



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Planning Board

Monday, July 9, 2018

7:00 PM

Council Chambers

1 Call To Order

2 Roll Call and Declaration of Quorum

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

Planner, Amanda Lessard was also present.

3 [PB 18-054](#) Approval of Minutes: June 25, 2018

Attachments: [Minutes 6-25-18-draft](#)

Nick Kalogerakis made a motion to accept the minutes of the June 25, 2018 meeting.

Seconded by Drew Mayo.

Vote: Four in favor. No one opposed. Keith Elder abstained.

Public Hearing

4 18-13 Ruby Meadows. Major subdivision. 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).

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

- *A 15 lot conventional subdivision.*
- *The paved road would be about 975 feet long and access ten lots. Two other lots would be accessed from Pope Road and three more lots would be accessed from Albion Road.*
- *Public water would be available to the ten lots on the subdivision road and the three lots on Albion Road. The two lots on Pope Road would have wells.*
- *All lots would have individual subsurface wastewater disposal systems.*
- *Each lot would be about 80,000 square feet.*
- *The subdivision road intersection with Albion Road, and the intersection with Pope Road both had adequate site distance in each direction. The driveway for lots 13 and 14 onto Albion Road was in an area of concern. They proposed to clear vegetation about 30 feet back going around the corner to improve site distance.*
- *Stormwater engineering calculations had been provided. The town engineer*

was satisfied from the standpoint of both stormwater pre and post development peak flow discharges and water quality.

- The Stormwater Permit by Rule application and a Tier 1 Wetland Alteration Permit application had been submitted to DEP.
- An easement was provided for access to the remaining land of the seller.

Mr. Roma reviewed their waiver requests:

- High intensity soil survey submission requirement – They had wetland drainage pockets between each of the building envelopes. The soils on site were not very well drained soils. They felt a high intensity soil survey would likely increase the ability of stormwater to infiltrate into the ground if there were pockets of better soils. That wouldn't really impact their analysis of the lots. There was public water available which left more area on each lot for wastewater disposal systems without impacting neighboring septic systems. They wouldn't have to establish well exclusion zones. The town engineer was agreeable to waiving the standard.
- The hydrogeologic assessment submission requirement – They were on public water and were generally less concerned about the impacts of nitrates and well exclusion zones. There were two lots that would have wells. There were drainage areas that would intercept where any wastewater disposal fields would go. The lots were 80,000 square feet. The town engineer was agreeable to waiving the standard.
- Traffic impact analysis submission requirement – There were ten lots coming out on the subdivision road and the other five lots had driveways onto Pope or Albion Roads. The area of traffic was fairly dispersed for the 15 lots at 150 trips. Because the trips were dispersed they didn't feel there would be a benefit from the analysis. There weren't necessarily any mitigation efforts, other than the clearing they would do, that would increase site lines.
- The water supply performance standard – They were extending public water to 13 out of the 15 lots.
- The public dead-end street performance standard – They proposed a hammer-head at the end of the road, rather than a cul-de-sac. The road may be extended to the remaining land of the sellers. They felt a hammer-head turn around would be a better way to end the roadway.
- Sidewalks or shoulders performance standard – They proposed a 24 foot wide paved roadway with two foot gravel shoulders on each side. They thought it was adequate for its intended use.

Public Comment

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

Continuing Business

- 5 [PB 18-053](#) 18-13 Ruby Meadows. Major subdivision preliminary 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 Prelim 07-05-2018](#)
[Peer Review Ruby Meadows 06-29-2018](#)
[Ruby Meadows Subdivision Prelim Plan 06-18-2018](#)
[Ruby Meadows Civil Plan Set 2018 6 18](#)
[Ruby Meadows - Preliminary Subdivision Application 2018 6 18](#)

Amanda Lessard had received a response to comments which included the missing test pit and written waiver requests.

The Board commented:

- Was the driveway for lot 7 beside the hammer-head or off of it?
- Concern that hammer-heads were used as parking lots rather than their intended use. Could there be a No Parking sign?
- Would the public dead-end street waiver affect the wetlands?
- What was the time frame for the extension?
- The ordinance standard required extension of a waterline up to 1,500 feet for 15 lots. The applicant was only extending the waterline within the property.
- If there were to be another 30 homes at the end of it then the road should be wider.
- If the pipeline would not allow connectivity would the Board want to deviate from the cul-de-sac?
- Would they be blasting in the area of the cul-de-sac?
- What about maintenance of the 30 foot area that was to be cut back?
- If lots 13 and 14 would have a common driveway, could there be a common water tap to minimize cutting into the pavement?
- What the pipeline wanted would affect the elevation of the road.

Mr. Roma replied:

- The intent was for the driveway to go beyond the hammer-head and leave the hammer-head open for vehicle turn around.
- There would be an impact to drainage in the cul-de-sac area.
- It would be awkward to access the back land through a cul-de-sac.
- He couldn't predict the time frame. They were trying to plan for connectivity.
- They had considered the waterline requirement to be extension to all lots within reason and had reconfigured the plan so one additional lot would be included. Extending water down Pope Road could be \$100,000 and require work to the pavement etc. for only two lots.
- Patching would be required in Albion Road. Everywhere they had a watermain tap it would be resurfaced with a 50 foot wide section.
- Water for lots 13 and 14 could be done via one trench, but two taps.

Nick Kalogerakis made a motion to grant the high intensity soli survey waiver request.

Seconded by Drew Mayo.

Four in favor. Michael Devoid opposed.

Nick Kalogerakis made a motion to grant the hydrogeologic assessment waiver request.

Seconded by Griffin Bourassa.

Four in favor. Michael Devoid opposed.

Nick Kalogerakis made a motion to grant the traffic impact analysis waiver request,

conditional on the 30 foot cut back of the 13, 14 joint driveway.

Seconded by Drew Mayo.

Vote: All in favor.

Nick Kalogerakis made a motion to grant the water supply waiver request.

Seconded by Drew Mayo.

Vote: Four in favor. Michael Devoid opposed.

Nick Kalogerakis made a motion to grant the public dead-end street waiver request.

Seconded by Drew Mayo.

Vote: Three in favor. Drew Mayo and Michael Devoid opposed.

Nick Kalogerakis made a motion to grant the sidewalk or shoulder waiver request.

Seconded by Drew Mayo.

Vote: Four in favor. Drew Mayo opposed.

Three items were to be on the final plan:

- Correspondence from the pipeline.*
- Clearing 30 feet back from the road.*
- Trees to remain at the end of the roadway.*

Nick Kalogerakis made a motion that the preliminary plan application for project 18-13 Ruby Meadows 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: Four in favor. No one opposed. Michael Devoid abstained.

Griffin Bourassa made a motion that the Preliminary Subdivision application for 18-13 Ruby Meadows Subdivision on Tax Map: 10, Lot: 78 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 when 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 two (2) three (3) lots on Albion Road and the ten (10) lots on the proposed road will be served by public water for domestic use.
- An email dated June 12, 2018 from Robert Bartels, PE, of the Portland Water District includes a map noting the location, type, and size of the public water mains near the sites and states that it is possible to make a connection into a public main only after proper review and approval by PWD.
- An Ability to Serve letter from the Portland Water District approving the public water service to the subdivision must be submitted with the Final Plan.
- Three (3) Two (2) lots on Pope Road will be served by private wells. The ordinance requires that the subdivision must be served by public water if the closest water main is within a distance equal to 100 feet multiplied by the number of lots in the subdivision. The existing public water main terminates at the intersection of Albion Road and Pope Road. The applicant should submit a written waiver request from this standard.
- Existing fire hydrants are located on Albion Road near the Lot 13 and Lot 14 lot line, and at Pope Road at the intersection of Albion Road.
- At the Development Team Meeting on May 1, 2018 Fire Chief Brent Libby requested a new hydrant on the proposed street approximately 1,000 feet from the existing hydrants. Proposed hydrants should be shown on the plan.
- In an email dated June 29, 2018, Town Engineer Jon Earle P.E., requested a moratorium restoration detail for the water main and water service connection that conform with Chapter 210 Streets and Sidewalks.

C. SOIL EROSION

- An erosion and sedimentation plan, prepared by DM Roma Consulting Engineers, dated June 18, 2018, has been submitted as part of the Preliminary Plan. Notes and details are shown on Drawing D-1.
- 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 must be submitted as part of the Preliminary Plan. If this project requires a Maine Department of Environmental Protection (DEP) Chapter 500 Stormwater Permit, it must be submitted with the Final Plan.
- Freshwater wetlands have been identified on the plan. This project requires a Maine Department of Environmental Protection (DEP) Natural Resources Protection Act (NRPA) Tier-1 permit for wetland alterations. The permit must be submitted with the Final Plan. Five areas of wetland impacts are shown on Sheets PP-1 and LD-1. A note should be added to the subdivision plan stating the total amount of wetland impact associated with the proposed development.
- 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 June 18, 2018 Preliminary Plan submission. The project proposes to treat the 9.33 acres of total developed area with one (1) underdrained filter basin, four (4) bioretention cells, forested buffers and roofline drip edges around each house.
- The forested buffers should be shown on the subdivision plan.
- Notes should be added to the subdivision plan that all buildings will require the installation of a roof drip edge filter for stormwater treatment and that the forested buffer should be permanently marked prior to the start of construction.
- The plan also includes an inspection, maintenance and housekeeping plan. The owner is 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 June 29, 2018, Town Engineer Jon Earle P.E., notes that there appears to be a typo in Table 1 peak runoff SP-1 25-yr storm. Chapter 500 water quality standard have been met but he requested that the lot by lot summary of impervious and developed areas be shown on the subdivision plan. He also requested additional ground topography for the footprints for each of the filter basin and bioretention cells rather than relying on the LIDAR aerial survey, and proposed grading for bioretention cells 3 and 4..

D. TRAFFIC

- Most of the subdivision lots will have access from the new 975 foot subdivision street, a paved public street. Section 550.C states that no new private road shall be permitted to directly access a public street.
- The proposed street right-of-way abuts the property line to provide access to future development on the abutting parcel. The purchase and sale agreement states that an easement will be provided to the seller's remaining land. This easement should be noted on the plan.
- Three of the lots will have access on Albion Road, and two lots will have access on Pope Road. Lots 13 and 14 will share driveway entrance on Albion Road. Sight distance in each direction for the proposed street and the driveways on the existing public streets should be shown on the Preliminary Plan. The preliminary plan submission dated June 18, 2018 states that the site distance at the proposed roadway is 535 feet looking right and 465 feet looking left which meets the Town standards for the posted speed limit of 35 mph on Albion Road.
- Lots 3 and 12 must have driveway access from the proposed street. This requirement should be noted on the plan.
- At the Development Team meeting on May 1, 2018, it was stated that Albion Road was recently paved and would need to comply with the moratorium road restoration standards for the proposed street openings.
- Section 911.M.3.d states that streetlights may be required at intersections with existing public streets. 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.
- 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 preliminary plan submission narrative requests a waiver from this standard. The applicant should submit a waiver request that address the waiver criteria in Section 908.
- A traffic impact analysis is required for subdivisions projected to generate more than 140 vehicle trips per day and should be submitted with the Preliminary Plan. The applicant has requested a waiver from this submission requirement.
- The preliminary plan submission dated June 18, 2018 states that the proposed 15 residential lots are expected to generate 15 peak hour trip ends.
- A road plan and profile, prepared by DM Roma Consulting Engineers, dated June 18, 2018, shown on Sheet PP-1. The roadway cross section for a minor local street is shown on Sheet D-2.
- In an email dated June 29, 2018, Town Engineer Jon Earle P.E., noted that the site distance is noted in the narrative but should also be shown on the plan.

E. SEWERAGE

- The development will be served by individual private subsurface wastewater disposal systems.

- Soil test pit analysis prepared by Mark Cenci, LSE of Mark Cenci Geologic, Inc dated May 8, 2018 and June 15, 2018 show that each lot has adequate soils to support a private septic system. Test pit locations are shown on the plan. There is no test pit shown on the Lot 11. TP 19 thru 22 included with Mark Cenci's June 15, 2018 additional wastewater disposal investigation aren't shown on the plan. Plan Sheet PP-1 shows TP 23 on Lot 11 and TP 24 on Lot 12, but those soil profiles were not included in the preliminary plan submission.

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 currently undeveloped. It is wooded and includes wetland area dispersed across the parcel.
- The property abuts a Portland Pipeline Company Easement. Windham Drifters maintains a snowmobile trail in the easement.
- 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 Sheet PP-1.
- Limits of tree clearing are shown on the preliminary plan. A note should be added to the plan stating that clearing of trees is not allowed in areas where tree cover is depicted on the plan for a period of at least five (5) years from the date of Planning Board approval.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
 - The plan does meet the goals of the 2017 Comprehensive Plan.
- Land Use Ordinance:
 - All lots meet the minimum lot size (80,000 square feet) and frontage (200 feet) for lots in the F zoning district.
 - Net residential density calculations are shown on the Plan.
- Subdivision Ordinance
 - Standard notes and the standard condition of approval must be shown on the plans.
 - 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.
- Others:
 - Chapter 221 Street Naming and Addressing: A street name approved by the Town Addressing Officer shall be shown on the Final Plan.
 - Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 urbanized area.

I. FINANCIAL AND TECHNICAL CAPACITY

- *A letter dated April 19, 2018 from Michael Lyden, Loan Officer at Maine Capital Group 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

- *This project is located within the Colley Wright Brook watershed.*
- *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/will not provide for adequate sewage waste disposal.*
7. *The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste.*
8. *The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.*
9. *The proposed subdivision conforms with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.*
10. *The developer has adequate financial and technical capacity to meet the standards of this section.*
11. *The proposed subdivision is not situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.*
12. *The proposed subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.*
13. *The proposed subdivision is not situated entirely or partially within a floodplain.*
14. *All freshwater wetlands within the proposed subdivision have been identified on the plan.*
15. *Any river, stream, or brook within or abutting the subdivision has been identified on any maps submitted as part of the application.*
16. *The proposed subdivision will provide for adequate storm water management.*
17. *If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision 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 23, 2018, as amended June 18, 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.

Seconded by Drew Mayo.

Vote: All in favor.

New Business

- 6 [PB 18-055](#) 18-17 CRR Landscaping. Amended subdivision and major site plan sketch plan review. C& E Enterprises LLC to request an amendment to an approved subdivision to revise an access easement and combine two (2) lots; and to request review of a 34,000 square foot landscaping material and equipment storage yard. The property in question is located at 8 Self Storage Drive. Tax Map: 25, Lots: 9A-3A1, 9A-3B2, Zone: Commercial III (C-3).

Attachments: [18-17 CRR Landscaping Sketch 07-06-16](#)
[Peer Review CRR Landscaping 06-27-2018](#)
[2018.06.14- CRR Landscaping Submission Package](#)

Jim Seymour, a civil engineer with Sebago Technics, was present representing the applicant.

- The applicant had done some filling without permits. They would have to go to DEP for after-the-fact wetland filling and stormwater discussions.
- Originally the site had been approved for self-storage. They now proposed to store and sell landscaping materials which would be kept in bins on the outside edge of the property. The center area would be used for parking and as a work area.
- There would be a vegetated buffer off of Route 302.
- Stormwater was collected from Route 302 and ran through the site. They would be required to treat the stormwater.
- The town's engineer had requested information regarding traffic and the site distance on Route 302.
- They would need to amend the entrance permit.

- *The lot would be enclosed with a fence and gated with a Knox Box for the fire department.*

Drew Mayo made a motion for a sitewalk.

Seconded by Michael Devoid.

Vote: Three in favor. Nick Kalogerakis opposed. Griffin Bourassa abstained.

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

- 7 [PB 18-056](#) 18-18 River Road Condos. Minor subdivision sketch plan review. RMILLS LLC to request review of 4 unit (2 duplex) residential subdivision. The property in question is located at River Road and identified on Tax Map: 5, Lot: 1-1, Zone: Medium Density Residential (RM) and Farm Residential (FR).

Attachments: [18-18 River Road Condos Sketch 07-05-2018](#)
[Peer Review River Road Condos 06-29-2018](#)
[River Rd Condos Sketch Subdivision Application 2018 6 18](#)
[River Rd Condos Sketch Subdivision Plan 2018 6 18](#)

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

- *The lot was bisected by two zoning districts, Medium Density Residential (RM) in front and Farm Residential (FR) in back. When a property had differing zoning districts the ordinance allowed the extension of a zone line for 50 feet into the more restrictive zone. Calculations for the plan reflected the 50 foot line relocation. Both the zone line and the 50 foot line were shown on the plan.*
- *They proposed four condo units to be located in the RM zone.*
- *There would be a minor wetland impact. They proposed a stormwater filtration basin in that area.*
- *There would be two septic tanks that drained to one septic field.*
- *They would need a Permit by Rule from DEP for the site disturbance.*

Amanda Lessard explained that under the ordinance condominiums were accessed by a drive and not a road right-of-way so the public street standard was not relevant. The drive would have to meet the major private road standards.

Nick Kalogerakis made a motion for a public hearing for application 18-18 River Road Condos.

Seconded by Griffin Bourassa.

Vote: All in favor.

Consensus of the Board was not to hold a sitewalk.

- 8 [PB 18-057](#) 18-19 Dundee Acres Amendment. Cynthia Croy to request an amendment to an approved subdivision to create two (2) additional lots. The property in question is located at 796 River Road and identified on Tax Map: 11A, Lot: 103, Zone: Farm Residential (FR).

Attachments: [18-19 Dundee Acres Amendment Lot 103 07-06-2018](#)

[Dundee Acres Lot 103 Amended Plan 07-06-2018](#)

[Peer Review Dundee Acres Amendment 2018-06-27](#)

[Dundee Acres Lot 103 Amended Plan 06-18-2018](#)

[Dundee Acres Amendment sketch plan application](#)

Wayne Wood was present representing the applicant.

- *They proposed to create two additional lots.*
- *One new lot and the existing house would be accessed from the existing driveway. There would be a shared maintenance agreement for them. The second new lot would be accessed from Cedar Lane.*
- *The site had wetlands. Filling of some wetlands was anticipated for development of one lot. No wetland impact was anticipated for the lot that was accessed from Cedar Lane.*
- *Soil tests had been done.*

Amanda Lessard explained the property was in an approved subdivision. There was public water available in both River Road and Cedar Lane. The ordinance required 100 feet of watermain extension for each lot that was created. Some correspondence from Portland Water District was needed regarding the applicant's waiver request.

Consensus of the Board was not to hold a sitewalk and not to require a public hearing.

Other Business

9 Adjournment

Drew Mayo made a motion to adjourn.

Seconded by Griffin Bourassa.

Vote: All in favor.