6 and roof drip edges on each building.
- The stormwater management plan states that a DEP permit is not required as the applicant will construct the roadway without developing the lots and the roadway will generate less than 1 acre of new impervious surface and less than 5 acres of total development.
- Note 12 on the plan states that all buildings will require the installation of a roofline drip edge and Note 13 states that stormwater buffers must be temporary marked prior to site disturbance and permanently marked after the lot is developed.
- In an email dated February 2, 2018, Town Engineer Jon Earle P.E., confirmed that the project meets the Chapter 500 standards for water quality and noted that the applicant is requesting a waiver from the stormwater flooding standard, as more than 75% of the impervious and developed areas are treated through the use of wooded buffers, but a calculation showing the percentage of treatment by buffers was not provided.
- The applicant responded to peer review comments on February 9, 2018 and provided stormwater buffer calculations.
- In an email dated February 12, 2018, Town Engineer Jon Earle P.E., stated that his comment was addressed.
- A copy of the DEP Stormwater Permit by Rule submitted on February 19, 2018 was included with the final plan submission.
- In an email dated March 1, 2018, Town Engineer Jon Earle P.E., commented that the DEP permit is approved in 14 days following submission if the Department has no comments on the application.

D. TRAFFIC

- Most of the subdivision lots will have access from the new 800 foot subdivision street, an extension of Sabatus Lane, a paved public street. Section 911.K.3.f requires cluster subdivision roads to be built to the Minor Local Street standard.
- Two of the lots will have access on River Road, a paved public street. A shared driveway is proposed. Sight distance for the shared driveway should be shown for both directions along River Road on the Preliminary Plan.
- At the Development Team meeting on December 28, 2017, Public Works Director Doug Fortier stated that the proposed entrance on River Road is located within the urban compact area and will require an entrance permit from MaineDOT. The MDOT Entrance Permit issued February 27, 2018 was submitted with the final plan.
- Based on the distance to uses that would generate pedestrian trips, sidewalks are not required. When sidewalks are not required for local streets, Section 911.M.5.b.6.ii requires that the applicant construct a sidewalk or a street with a widened shoulder. One (1) additional foot of paved shoulder, on each side of the street, shall be added to the required minimum shoulder width.

- The January 25, 2018 preliminary plan submission states that the based on the ITE Trip Generation Manual the proposed 17 residential lots are expected to generate 17 peak hour trip-ends. The February 1, 2018 submission states that the project will generate 170 daily vehicle trips (150 daily trips on Sabatus Lane and 20 daily trips on River Road).
- A traffic impact analysis is required for subdivisions projected to generate more than 140 vehicle trips per day. The applicant has requested a waiver from the submission requirement based on the opinion that there would be no off-site improvements required as a result of a study.
- A road plan and profile, prepared by DM Roma Consulting Engineers, dated January 25, 2018, shown on Sheet PP-1, was submitted as part of the Preliminary Plan.
- The road plan and profile (Sheet PP-1) and details (Sheet D-1) dated January 25, 2018 propose constructing the road with an 18 foot wide paved (2" surface pavement) travel way with 2 foot gravel shoulders. One additional foot of paved should is required. The applicant should revise the cross section detail or submit a waiver request.
- In an email dated February 2, 2018, Town Engineer Jon Earle P.E., commented that the waiver request from the submission of a traffic impact analysis is reasonable.

E. SEWERAGE

- The development will be served by individual private subsurface wastewater disposal systems.
- Soil test pit analysis prepared by Mark J. Hampton, LSE CSS of Mark Hampton Associates, Inc dated January 3, 2018 show that each lot has adequate soils to support a private septic system. Test pit locations are shown on the plan.

F. SOLID WASTE

- Residents of the single family dwellings will participate in the Town's pay-per-bag garbage 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 portion of the lot with frontage on River Road is a field while the remainder of the side is wooded.
- The property abuts the Town's Dundee Park.
- There are no documented rare botanical features or significant wildlife habitat documented on the site. The final plan submission includes an activity authorization letter from Maine Department of Inland Fisheries and Wildlife regarding proposed impacts to a mapped Deer Wintering Area.
- Street trees are shown on the Plan and Profile Sheets PP-1 and PP-2 of the preliminary plan set and Note 14 on the plan states that street trees shall be planted or preserved at an interval no less than one tree every 50 feet of roadway, and in accordance with Section 911.E.1.b of the Land Use Ordinance.
- Limits of tree clearing are shown on the preliminary plan. Note 15 on the plan states that clearing of tress 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 2017 Comprehensive Plan.

- *Land Use Ordinance:*
- *All lots fall within the minimum and maximum lot sizes of 30,000-50,000 square feet (one lot 60,000 sf max) for cluster lots in the F zoning district.*
- *Net residential density calculations are shown on the Plan.*
- *No more than 30% of the lots have direct vehicular access onto an existing public road.*
- *The total area of reserved open space equals or exceeds 50% of the gross land area of the property to be subdivided.*
- *At least 50% of the land suitable for development shall be included in the common open space. The sketch plan shows ~39.75% of the net area provided in the common open space. The applicant is requesting a waiver from this standard. In a memo dated February 6, 2018, Parks & Recreation Director Linda Brooks commented that the amount of non-wetland areas in the open space would still allow for passive recreational activities as well as possible trail development.*
- *Subdivision Ordinance*
- *A landscaping plan must be submitted with the Preliminary Plan.*
- *Standard notes and the standard condition of approval are shown on the plans.*
- *The subdivision is utilizing the 20% density bonus to gain an additional lot. In order to be eligible, the open space must be open for general public use, not just homeowners within the subdivision. Access easement for the open space must be recorded in the registry prior to the issuance of building permits. The final plan should note which portion of the open space may be dedicated for acceptance by the Town and a written offer of cessation must be submitted with the Final Plan. The final plan submission included an offer of cessation dated March 8, 2018. See Condition of Approval #3.*
- *The Tax Map and Lot numbers provided by the Tax Assessor must be shown on the Final Plan dated March 8, 2018.*
- *Subdivision plan data compatible with the Town GIS were submitted as part of the Final Plan submission.*
- *Draft homeowner association documents were included with the Final Plan submission and must specify the rights and responsibilities of each lot owner with respect to the maintenance, repair, and plowing of the subdivision streets, open space and stormwater infrastructure.*
- *Others:*
- *Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 urbanized area.*

I. FINANCIAL AND TECHNICAL CAPACITY

- *A letter dated January 22, 2018 from Roger C. Levesque, Executive Vice President at Gorham Savings Bank was submitted as evidence of financial capacity.*
- *The applicant has provided information on the licensed professionals working on this project as evidence of technical capacity*

J. RIVER, STREAM OR BROOK IMPACTS

- *The 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/does not conform 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 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 have a lot depth to shore frontage ratio greater than 5 to 1.*
- N/A*
- 18. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.*
- 19. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will/will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located. (N/A)*
- 20. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.*

CONDITIONS OF APPROVAL

- 1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated December 18, 2017, as amended March 8, 2018, 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.*

2. Approval is subject to the requirements of the Post-Construction Stormwater Ordinance, Chapter 144. Any person owning, operating, leasing or having control over stormwater management facilities required by the post-construction stormwater management plan must annually engage the services of a qualified third-party inspector who must certify compliance with the post-construction stormwater management plan on or by May 1st of each year.

3. A deed transferring ownership of the open space to the Town of Windham or an access easement for public use of the open space must be recorded in the Cumberland County Registry of Deeds prior to the issuance of building permits.

Seconded by Griffin Bourassa.

Vote: All in favor.

- 9 [PB 18-019](#) 17-11 Majestic Woods, Phase 3. Major subdivision preliminary plan review. Shoreland Development, LLC to request review of a 22 lot residential 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 Prelim 03-08-2018](#)

[Peer Review Majestic Woods 3 03-01-2018](#)

[Majestic Woods Nitrate Analysis - 3-9-18](#)

[Majestic Woods - Nitrate Analysis Plan \(2018-03-02\)](#)

[Majestic Woods Response to Comments 03-02-18](#)

[Majestic Woods Subdivision Plan Set 2018_2_20](#)

[Majestic Woods Subdivision Response to Comments 2018_2_19](#)

[Majestic Woods Response to Comments 2018_1_22](#)

[Majestic Woods Subdivision Plan Set 2018_1_22](#)

Meeting went into Recess

Meeting Reconvened

Amanda Lessard explained:

- The town's engineer had reviewed the stormwater calculations and found them to meet standards.
- He was waiting to see site distance numbers and a hydrogeologic analysis.
- The town's engineer had reviewed the nitrate analysis and said it met the state's drinking water standard at the property lines.

The Board commented:

- Why should they approve the open space at less than 50% buildable area?
- Based on the increase in houses they were in favor of paving Swett Road.
- If the neighbors didn't want a street light it was fine without one.
- The applicant should plant trees for screening across the street from the subdivision road intersection with Swett Road.
- Clarification was requested regarding what DEP drinking water standard would be met.
- What were the negative impacts of the nitrate plume on lot 15 going into the wetland?
- How much utilization would open space get?

Mr. Roma responded:

- The project was developed so it provided ample space with suitable upland area and

was not just conservation land so residents and public would benefit from using the space. They were not overburdening the particular parcel. They thought the amenities and layout was the best situation. Meeting the requirement for 50% buildable open space would result in lots with wetlands and smaller pieces of open space that were not usable.

- The subdivision road would be built to town standards.*
- There was some wooded area available for screening at the road intersection.*

Bill Walker made a motion to grant the waiver request for the minor street standard sidewalk requirement.

Seconded by Keith Elder.

Vote: All in favor.

Keith Elder made a motion to grant the waiver request for the requirement that 50% of the open space area be buildable land.

Seconded by Nick Kalogerakis.

Vote: Three in favor. Two opposed.

Keith Elder made a motion to approve the waiver request for the traffic impact assessment submission requirement based on the comment from the Planning Board that the applicant would be paving Swett Road from Chute Road to the new access road for the property.

Seconded by Nick Kalogerakis

Vote: All in favor.

Keith Elder made a motion that the Preliminary Subdivision Plan application for project 17-11 Majestic Woods Phase III 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.

More information regarding the affect that the parcel had on Colley Wright Brook was requested.

Seconded by Nick Kalogerakis.

Vote: All in favor.

Keith Elder made a motion that the Preliminary Subdivision application for 17-11 Majestic Woods Phase III on Tax Map: 6, Lot: 63-13 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. No disturbance or new buildings are proposed within the 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.

- A nitrate analysis plan was submitted on March 2, 2018. The full hydrogeologic assessment has not yet been submitted.*
- The new residential lots will not result in undue air or water pollution.*

B. WATER

- All lots are proposed to be served by private wells for domestic use.*
- The closest fire hydrant is located on at the intersection of Pope and Chute Roads. This is about 5,000 feet from the new subdivision street's intersection with Swett Road.*
- A condition of approval from the original subdivision approval states that all homes in the subdivision must have sprinkler systems installed that meet NFPA standards. This condition has been included below.*
- Well exclusion areas are shown on the preliminary subdivision plan dated February 20, 2018.*

C. SOIL EROSION

- An erosion and sedimentation plan, prepared by DM Roma Consulting Engineers, dated December 18, 2017, has been submitted as part of the Preliminary Plan. Notes and details are shown on Drawing D-1.*
- This project will require a Site Location of Development permit from Maine Department of Environmental Protection (DEP). The permit must be submitted with the Final Plan submission.*
- A portion of 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 developed area is greater than 1 acre.*
- A stormwater management plan, has been submitted as part of the December 18, 2017 Preliminary Plan submission. The project proposes to treat the 2.60 acres of new impervious area with four underdrained filter basins, a bioretention cell, a forested buffer and a roof drip edge on each house.*
- The stormwater treatment table is shown on Sheet SWP-2 of the preliminary subdivision plan set. A note should be added to the recording plan that describes the assumed impervious and developed area for each lot and the requirement for all new buildings to install a roofline drip edge.*
- A note should be added to the plan that stormwater buffers will be permanently marked prior to the start of construction.*
- The plan also includes an inspection, maintenance and housekeeping plan. The owners are responsible for the maintenance of all stormwater management structures and related site components until such time that a homeowner's association is created.*
- In an email dated January 4, 2018, Town Engineer Jon Earle P.E., agrees that the project meets the MDEP basic and general standard for erosion control and stormwater treatment. Stormwater quantity calculations must be submitted to determine compliance with the Chapter 500 flooding standard. He also noted that the project is outside of the MS4 urbanized area and does not need to comply with the Town's Chapter 140 Post-Construction Stormwater Ordinance for annual inspections, but will require 5 year recertification for stormwater BMPs as part of the Site Location permit.*
- The preliminary plan submission dated January 22, 2018 includes a high intensity soils map from Longview Partners, LLC. An updated stormwater management report that reflects the high intensity soil survey mapping was also submitted. Notes were added to the subdivision plan requiring buildings to have roofline drip edge installed, and*

stormwater buffers be permanently marked.

- In an email dated March 1, 2018, Town Engineer Jon Earle P.E., agrees that the project meets the MDEP basic and general standard for erosion control and stormwater treatment. Stormwater quantity calculations must be submitted to determine compliance with the Chapter 500 flooding standard.
- The applicant responded to peer review comments on March 2, 2018 that stormwater quantity calculations for each of the study points was submitted in the January 22 Response to Comments on page 19 of the document (Page 3 of the stormwater report).

D. TRAFFIC

- The subdivision lots will have frontage on a new 1,930 foot long subdivision street which intersects with Swett Road, which is a gravel surfaced public road. Improvements to Swett Road from the intersection with Chute Road to the vicinity of where the new street is proposed as part of the requirements for the Phase 2 approval of the subdivision.
- The new road will be built to a Minor Local Street standard, as is required in cluster subdivisions.
- Based on the distance to uses that would generate pedestrian trips, sidewalks are not required on the subdivision street.
- A road plan and profile, prepared by DM Roma Consulting Engineers, dated December 18, 2017, shown on Sheet 4, 5 and 6, was submitted as part of the Preliminary Plan. The roadway cross section is shown on Sheet 9.
- Section 911.M.3.d states that streetlights may be required at intersections with existing public streets. An existing utility pole is shown on Sheet 3 of the preliminary plan to be relocated at the intersection of the proposed street and Swett Road. The applicant should verify if there is an existing streetlight on this pole, and if not, if one is proposed.
- In the standards for Sidewalks or Shoulders, Major Local Streets and Minor Local Streets (page 9-61) state that sidewalks are not required if the subdivision is more than 1,000 feet from a "public building." If the applicant chooses not to build sidewalks on the subdivision street, additional 1 foot paved shoulders are required. Note that if the Planning Board finds that "vehicular trips from the generated by the subdivision will create unsafe pedestrian conditions, sidewalks can be required. A waiver has been requested from this standard.
- Street design standards for dead end streets in Section 911.K.4.g requires a hammerhead turnarounds every 1,000 feet. The preliminary plan dated December 18, 2017 is proposing a dead end street of approximately 1,930 feet to the start of the cul-de-sac without any hammerheads. A written waiver request that address the waiver criteria of Section 908 should be submitted.
- The preliminary plan submission states that the proposed 22 residential lots will generate 22 peak hour trip-ends.
- A traffic impact analysis must be submitted with the Preliminary Plan submission as the subdivision is projected to generate more than 140 vehicle trips per day. The applicant has requested a waiver from this submission requirement.
- There are two large properties which abut the proposed subdivision (Map 6 Lot 60 and Map 6 Lot 63A). Section 911.M.3.a (page 9-51) and Section 911.M.5.b.iii (page 9-60) allows the Board to require the dedication of a right-of-way to provide continuation of the road where future development is possible. The Preliminary Plan dated December 18, 2017 shows a right-of-way to the abutting property Lot 63A but it is labeled as private, to be retained by owner. This future right-of-way should also be offered to the Town when the road right-of-way is offered for public acceptance.
- In an email dated January 4, 2018, Town Engineer Jon Earle P.E., states that the waiver from the wider paved shoulder is reasonable and requested that sight distance at

the proposed road intersection with Swett Road be shown on the plan.

- The preliminary plan submission dated January 22, 2018 states that the existing utility pole to be relocated does not currently have a street light and one is not proposed due to neighborhood concerns. The only streetlight along Swett Road is located at the intersection with Chute Road. The preliminary plan also shows an intermediate hammerhead at approximate roadway station 9+50.*
- The preliminary subdivision plan dated January 22, 2018 shows two (2) trail head public parking spaces and a park mulch area with picnic tables and information kiosk as well as some stormwater infrastructure located within the right-of-way to the abutting property Lot 63A. These elements would need to be redesigned and relocated if a future road was proposed.*
- In the February 20, 2018 preliminary plan submission an easement was added around the intermediate hammerhead and the park mulch picnic area and trail-head kiosk were relocated outside of the right-of-way and a note added to the plan that if the roadway is extended within the right of way, the parking spaces will be relocated in front of the recreation area within a widened shoulder on the side of the new roadway.*
- In an email dated March 1, 2018, Town Engineer Jon Earle P.E., stated that sight distances at the intersection of the proposed road with Swett Road should be shown on the plan and that the waiver request for a traffic impact analysis seems reasonable based on the amount of traffic anticipated to be generated by the project.*

E. SEWERAGE

- Lots will be served by private subsurface wastewater disposal (septic) systems.*
- Soil test pit analysis prepared by Longview Partners, LLC dated January 9, 2018 show that each lot has adequate soils to support a private septic system. Test pit locations are shown on the plan.*
- A class A high-intensity soil survey prepared by Longview Partners, LLC plan dated January 5, 2018 was included with the January 22, 2018 preliminary plan submission.*
- In a letter from Dustin Roma, PE dated February 19, 2018 he comments that the septic system test pits were conducted prior to establishing proposed clearing limits for each individual lot, so the specific location of each test pit does not fall within the proposed development area for some lots. For each of the lots where the test pit locations are within the tree save areas or in the filter basin, there are similar soils throughout the lot where a leach field could be located based on the Class A High Intensity Soil Survey.*
- The Nitrate Analysis Plan dated March 2, 2018 shows the location of the proposed disposal field on each lot.*

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.*
- Vernal pool survey information should be included in the Preliminary Plan submission. The large wetland in the center of Lot 13 was identified from aerial images as a Potential Vernal Pool by Stantec in 2008. The Town does not have regulations pertaining to vernal pools, but any vernal pools that are deemed "significant" are regulated as significant wildlife habitat by the Department of Environmental Protection.*

- The mapped vernal pools are shown on the January 22, 2018 preliminary plan. The submission states that during the vernal pool investigation, all of the pools indicated within the development were classified as "non-significant" by the consultant, and forms have been sent to the Maine Department of Inland Fisheries and Wildlife for concurrence. This documentation should be submitted with the final 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.
- The preliminary plan shows a tree line on the plan.
- The January 2, 2018 includes Note 11 that restricts clearing for five years after planning board approval beyond the tree line shown and Note 10 that streets trees shall be planted or preserved at an interval no less than one tree every 50 feet.

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 fall within the minimum and maximum lot sizes of 30,000-50,000 square feet (one lot 60,000 sf max) for cluster lots in the F zoning district.
- Lots must meet the lot frontage requirements for the F zoning district, which for cluster subdivision lots is 100 feet, or 50 feet when on a cul-de-sac.
- Net residential density calculations are shown on the January 22, 2018 Preliminary Plan and show the net density of both the net density of the original subdivision (40 lots) as well as for Lot 13. In the submission dated February 19, 2018 the applicant notes that the net residential density shown on the original 2004 approved plan used the incorrect net residential density factor (80,000 square feet instead of the correct 60,000 square feet).
- Subdivision Ordinance
- The Tax Map and Lot numbers provided by the Tax Assessor must be shown on the Final Plan.
- Subdivision plan data compatible with the Town GIS must be submitted as part of the Final Plan submission.
- Homeowner association documents should be provided with the Final Plan submission and must specify the rights and responsibilities of each lot owner with respect to the maintenance, repair, and plowing of the subdivision streets, open space and stormwater infrastructure.
- No more than 30% of the lots have direct vehicular access onto an existing public road.
- The open space reserved does not provide 50% of the land suitable for development. The applicant proposed 42.7% of the land suitable for development is located in the open space and has submitted a waiver request. Public parking, a picnic area and trail-head informational kiosk are proposed as amenities for the public use of the open space.
- This phase of the subdivision is utilizing the 20% density bonus to gain four (4) additional lots. In order to be eligible, the open space must be open for general public use, not just homeowners within the subdivision. Access easement for the open space must be recorded in the registry prior to the issuance of building permits. See suggested condition of approval #3. In the submission dated February 19, 2018 the application notes that the when the 14 lots approved previously approved are combined with the proposed 22 lots to total 36 lots, which is less than what is permitted on the total parcel.

- Others:
- Chapter 221 Street Naming and Addressing: Following consultation with the Assessing Department, a proposed road name must be shown on the Final Plan

I. FINANCIAL AND TECHNICAL CAPACITY

- An estimate of the project construction costs was included in the December 18, 2017 preliminary plan submission.
- A letter dated February 14, 2018 from Aaron Cannan, Senior Vice President at Katahdin Trust Company was submitted as evidence of financial capacity.
- The applicant has provided information on the licensed professionals working on this project as evidence of technical capacity

J. RIVER, STREAM OR BROOK IMPACTS

- Colley Wright Brook and its associated Stream Protection District are shown on the plan and are entirely located within the proposed open space.
- 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/does not conform 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 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/will not alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed subdivision is situated entirely or partially within a floodplain.
14. All freshwater wetlands within the proposed subdivision have been identified on the plan.
15. Any river, stream, or brook within or abutting the subdivision has been identified on any maps submitted as part of the application.
16. The proposed subdivision will provide for adequate storm water management.

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

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

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

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

CONDITIONS OF APPROVAL

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated April 3, 2017, as amended March 2, 2018, 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.

2. All new homes in the subdivision shall have residential sprinkler systems that meet NFPA standards.

3. An access easement for public use of the open space must be recorded in the Cumberland County Registry of Deeds prior to the issuance of building permits.

4. The applicant shall pave Swett Road from the subdivision road to Chute Road.

Second by Nick Kalogerakis.

Vote: All in favor.

- 10 [PB 18-020](#) 18-02 627 Roosevelt Trail Self-Storage. Major site plan final plan review. Robie Holdings, LLC to request review of 38,000 square feet of public warehousing in 8 buildings. The subject property is located at 625 and 627 Roosevelt Trail and identified on Tax Map: 53 Lots: 37 and 37C, Zones: Commercial 1 (C-1).

Attachments: [18-02 627 Roosevelt Trail Storage Final 03-08-18](#)
[Peer Review 627Roosevelt 03-01-2018](#)
[627 Roosevelt - Response to Comments - 2018 3 1](#)
[Building Elevations 2018-03-01](#)
[Grading Utility Plan 2018-03-01](#)
[627 Roosevelt Warehousing & Commercial Site Plan Application 2018 2 19](#)
[627 Roosevelt Warehousing & Commercial Development Plan Set 2018 2 19](#)
[BUILDING ELEVATIONS](#)

The Board commented:

- Were the buildings required to be sprinkled?

- *What about access to the facility?*
- *What about lighting?*
- *Connectivity should be shown.*
- *Design standards were applicable.*
- *Light fixtures and photometrics should be shown.*
- *All the buildings should have similar pitched roofs and cupulas. Mechanicals shouldn't be visible from Route 302. Buildings should have an overhang.*
- *What about fencing?*
- *Create some ability to provide access for a fire engine. It should be reviewed by the Fire Chief.*

Mr. Roma responded:

- *The buildings were not required to be sprinkled based on the currently proposed use.*
- *The site would be gated with access codes for entry. The Fire Department would also have access.*
- *Security lighting would be provided around the footprint. The lights would not cast out beyond the area.*
- *The two larger buildings would require addressable fire alarms.*

Other Business

11 Adjournment

Bill Walker made a motion to adjourn.

Seconded by Griffin Bourassa.

Vote: All in favor.