



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Final

### Planning Board

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Monday, May 14, 2018

7:00 PM

Council Chambers

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#### 1 Call To Order

#### 2 Roll Call and Declaration of Quorum

*The meeting was called to order by Vice Chair, Keith Elder. Other members present were: Nick Kalogerakis, Drew Mayo, Kaitlyn Tibbets and Michael Devoid.*

*Planner, Amanda Lessard was also present.*

#### 3 Approval of Minutes: April 23, 2018

*There were no minutes to approve.*

### Continuing Business

- 4 [PB 18-039](#) 18-01 Shared Maintenance Facility. Major site plan final plan review. The Town of Windham to request review of a new 23,400 sf footprint public works and school bus maintenance building. The subject property is located at 185 Windham Center Road and identified on Tax Map: 12 Lot: 28, Zones: Farm Residential (FR) and Resource Protection (RP).

**Attachments:** [18-01 Shared Maintenance Facility\\_Final\\_05-09-18](#)  
[Peer Review Shared Maintenance Facility\\_05-03-2018](#)  
[Shared Maintenance Facility Response #2 5-3-18](#)  
[Peer Review Shared Maintenance Facility\\_05-02-2018](#)  
[Shared Maintenance Facility Response #1 5-1-18](#)

*Owen Chaplin and Doug Reynolds, from Gorrill-Palmer, were present representing the applicant.*

- *The DEP permit had not yet been received.*
- *The fueling tank location had been moved closer to Windham Center Road, as far from river and stream as it could be. If it leaked it would drain to the focal point which had an impervious liner. There were spill prevention measures on site.*
- *There was some grading within the 100 foot stream setback. DEP required a 75 foot setback. They would be reducing impervious area in that setback by about 1,600 square feet.*

*Amanda Lessard explained:*

- *The 100 foot setback was a recommendation from Inland Fisheries and Wildlife.*

- The town's engineer had reviewed the revisions. A minor increase in impervious area met the stormwater standards.

## **New Business**

- 5      [PB 18-035](#)      18-10 JMC Self-Storage. Major site plan 2nd Amendment. Big Mountain, LLC to request an amendment to an approved site plan for a revision to the approved building facades. The subject property is located at 964 Roosevelt Trail and identified on Tax Map: 21, Lot: 2A2. Zone: Commercial 1 (C-1).

**Attachments:**    [18-10 JMC Self Storage 2nd Amendment - 05-08-2018](#)

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

[JMC Self Storage Expansion minor change Approval 07-31-17](#)

[JMC Self Storage Amendment 05-2017 signature sheet](#)

[BIG MOUNTAIN LLC - BUILDING ELEVATIONS 04-17-2017](#)

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

- The buildings had been constructed. There had been site work challenges due to the grades. The rear building had originally been proposed as two separate structures. During construction they had to adjust and the two buildings became one structure with a fire rated wall between them.
- Additional improvements had been made to the site that were not required by the site plan. They had painted; added additional guard rails; and paved the driveway and parking lot area.
- They had thought to attach vinyl on the exterior of the buildings to break up the façade. Instead, they would like to leave the front structures as they were and put one cupula on each building.
- They proposed to add cupulas to the back building to break up the length of the structure.

*Amanda Lessard reviewed:*

- Faux wall treatments had been a trade-off for the long wall face. The pitch of the roof was less than required by the ordinance. It had been a compromise with the Board.
- Changes to the rear building and grading changes were a minor staff change.
- The application was before the Board because the Board had negotiated the façade under the site plan. The amendment was to revise the building elevation to add cupulas to buildings one and two.
- The clearest change would be no windows on large walls, visible from Route 302.

*The Board Commented:*

- Was the only change faux windows?
- Windows were a way to break up the length of the building.
- It looked nice; the color scheme was great.

*Mr. Bosworth said the idea was to tie in all the buildings. The cupulas looked so good on the back building. They thought, rather than screw plastic things on the side of the building it would look better with cupolas.*

*Mr. Roma explained the horizontal clapboard look would be vinyl siding on top of metal. It would not really work to space all the doors out. They had looked for alternatives and*

*thought of breaking up roof lines. Windows be more of a distraction than a compliment.*

*Nick Kalogerakis made a motion the Major Site Plan application for 18-10 JMC Self Storage Amendment on Tax Map: 21, Lot: 2A was to be approved with conditions with the following findings of fact and conclusions.*

#### *FINDINGS OF FACT*

##### *Utilization of the Site*

- The project is located on a 2.1 acre parcel with an existing commercial building and parking located on the site. The rear of the site is vegetated and slopes toward the abutting pipeline property.*

##### *Vehicular and Pedestrian Traffic*

- The subject parcel has approximately 220 feet of frontage on Route 302 and proposes to locate its entrance in the shared 50' wide right of way as a consolidated curb cut with the adjacent property. The maximum curb cut allowed by the ordinance is 40 feet.*
- Sight distances for the entrance are shown on the final plan. Sight distances for proposed entrance exceed the requirement of 425' for a 45 mph posted speed limit. Sight distance is reported to be 500'+ looking south and 470' looking north from the entrance location. Sight distances are based on the current site conditions and will improve following the demolition of the existing building.*
- Development in the C-1 zoning district is subject to the Sidewalk Impact Fee (Section 1201).*
- The project is located in Collection Area #1 of the North Route 302 Road Improvement Impact Fee. The applicant has indicated the project will result in an increase of 7 additional trips in the peak PM hour and the fee shall be calculated based in this increase.*
- There are no parking spaces shown on the site plan. The applicant has indicated that parallel spaces will be available adjacent to the buildings while vehicles load and unload. The drive aisles are designed for two way traffic so that parked vehicles will not block other vehicles.*
- A traffic impact study is not required since the project will result in less than fifty (50) trips in during the AM or PM peak hour.*
- The applicant addressed a previous comment by Will Haskell, P.E., of Gorrell-Palmer Consulting Engineers requesting the installation of guardrail to the easterly side of the lot towards the back as the slope drops.*
- Directional traffic signage has been added to the plan to create a one-way traffic circulation pattern through the existing JMC self-storage property.*
- The applicant should calculate the fee required for the C-1 zoning district Sidewalk Impact Fee and the Route 302 North Traffic Impact Fee.*
- A note has been added to specify guardrail instead of "boulders or guardrail" to address a previous comment from Will Haskell, P.E., of Gorrell-Palmer Consulting Engineers.*
- Four (4) designated parking areas where vehicle traffic will not be negatively impacted is shown on the plan. Additional parking will be accommodated in the drive aisles on a temporary basis while vehicles are being loaded and unloaded.*

##### *Sewage Disposal, Water Quality and Groundwater Impacts*

- The construction of the storage building units will not result in any sewage disposal*

*or impacts to groundwater.*

#### *Stormwater Management*

- *Per Section 812.E., a stormwater plan has been submitted that meets the standards DEP Chapter 500 Stormwater Management, per the review by Jon Earle, P.E., Town Engineer.*
- *The project requires a Maine DEP Chapter 500 Stormwater Permit-By-Rule. The permit must be submitted as part of the final plan.*
- *This project is in the NPDES (National Pollution Discharge Elimination System) MS4 area as designated by the EPA for the Town of Windham. There are ongoing requirements for construction and post construction inspection for stormwater infrastructure maintenance for the development. See recommended Condition of Approval #2.*
- *A stormwater management plan has been included in with the Final Plan. The property currently consists of approximately 19,395 square feet of impervious area. The proposed development condition will consist of approximately 39,055 square feet of impervious area resulting in a net increase of 19,660 square feet. The project will also consist of 31,110 square feet of a total developed area of 50,770 square feet. Stormwater quantity and quality will be achieved by two infiltration basins.*
- *A plan set and stormwater management plan was previous submitted to MDOT on October 24, 2016. An email from Kyle Hall (MDOT) states that MDOT will retain their easement but is willing to discuss various solutions. The applicant proposes a condition of approval that the executed easements are provided to the Town. See recommended Condition of Approval #3.*

#### *Erosion Control*

- *A soil erosion and sediment control has been submitted with the final plan set.*

#### *Utilities*

- *Based on the size of the proposed new buildings, sprinkler systems are not required by the Fire Protection Ordinance; however sprinkler systems may be required by the building code depending on the materials stored.*
- *Deputy Fire Chief John Wescott stated that the new buildings will require an addressable fire alarm system that meets NFPA standards.*
- *Electrical service will be brought to the site from Route 302 and place underground.*

#### *Financial Capacity*

- *Evidence of financial capacity was previous provided in the form of a letter from Bangor Savings Bank dated August 17, 2016.*

#### *Landscape Plan*

- *A landscaping plan has been submitted as part of the final plan set.*

#### *Conformity with Local Plans and Ordinances*

##### *1. Land Use*

- *The project meets the minimum lot size and setback requirements of the C-1 zoning district.*

- *The proposed access entrance on Route 302 meets the performance standards for a curb cut in the C-1 district.*

2. *Comprehensive Plan*

- *This project meets the goals and objectives of the 2017 Comprehensive Plan.*

3. *Others:*

- *Design Standards, Section 813. The project meets the design standards of the C-1 zoning district.*
- *The applicant has supplied a narrative in the final plan submission addressing the Standards in Section 813.*
- *Building elevations were submitted as part of the final plan set.*
- *The April 23, 2018 submission proposes to install a single cupola in the middle of Building 1 and two cupolas on Building 2 in lieu of installing the vinyl siding over the finished metal facade.*
  - o *The building elevations dated April 17, 2017 show faux windows along the north and west elevations (walls visible from Roosevelt Trail that do not have any overhead doors).*

*Impacts to Adjacent/Neighboring Properties*

- *Impacts to the nearby properties should be minimal, based on the proposed use.*

CONCLUSIONS

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

CONDITIONS OF APPROVAL

1. Approval is dependent upon, and limited to, the proposals and plans contained in the amended site plan application dated April 3, 2017 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the Planning Board or the Town Planner in accordance with Section 814.G. of the Land Use Ordinance.
2. 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. Easements as shown on the plan on shall be recorded prior to the issuance of building permits.

Seconded by Drew Mayo.

Vote: Three in favor. Keith Elder opposed. Michael Devoid abstained.

- 6      [PB 18-036](#)      18-11 River Road Subdivision. Major subdivision amendment. STJ, Inc to request an amendment to an approved subdivision for a revision to the clearing limits on Lots 1, 2, 3 and 4. The subject property is located at Abenaki Drive and identified on Tax Map: 8A Lot: 56, Zone: Farm Residential (FR).

**Attachments:**    [18-11 River Road Amend 05-10-2018](#)  
[Peer Review\\_River Road Amend 05-10-2018](#)  
[Comment Response 05-10-18](#)  
[Peer Review\\_River Road Amend 05-02-2018](#)  
[Amended Subdivision Plan Application - River Road Subdivision 2018\\_4\\_23](#)  
[Amended Subdivision Plan Set - River Road Subdivision 2018\\_4\\_23](#)  
[RIVER ROAD SUBDIV 12-2017](#)

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

- *Lots had been cleared to the limits of the approved subdivision plan.*
- *The roadway and stormwater infrastructure components were substantially complete.*
- *A developer who had purchased some lots was requesting additional space in order to build houses. Wells had to be in the back of the lots and leach beds would be in front.*
- *They wanted to expand on the clearing limits. There would be a 15 foot buffer of trees along the back of lots 1 through 4.*
- *Lots 1 and 2 would drain to underdrain soil filters, lots 3 and 4 would drain toward the level spreader. There would be infiltration trenches at the base of the hill.*
- *Stormwater calculations had been reviewed by the town's engineer and were acceptable.*

*Nick Kalogerakis made a motion that the Subdivision application for 18-11 River Road Amended Subdivision on Tax Map: 8A, Lot: 56 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.*
- *A portion of this subdivision is located over a significant sand and gravel aquifer. A hydrogeologic assessment must be submitted as part of the Preliminary Plan.*
- *The applicant has submitted a waiver request for a hydrogeologic assessment based on the well-drained glacial till soils on the property and the location of proposed leach fields more than 100 feet from the downhill property line.*

*B. WATER*

- *The sketch plan proposes that dwelling units may be served by public water in a new water main extended from an existing main in Timberhill Road to be located in a 40 foot utility easement over the abutting property. 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. In the event the PWD does not allow the extension, the lots will be served by individual wells.*
- *In a letter dated August 22, 2017 from Robert Bartels, P.E. of the Portland Water District, water service for this project would need to be provided from a main extension within River Road. Therefore, lots in the subdivision will be served by individual 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.*
- *Existing fire hydrants are located on River Road to the north of the proposed subdivision at the intersections of Presumpscot Road and to the south of the proposed subdivision at the intersection with Park Road. Existing hydrant locations are more than 1,000 feet from the development.*
- *At the Development Team meeting on July 31, 2017, Fire Chief Brent Libby recommended that if the development was not served by public water, that all homes in this subdivision include sprinkler systems that meet NFPA standards.*
- *Well exclusion areas are shown on the subdivision plan revised December 4, 2017.*
- *Note 14 on the final subdivision plan states that all dwelling within the subdivision shall include sprinkler subdivisions.*

*C. SOIL EROSION*

- *An erosion and sedimentation plan, prepared by DM Roma Consulting Engineers, dated October 2, 2017, has been submitted as part of the Preliminary Plan. Notes and details are shown on Drawing D-1. A lot grading plan for Lots 2 & 3 was also included with the preliminary plan submission.*
- *This project may require a Maine Department of Environmental Protection (DEP) Chapter 500 Stormwater Permit. A copy of the permit must be submitted with the Final Plan application. The DEP Stormwater Permit by Rule application dated November 29, 2017 was submitted on December 5, 2017.*
- *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 October 2, 2017 Preliminary Plan submission. The project proposes to treat the 3.23 acres of new developed area with an underdrained filter basin, forested buffers and a roof drip edge.
- A note should be added to the plan that stormwater buffers will be permanently marked prior to the start of construction.
- In an email dated October 11, 2017, 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. He also requested easement language for the location on the stormwater treatment BMPs located on Lot A, which is not part of the subdivision. The stormwater treatment table from sheet TP-1 should be included on the subdivision plan.
- A draft deed for Parcel A was included in the December 5, 2017 submission which provides a stormwater easement with access for maintenance and/or repair of any structures or buffer areas.
- The stormwater treatment table is shown on the final subdivision plan and Note 16 describes the assumed impervious and developed area for each lot.
- The amended subdivision plans prepared by DM Roma Consulting Engineers dated April 23, 2018 show revised tree lines on Lots 1, 2, 3, and 4. A revised stormwater treatment table is shown on Sheet TP-1. Stormwater infiltration trenches are shown on Lots 3 and 4. A detail is shown on Sheet D-2.
- In an email dated May 2, 2018, Town Engineer Jon Earle PE confirmed that 75% of the project continues to be treated by buffers. He requested clarification on the length of Level Spreader 1 and asked that the proposed roof drop edge be called out on sheet TP-1 (this drip edge was part of the original stormwater design). He also asked for confirmation that these changes do not require a revised DEP Permit by Rule.
- In an email dated May 10, 2018 Dustin Roma PE responded the level spreader is 109 feet and that the revised tree clearing limits and stormwater management devices do not change the erosion control standards that were designed to be implemented for the project so it is not necessary to revise the MDEP Stormwater PBR.
- In an email dated May 10, 2018, Town Engineer Jon Earle PE stated that he had no further comments.

#### D. TRAFFIC

- The subdivision lots will have access from the new 650 foot subdivision street. Section 911.K.3.f requires cluster subdivision roads to be built to the Minor Local Street standard.
- The site is accessed off of River Road, a paved public street. Sight distance for the new subdivision street should be shown for both directions along River Road on the Preliminary Plan.
- At the Development Team meeting on July 31, 2017, Public Works Director Doug Fortier stated that the proposed entrance on River Road is located at the urban compact line and may require an entrance permit from MaineDOT. The applicant should contact MDOT to determine who has jurisdiction over issuing the entrance permit. If required, an MDOT Entrance Permit must be submitted with the Final Plan.
- The proposed hammerhead turn around shown at the end of the subdivision street does not meet the cluster subdivision ordinance requirement. A waiver may be requested from the requirement for a cul-de-sac.
- Sidewalks are required in the subdivision. This subdivision is less than 1,000 linear feet from an existing convenience store or public building (The Church of Jesus Christ of



Latter-day Saints). The applicant has submitted a waiver request from this requirement.

- The October 2, 2017 preliminary plan submission states that the based on the ITE Trip Generation Manual the proposed 7 residential lots are expected to generate 7 peak hour trip-ends.
- A road plan and profile, prepared by DM Roma Consulting Engineers, dated October 2, 2017, 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 October 2, 2017 propose constructing the road with an 18 foot wide paved (2" surface pavement) travel way with 2 foot gravel shoulders.
- Site distances are shown on the preliminary plan: 630 feet looking left, or south down River Road, and in excess of 700 feet looking right, or north up River Road.
- The standard private road note should be shown on the plan.
- In an email dated October 11, 2017, Town Engineer Jon Earle P.E., recommends 2.5" of binder and 1.5" of surface pavement. He also noted that an 18" culvert is located within the River Road ROW and may need to be removed and reset or replaced and this and inverts should be noted on the plan.
- A road plan and profile, prepared by DM Roma Consulting Engineers, dated November 20, 2017, shown on Sheet PP-1, was submitted as part of the Final Plan submission.
- The road plan and profile (Sheet PP-1) and details (Sheet D-1) dated November 20, 2017 propose constructing the road to the Minor Local Street standard with a hammerhead turnaround. The applicant has submitted a request from the requirement for a cul-de-sac.
- In an email dated December 1, 2017 Town Engineer Jon Earle P.E. confirms the road construction detail and states that he and the Public Works director have no objections to the cul-de-sac waiver request.
- A Driveway/Entrance Permit issued by the Maine Department of Transportation dated November 22, 2017 was submitted on December 5, 2017.
- A draft deed for Parcel A was included in the December 5, 2017 submission which provides a right of way easement over Abenaki Drive. Lot A has no obligation to share in any costs of plowing, sanding or maintenance of said right of way.

#### E. SEWERAGE

- The development will be served by individual private subsurface wastewater disposal systems.
- Soil test pit analysis prepared by Brady Frick, LSE of Albert Frick Associates, Inc dated September 29, 2017 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 site is lightly wooded and slopes in a northwesterly direction towards River Road. Some areas of steep slopes are shown on the plan.
- 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). Street trees are shown on the road plan and profile (Sheet PP-1) dated December 4, 2017.*
- *Limits of tree clearing are shown on the preliminary plan. Note 12 on the plan states 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. The amended subdivision plans prepared by DM Roma Consulting Engineers dated April 23, 2018 show revised tree lines on Lots 1, 2, 3, and 4.*

#### **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 20,000-35,000 square feet (one lot 45,000 sf max) for cluster lots in the FR 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.*
- *At least 50% of the land suitable for development shall be included in the common open space. This calculation is shown on the plan.*
- *Subdivision Ordinance*
- *Standard notes and the standard condition of approval are shown on the plan.*
- *The Tax Map and Lot numbers provided by the Tax Assessor are shown on the Final Plan.*
- *Subdivision plan data compatible with the Town GIS has been submitted as part of the Final Plan submission.*
- *A sample deed was provided in the December 5, 2017 submission and specifies 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:*
- *Street Naming and Addressing: The road name approved by the Assessing Department, Abenaki Drive, is shown on the Final Plan.*
- *Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 area. See Condition of Approval #2.*

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

- *The applicant has provided information on the licensed professionals working on this project as evidence of technical capacity*
- *An undated letter from Lee Ann Sanborn, Assistant Vice President at Key Bank was submitted on December 5, 2017 as evidence of financial 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 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 July 24, 2017, as amended December 5, 2017, and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the Planning Board or the Town Planner in accordance with Section 913 of the Subdivision Ordinance.*
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.

Seconded by Kaitlyn Tuttle.

Vote: Four in favor. No one opposed. Michael Devoid abstained.

- 7 [PB 18-037](#) 18-12 Annie's Way. Major subdivision sketch plan review. MTR Development, LLC to request review of a 21 lot residential cluster subdivision. The property in question is located at Annie's Way and identified on Tax Map: 7, Lot: 36, Zone: Farm (F).

Attachments: [18-13 Annies Way Sketch 05-10-2018](#)  
[Annie's Way Subdivision Plan Sketch 2018\\_5\\_10](#)  
[Annie's Way Subdivision - Sketch Plan Application 2018\\_4\\_23](#)  
[Annie's Way - Sketch Subdivision Plan](#)

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

- A two phase, cluster subdivision with 21 lots on 38 acres, located off of Highland Cliff Road. The initial phase would include 14 lots and the roadway. It would require a stormwater permit from DEP. The second phase would be seven lots.
- A 2,000 foot long road would be constructed to a public standard and offered for public acceptance. The road would have an intermediate hammer-head and a cul-de-sac.
- There was a large forested wetland in the center of the site and a small wetland of special significance near the brook. Lots had been configured so they did not impact those.
- 50% of the gross land and 50% of the net developable area were in open space.
- They requested a waiver of the requirement for contiguous open space. There was a small wooded area on one side of the road that was not contiguous.
- Each lot would have private wells.
- Each lot would have private septic systems.
- DEP would require a high intensity soil survey and a nitrate analysis.
- A Tier 1 permit was required from DEP for around 10,000 square feet of wetland fill that would be associated with the road construction.

The Board commented:

- The applicant would have to clarify the amount of material they proposed to remove from the site because there was a mineral extraction moratorium in effect.
- A setback non-conformity may be created from the proposed road for the structure on the existing lot.
- Where would the open space drain?
- How close were the septic systems to Colley Wright Brook?
- What about wetland crossings?
- How big were the abutting lots?
- It would be better to have a right-of-way easement for future use to the abutting property than for it to be a skinny area of open space.

Mr. Roma replied:

- The open space would drain under Highland Cliff Road.

- They would have to check each lot for nitrate plumes as part of the analysis. DEP would make the locations a condition of their approval.
- They had tried to go out and around the wetlands but there were some crossings.
- There were bigger abutting parcels.

Drew Mayo made a motion to allow public comment.

Seconded by Kaitlyn Tuttle.

Vote: Four in favor. No one opposed. Michael Devoid abstained.

Public Comment:

Steve Fenno, Highland Cliff Road – His biggest concern was that he had been told house lots had to be two acres. A lot of people lived there. It was a great area with not a lot of traffic. What would happen with 21 houses behind his house? Could it become a 21 lot mobile home park? What was the impact to the school district? It would totally change the dynamics of the property. Would there be stipulations regarding what could be put on the smaller lots? Did it matter if the developer also built or if everyone had their own builder?

Amanda Lessard explained:

- Cluster subdivision allowed smaller lots to compensate for a large area of open space that would never be developed.
- The ordinance did not impose restrictions on the size of homes. Mobile homes were allowed. Any restrictions would be the developer's choice.
- Who built the houses was not part of the Board's review.

John Parenteau, Highland Cliff Road – He was concerned with the wetland that was adjacent to the open space 1 on the plan. It drained from out back. The proposed road and storm water ponds would bring the grade down. The pines were a visual and sound buffer for it. If the grade went down it would change his view. Lot 5 abutted his property. Where would the house be on that lot? There was only a 10 foot setback to his property. It would crowd him. A swale to a large wetland was not shown between lots 36B and 36C. It was damp there all the time. He thought the wetland drained to him and to Highland Cliff Road. What was the use of the hammer-head? What about trash, school busses, and mail boxes? The cul-de-sac provision of access to the abutting large parcels was positive. A continuous road to Land of Nod Road was a good idea. The open space area was wet. It would probably be used more in the winter for snowshoeing and skiing. He appreciated the open space on his boundary.

Amanda Lessard responded:

- The hammer-head provided a turn-around for emergency vehicles because there was no public water available. If there was public use of the open space it may provide parking area.
- If the road was a public road trash pick-up would be coordinated through the Public Works Department.
- Mailboxes were up to the post office.
- The school district would make decisions about school busses.

Nick Kalogerakis made a motion to schedule a site walk.

Seconded by Kaitlyn Tibbetts.

*Vote: Four in favor. No one opposed. Michael Devoid abstained.*

*Nick Kalogerakis made a motion to schedule a public hearing.*

*Seconded by Kaitlyn Tibbetts.*

*Vote: Four in favor. No one opposed. Michael Devoid abstained.*

*Consensus of the Board was there was no issue with some of the open space being non-contiguous because it was still accessible.*

- 8      [PB 18-038](#)      18-13 Ruby Meadows. Major subdivision sketch plan review. Ruby Meadows, LLC to request review of a 15 lot residential subdivision. The property in question is located at Albion Road and Pope Road and identified on Tax Map: 10, Lot: 78, Zone: Farm (F).

**Attachments:**    [18-13 Ruby Meadows Sketch 05-08-2018](#)

[Ruby Meadows Sketch Application](#)

[Ruby Meadows Sketch Plans](#)

*Dustin Roma was present representing the applicant. He explained:*

- *The property had previously been approved for a subdivision that was subsequently vacated. The lot was currently undeveloped.*
- *They proposed 15 lots on approximately 29 acres.*
- *A new 975 foot road would be constructed off of Albion Road. Ten lots would have frontage on the new road. Three lots would have frontage on Pope Road and two lots on Albion Road.*
- *Septic systems would be private.*
- *Public water would be extended up the new road for the ten lots. The lots on Albion Road would have individual services. The lots on Pope Road would have wells because of the distance to a public water connection. They would need a waiver request.*
- *Several lots had wetlands and drainage courses.*
- *The lots would be sold without house packages.*
- *An extension of the road was proposed to meet the remaining land of the original lot.*
- *They were still working on stormwater management.*

*Amanda Lessard stated she had received a comment from the owner of property that was located between lots 14 and 15. He had concern for his well because of the future siting of septic systems on those two lots.*

*The applicant wanted a waiver of the Public Dead-end Street performance standard for a hammer-head or a cul-de-sac. The public street standard required a cul-de-sac.*

*Mr. Roma explained that it was a better practice to extend the road straight through a hammer-head to the neighboring property.*

*The Board commented:*

- *There was concern that a hammer-head may be used for overflow parking instead of as a turn-around for emergency vehicles.*
- *If it were a public road turning around should be as easy as possible.*

*The applicant wanted a waiver of the Public Water Supply performance standard requirement.*

*The Board commented:*

- *There were only three lots that would not be served by public water.*
- *If water were not extended to those three lots then the larger parcels would not be served either.*

*Amanda Lessard explained those three lots were within 1,000 feet of a hydrant. The Fire Chief had no concern with it.*

*Nick Kalogerakis made a motion to schedule a site walk.*

*Seconded by Drew Mayo.*

*Vote: Four in favor. No one opposed. Michael Devoid abstained.*

*Nick Kalogerakis made a motion to schedule a public hearing.*

*Seconded by Drew Mayo.*

*Vote: Four in favor. No one opposed. Michael Devoid abstained.*

*Public Comment:*

*Seth Stretch, Brick Hill Road – What would the impact be from construction driving down a road that was repaired just last year? He had concern regarding the impact to Colley Wright Brook. He worried about the traffic impact to Albion Road.*

*David Gallagher, Albion Road – He lived across the street from the site. What were the rules for putting water across a new road? What was the site distance for a driveway on a sharp corner?*

*Amanda Lessard responded:*

- *There was a road restoration plan. If you trenched new pavement you had to mill and fill a wider swath than just the cut area.*
- *Required site distance for the driveway was around 350 feet.*
- *Albion Road was a public road; traffic was expected. A traffic analysis was needed. Staff felt the road was adequate for the traffic.*
- *More information was needed regarding potential impact to Colley Wright Brook. It would be part of the Board's review.*

*Paul Hollis, the developer explained the road did not have its surface pavement yet. They were hoping to be done before it was paved.*

## **Other Business**

### **9 Planning Board Appointment to Private Roads ad hoc Committee**

*Bill Walker, who was not present, had expressed interest in serving on the committee.*

*Michael Devoid also expressed interest. He explained that he had been following the issue closely for two years. His background was in geo-technical engineering.*

*Drew Mayo nominated Michael Devoid to serve on the committee.*

*Vote: Four in favor. No one opposed. Michael Devoid abstained.*

#### 10 Planning Board Appointment to Mineral Extraction Committee

*Keith Elder nominated Drew Mayo to serve on the committee.*

*Seconded by Nick Kalogerakis.*

*Vote: Four in favor. No one opposed. Michael Devoid abstained.*

#### 11 Adjournment

*Nick Kalogerakis made a motion to adjourn.*

*Seconded by Drew Mayo.*

*Vote: Four in favor. No one opposed. Michael Devoid abstained.*