



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Planning Board

Monday, June 11, 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, Drew Mayo, and Kaitlyn Tibbetts.

Planner, Amanda Lessard was also present.

3 [PB 18-034](#) Approval of Minutes: April 23, 2018

Attachments: [Minutes 4-23-18- draft](#)

Keith Elder made a motion to accept the minutes of the April 23, 2018 meeting.

Seconded by Bill Walker.

Vote: All in favor.

4 [PB 18-040](#) Approval of Minutes: May 14, 2018

Attachments: [Minutes 05-14-18 - draft](#)

Bill Walker made a motion to accept the minutes of the May 14, 2018 meeting.

Seconded by Keith Elder.

Vote: All in favor.

5 [PB 18-043](#) Approval of Minutes: May 30, 2018

Attachments: [Minutes 5-30-18 - draft](#)

Nick Kalogerakis made a motion to accept the minutes of the May 30, 2018 meeting.

Seconded by Drew Mayo.

Vote: All in favor.

Continuing Business

- 6 [PB 18-046](#) 18-14 Sabatus Lane Subdivision. Major subdivision amendment. Grondin Corporation to request an amendment to an approved subdivision for a revision to the clearing limits on Lots 3, 9, 12, 13, and 14. The property in question is located at Sabatus Lane and identified on Tax Map: 11, Lot: 12, Zone: Farm (F).

Attachments: [Parks&Rec PB Memo Sabatus11june2018](#)
[Peer Review Sabatus Lane Amendment 2018-06-08](#)
[18-14 Sabatus Lane Amendment Grondin 06-07-18](#)
[Sabatus Lane Amended Subdivision - Grondin - 2018_6_6](#)
[Sabatus Lane Subdivision - Grondin Response to Comments 2018_6_6](#)
[Sabatus Lane Inspection 6-1-2018](#)
[Sabatus Lane Subdivision Response 05-30-18](#)

Dustin Roma, a civil engineer with DM Roma Consulting Engineers, was present representing the applicant. He explained there were two separate amendments for the subdivision:

- *One, application 18-14, had to do with revisions to clearing limits to the lots that Grondin Corporation owned and development activities to the open space area.*
- *The other, application 18-16, had to do with ten lots that had been purchased by Robie Contracting. The request was to expand the building envelopes on those lots.*
- *They had addressed concerns regarding the expanded building envelope modifications for the individual lots owned by both Robie Contracting and Grondin Corporation.*
- *The sand pile had been moved so it was mostly on lot 3 and the two lots across the street. Their intent was to keep that material onsite and use it for building construction backfill and slopes.*
- *The field area would be loamed and seeded. The Parks and Recreation Department had confirmed the use of the field would be for passive unorganized recreation.*
- *The temporary crossing over the wetland areas was under 43,000 square feet.*
- *The area behind lot 3 would have a short section of fence, intended to be the rear clearing limit of the lot. They would replant the area with trees to establish as a forested area.*

The Board commented:

- *How was the wetland impact calculated? There would be greater impact during construction. Where did DEP come down on that?*
- *How to be sure the cleared area would be replanted appropriately?*

Amanda Lessard explained:

- *The Board had asked for clarification from the Code Enforcement Officer regarding the limits of clearing. The cleared area appeared to conform with the currently approved plan.*
- *A memo had been received from the Parks and Recreation Director stating the width of the path was sufficient to accommodate a mower.*
- *The Fire Chief had said they had no off road vehicles. They could take a pickup truck down an eight foot path, depending on the construction of the wetland crossing.*
- *The town's engineer had requested a better plan that showed:*
 - o *The current extent of haul road*
 - o *How it would be reclaimed*

- o What vegetation would be planted
- o Revised stormwater impacts.
- Staff had suggested a condition of approval which specified the gravel would be removed and native tree species planted.
- An abutter from the third lot in on Cedar Lane had said the wetland crossing for haul road had caused water to back up on his property.

Mr. Roma responded:

- He had assumed the wetland crossing would have a culvert installed at grade with two feet of material over it; an eight foot travel surface and then a 3 to 1 slope, so essentially a 20' wide crossing through the wetland would be the footprint of impact.
- There would be a fence along Mr. Specq's property and some tree planting. The intent was to construct a trail on the side where project was and leave some natural buffer closest to Mr. Specq's property.
- They would lay out the trail to provide access to the open space as part of the development plan that would be conveyed to the town.
- Planting on lot 3 would be what was represented on plan. They would reestablish the existing no cut limit, density, and species. This would become part of the inspection scheduled.

Bill Walker made a motion the Subdivision final plan application for 18-14 Sabatus Lane Amended Subdivision on Tax Map: 11, Lot: 3, 9, 12, 13, and 14 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.
- The amended subdivision plans prepared by DM Roma Consulting Engineers dated May 21, 2018 show revised tree lines on Lots 1, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14 and 15. A revised stormwater treatment table is shown on Sheet STP-1. Expanded Level Spreaders are shown on Sheets PP-1 and PP-2.
- In an email dated May 23, 2018, Town Engineer Jon Earle PE requested clarification on the soils mapping, accounting for treatment of the additional impervious area from the gravel roadway access to the recreational field, and the slight decrease in the total impervious area.

- In an email dated May 29, 2018 Dustin Roma, PE responded the soils are consistent with the medium intensity soil survey, the access to the recreational field will be allowed to revegetate and a trail will ultimately provide access to Dundee Park, the assumptions for impervious surface on each lot were reduced based on repositioning buildings to make room for each leach field.
- In an email dated May 29, 2018 Town Engineer Jon Earle, PE recommends a note on the plan stating that gravel material used as the road base will be removed prior to the completion of the project.
- In an email dated May 30, 2018 Dustin Roma, PE agreed to a Condition of Approval that the temporary construction road that connects the open space to Sabatus Lane through Lot 3 shall have the gravel surface removed and shall be replanted with native vegetation.
- The amended subdivision plans prepared by DM Roma Consulting Engineers dated June 6, 2018 show revised tree lines on Lots 1, 4, 5, 8, 10, 11, and 15.

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 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 shoulder 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 trees is not allowed in areas where tree cover is depicted on the plan for a period of at least five (5) years from the date of Planning Board approval.*

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- *Comprehensive Plan:*
- *The plan does meet the goals of the 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 June 6, 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.

4. The applicant and the Town Engineer will agree on a revegetation plan for the haul road on Lot 3 and the Open Space.

5. The Town Engineer will validate the calculations on the wetland impact to confirm that no NRPA permit is required.

Seconded by Keith Elder

Vote: All in favor.

7 [PB 18-047](#)

18-16 Sabatus Lane Subdivision. Major subdivision amendment. Robie Contracting, Inc to request an amendment to an approved subdivision for a revision to the clearing limits on Lots 1, 4, 5, 8, 10, 11, and 15. The property in question is located at Sabatus Lane and identified on Tax Map:

11, Lot: 12, Zone: Farm (F).

Attachments: [18-16 Sabatus Lane Amendment Robie 06-07-18](#)

[Sabatus Lane Amended Subdivision - Robie - 2018 6 6](#)

[Sabatus Lane Subdivision - Robie Contracting Amendment
Applicaition 2018 6 4](#)

Bill Walker made a motion the Subdivision final plan application for 18-16 Sabatus Lane Amended Subdivision on Tax Map: 11, Lot: 1, 4, 5, 8, 10, 11, and 15 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.*

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June 6, 2018 show revised tree lines on Lots 1, 4, 5, 8, 10, 11, and 15.

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- 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 trees is not allowed in areas where tree cover is depicted on the plan for a period of at least five (5) years from the date of Planning Board approval.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
 - The plan does meet the goals of the 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 June 6, 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 Nick Kalogerakis.

Vote: All in favor.

New Business

- 8 [PB 18-045](#) 18-15 RSU 14 Gravel Parking Lot. Major site plan amendment. RSU 14 to request an amendment to an approved site plan for the addition of a 25,697 square foot gravel parking lot near Windham Center Road adjacent to the athletic fields. The property in question is located at 406 Gray Road identified on Tax Map: 12, Lot: 25, Zone: Farm Residential (FR).

Attachments: [18-15 RSU 14 Gravel Lot 06-06-16](#)
 [Peer Review RSU Gravel Lot 06-05-2018](#)
 [rsu14 response 05-29-18](#)
 [d sec 12 o&m manual rev 20160426 opt](#)
 [2011-08-12-Woodruff-DEP Minor Amendment Application](#)
 [Minor Amendment Permit L15060GB 10-04-2011](#)
 [Peer Review RSU Gravel Lot 05-29-2018](#)
 [2018-05-21 gravel parking plans-optimized](#)
 [rsu14 amendment 2018.05.21 opt](#)

Bill Hansen, RSU 14 Facilities Director was present with Dwight Anderson, of Stantec.

Mr. Hansen explained parking was limited and they were trying to address weekend parking needs for the campus. It would also be a place to park buses.

Mr. Anderson reviewed the application:

- The current condition was a gravel driveway with paved aprons onto Windham Center Road. They proposed to close that access with granite curbing. The new access would be from the interior drive.*
- There would be a paved apron leading onto the gravel parking lot.*
- They would use ditching to the south and southeast to achieve the water quality needed for their MDEP permit. Some tree removal would be associated with the water quality filter.*
- The lighting design had eight lights mounted at 25 feet high.*
- There would be a split rail fence with landscaping between the parking lot and the drive.*
- They proposed 57 parking spaces.*

The Board commented:

- Paving would last longer and be less maintenance than gravel.*
- What about the drainage?*

Mr. Hansen said:

- They anticipated they would pave but they didn't have that funding now. Establishing the parking would allow them to do a better job getting cars off the stadium loop road. He thought it would be three to five years before they paved.*
- Stormwater inspection reports would be sent to the town.*
- The project was in an MS4 area so the stormwater had to be recertified every five years as part of the DEP Site Law.*

Mr. Anderson explained:

- They would have a vegetated ditch and check dams. The outflow would go to an existing ditch that led to a drainage way.*
- The filter would require maintenance and there was a monitoring requirement with DEP.*
- Lighting would be equivalent to a predawn level. The fixtures were the same as those at the Primary School.*

Consensus of the Board was a sitewalk wasn't needed.

Consensus of the Board was a public hearing wasn't needed.

Amanda Lessard said the application was complete and it met the site plan review standards.

Nick Kalogerakis made a motion that the Amended Site Plan application for 18-15 RSU 14 – Gravel Parking Lot on Tax Map: 12, Lot: 25 was to be approved with conditions with the following findings of fact and conclusions:

FINDINGS OF FACT

Utilization of the Site

- The portion of the site proposed for a gravel parking lot is undeveloped and has a*

clear area that was formerly a residential structure that was demolished in 2011. The site is part of the larger school campus with Windham High School, Windham Middle School, Windham Primary School and numerous athletic fields.

Vehicular and Pedestrian Traffic

- The applicant is proposing a new 25,697 square foot gravel parking lot near Windham Center Road adjacent to the athletic fields.
- The parking areas will provide parking spaces for 22 school buses or 57 cars.
- The two existing curb cuts on Windham Center Road will be closed and sidewalks will be reconstructed as shown on plan Figures 1.0 detail sheet Figure 1.4 dated May 11, 2018 prepared by Stantec.
- The new parking area access will be provided from the school campus access drive, connected to an existing parking area.

Sewage Disposal, Water Quality and Groundwater Impacts

- No changes to the sewage disposal system are proposed as part of this amendment.
- The proposed changes should not have a significant impact on the quantity or quality of area groundwater.

Stormwater Management

- A grading and drainage plan is shown on Figure 1.2 dated May 11, 2018 prepared by Stantec.
- This project is in the NPDES (National Pollutant Discharge Elimination System) MS4 area as designated by the Environmental Protection Agency for the Town of Windham. This may mean there are additional permitting requirements, and ongoing requirements for reporting of stormwater infrastructure maintenance if the area of development is greater than one (1) acre. See recommended Condition of Approval #2.
- In an email dated May 29, 2018 Town Engineer Jon Earle, PE requested a copy of the DEP Permit, a maintenance plan for the for the underdrained soil filter, and more information on the runoff from the paved connection from the existing parking lot to the proposed gravel parking lot.
- In a response to comments Dwight Anderson, PE, at Stantec provided a copy of the DEP permit and maintenance plan for the water quality filters.
- The May 21, 2018, submission includes a copy of the Maine DEP Site Law Permit Minor Amendment Application dated August 12, 2011 prepared by Stantec which provides an overview of the stormwater treatment for the project. The additional 0.45 acres of impervious area will be treated with a new underdrained soil filter.
- An amended DEP Site Location of Development Act Permit #L-15060-22-G-B dated October 4, 2011 has been included in the amended plan application.
- In an email dated June 5, 2018 Town Engineer Jon Earl, PE questioned if the small paved connection between the existing parking lot and the new gravel lot was accounted for in the previous approval.
- In a response to comments Dwight Anderson, PE, at Stantec commented that the drive area discharges to the water quality pond built back in 2001 and is offset by the roof of the building removed from the Strout (gravel lot) parcel.

Erosion Control

- A soil erosion and sediment control plan has been submitted with the plan set dated May 11, 2018 prepared by Stantec. This takes the form of both a printed best management practices plan (Figure 1.5) and on-the-ground designation of erosion control

measures (Figure 1.2).

Utilities

- *Underground utilities are proposed as part of this amendment and shown on Figure 1.3.*

Technical and Financial Capacity

- *The applicant has indicated that the project has budgeted funding in the RSU 2018-2019 budget.*

Landscape Plan

- *The applicant proposes to plant shrubs along Windham Center Road and install a wood split rail fence. A buffer strip to remain undisturbed is shown on the plan set Figure 1.0*

Conformity with Local Plans and Ordinances

1. Land Use

- *The project meets the minimum lot size and setback requirements of the FR zoning district.*
- *The project meets the minimum lot frontage requirements for lots in the FR district.*

2. Comprehensive Plan

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

3. Others:

- *Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 urbanized area and the Pleasant River watershed, the Town's priority watershed.*

Impacts to Adjacent/Neighboring Properties

- *Site lighting is shown Final Plan, and details of fixtures are included in the submission.*
- *Photometric analysis is shown on plan sheets Figure ES1 and ES2.*
- *The proposed amendment will not have in impact on other school facilities, or have a significant adverse impact on abutting properties.*

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 will provide for adequate sewage waste disposal.

8. The proposed site plan conforms to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.

9. The developer has adequate financial capacity to meet the standards of this section.

10. The proposed site plan will not alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

11. The proposed site plan will provide for adequate storm water management.

12. The proposed location and height of buildings or structure walls and fences, parking, loading and landscaping shall be such that it will not interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value.

13. On-site landscaping does provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.

CONDITIONS OF APPROVAL

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated May 21, 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 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.

Seconded by Keith Elder.

Vote: All in favor

Other Business

9 Adjournment

Bill Walker made a motion to adjourn.

Seconded by Drew Mayo.

Vote: All in favor.