



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Planning Board

Wednesday, November 14, 2018

7:00 PM

Council Chambers

Special Meeting

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: Bill Walker, Nick Kalogerakis, Drew Mayo, and Michael Devoid.

Planner, Amanda Lessard was also present.

3 [PB 18-105](#) Approval of Minutes: October 11, 2018

Attachments: [Minutes 10-11-18-draft.pdf](#)

Bill Walker made a motion to accept the minutes of the October 11, 2018 meeting.

Seconded by Nick Kalogerakis.

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

4 Approval of Minutes: October 22, 2018

The minutes for the October 22, 2018 meeting were not yet available.

Postponed Continuing Business

5 [PB 18-095](#) Amendment to Town of Windham Land Use Ordinance, Chapter 140, Sections 300, 400 and 900. Proposed changes to cluster subdivision standards include changes to ownership of open space, factors for reviewing lot arrangement, and removing density bonuses in the Farm and Farm Residential District.

Attachments: [PB packet Cluster Subdivision 10-17-18](#)
[vanSummern letter to pl board 2018-10-15](#)
[Alan Shepard Cluster development 2018-10-22.pdf](#)

A public hearing was held at the October 22nd Planning Board meeting. Public comment had been:

- *Cluster subdivisions were not appropriate in Farm and Farm Residential Districts.*

- *Cluster subdivisions didn't look rural and shouldn't be allowed.*
- *There was support to remove the density bonus.*

The Board commented:

- *The density bonus should go.*
- *Farm and Farm Residential lots should be bigger. If smaller lots were desired it should be rezoned.*
- *There was concern regarding the pace of growth.*
- *It was more economical to develop in Farm and Farm Residential than it was in a growth area.*
- *Cluster development enabled the lot layout to be manipulated so it was more beneficial to wetlands, etc.*
- *The town was trying to satisfy people with many different interests. The Long Range Planning Committee should work on rezoning. More work should be done before making cluster development a requirement in rural areas. That would increase growth in Farm and Farm Residential.*
- *Other tools, like the development of a land trust and impact fees should be investigated.*
- *Open space could be required with a traditional subdivision also.*
- *Cluster development could be required to be accessed from a road that was a specified distance from other roads so it wasn't seen as people drove by.*
- *Require greater side and rear undisturbed buffers.*
- *Allowing the Planning Board to require changes to the layout would prolong the process and the Planning Board members may not be the best choice to make those changes.*
- *How could you make a cluster subdivision mandatory?*
- *How did you get development back into growth areas?*
- *The biggest thing was preserving open space so it couldn't be built on in the future.*
- *The amendment would still allow open space to be worked.*
- *Maybe require more buffering to the road.*
- *Traditional subdivisions had no preservable land.*

Consensus of the Board was:

- *Allowing agriculture and forestry in the open space was good.*
- *The density bonus should be eliminated.*
- *The choice for type of subdivision should be kept.*
- *The required plan showing future build-out of a parcel should contain the information as required for sketch plan.*
- *Reinsertion into the ordinance of ownership of common land by a homeowners association, land trust or the town, if town council accepted it, should have legal review for consistency with other ordinances.*

Drew Mayo made a motion to approve the recommendations with revisions to: remove the requirement that all subdivisions in Farm and Farm Residential must be cluster subdivisions; and clarify in the standards for cluster subdivision that the master plan was a conceptual sketch plan only.

Seconded Bill Walker.

Vote: All in favor.

Bill Walker made a motion that in the future the Council should consider removing cluster subdivision from Farm and Farm Residential.

Seconded by Drew Mayo.

Vote: Four in favor. Nick Kalogerakis opposed.

Postponed New Business

- 6 [PB 18-096](#) 18-32 Quarry Ridge Business Park 4th Amended Subdivision. Copart of Connecticut Inc. to an amendment to an approved subdivision to combine Lots 5, 6, 7 and a portion of 15 into one 42.31 acre lot. The subject property is located at 11 Bedrock Terrace and identified on Tax Map: 21 Lots: 15, 15-5, 15-6, 15-7 Zone: Enterprise Development (ED), Farm (F) and Resource Protection (RP).

Attachments: [18-32 Quarry Ridge 4th Amend 10-19-18](#)
[10-01-18.Copart SKETCH SUBDIVISION 14135](#)
[Quarry Ridge Sketch Amended Subdivision Plan](#)
[Overall 2nd Amend Sub](#)

This application was not discussed at the applicant's request.

- 7 [PB 18-097](#) 18-33 Copart Phase 2. Major site plan sketch plan review. Copart of Connecticut Inc. to request review of an Automobile Auction Facility consisting of a 7,200 square foot office/warehouse building with a 28.1 acre gravel storage area. The subject property is located at 11 Bedrock Terrace and identified on Tax Map: 21 Lots: 15, 15-5, 15-6, 15-7 Zone: Enterprise Development (ED), Farm (F) and Resource Protection (RP).

Attachments: [18-33 Copart Phase 2 10-18-18](#)
[10-01-18.Copart SKETCH SITE 14135](#)
[Copart Overall Site Plan Sketch 2018-10-01](#)
[Copart Site Plan Sketch 2018-10-01](#)
[Overall 2nd Amend Sub](#)

This application was not be discussed at the applicant's request.

- 8 [PB 18-106](#) 18-34 989 Roosevelt Trail Lumber Warehouse. Minor site plan final plan review. 989 Roosevelt Trail, LLC to request review of a 1,760 square foot addition to an existing retail building for lumber storage. The subject property is located at 989 Roosevelt Trail and identified on Tax Map: 21 Lot: 18 Zone: Commercial I (C-1).

Attachments: [18-34 989 Roosevelt Trail Lumber Warehouse 11-05-18_Final.pdf](#)
[Peer Review 989 Roosevelt Lumber Warehous 10-31-18.pdf](#)
[Arch Drawings 10.22.18.pdf](#)
[Drawings 10-29-2018.pdf](#)
[989 Roosevelt Lumber Warehouse Application 10-29-2018.pdf](#)
[Drawings 10-12-2018.pdf](#)
[989 Roosevelt Lumber Warehouse Application 10-12-2018.pdf](#)
[Peer Review 989 Roosevelt Lumber Warehous 10-11-18.pdf](#)
[Arch Drawings 10-01-2018.pdf](#)
[Drawings 10-01-2018.pdf](#)
[989 Roosevelt Lumber Warehouse Application 10-01-2018.pdf](#)

Tom Greer, from Watts Engineering, was present representing the applicant who proposed to redevelop an existing building into a small woodworking shop and lumber sales area. Normally, an application of this scope would be considered by the Staff Review Committee. It was before the Planning Board because the applicant had made waiver requests.

- *There was an existing apartment on the second floor that had not originally been permitted. The applicant would obtain a permit for it.*
- *The first floor would be sales area.*
- *An 1,800 square foot building would be constructed and attached to the existing building. It would be shop/warehouse area.*
- *Portland Pipeline had three lines and easements through property.*
- *The applicant proposed two entrances to Route 302.*
 - o *One or two tractor trailer trucks a month would serve the business. A gated exit at the far end of the site would allow trucks to pull out without having to back up.*
 - o *The existing entrance would be used daily.*
 - o *They requested a waiver of the requirement to have only one curb cut.*
- *They had permission to encroach a few feet into the Portland Pipeline easement.*
- *The site was served by public water.*
- *The buildings would have a sprinkler system.*
- *Stormwater would drain toward Route 302 and be infiltrated. Peak flows were equal to current flows.*
- *Lighting would be located on the building.*
- *The building would have peaked roofs, a dormer, and clapboard siding.*

Bill Walker made a motion to accept the waiver request for the curb cut and driveway opening performance standard to allow the project to have two curb cuts.

Seconded by Drew Mayo.

Vote: All in favor.

Bill Walker made a motion that the minor site plan application for project 18-34 989 Roosevelt Trail Lumber Warehouse 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 Drew Mayo.

Vote: All in favor.

Amanda Lessard explained that abutters had been notified. She had received no calls or comments.

There was no one present in the audience regarding the application.

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

Bill Walker made a motion that the minor site plan application for 18-34 989 Roosevelt Trail Lumber Warehouse on Tax Map: 21, Lot 18 was to be approved with conditions with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- The property is 0.79 acres and is location of the California Paint Store building that has been vacant for some time. The parcel is encumbered by a Portland Pipeline Company easement and three gas lines cross the site.

Vehicular and Pedestrian Traffic

- There is an existing entrance on to Roosevelt Trail, a paved public street. The applicant proposes to improve the existing entrance to be 35 feet wide with 25 foot radii to accommodate turning trucks. A second entrance, 22 feet wide with 20 foot radii, is proposed 150 feet from the primary entrance. This second entrance is noted on the site plan with a gate for truck traffic only to be closed at all times except when a truck needs to exit the site. Section 518.2.a states that one (1) curb cut shall be permitted in the C-1 zone. The applicant has requested a waiver from this standard.
- Sight distances for both entrances are shown on the site plan and exceed the minimum requirement.
- Development in the C-1 zoning district is subject to the Sidewalk Impact Fee (Section 1201).
- The site plan shows five (5) parking spaces and one (1) ADA parking space. The ordinance does not have a minimum number of spaces required but the applicant shall demonstrate that the number of spaces provided onsite will meet the needs of the proposed use. The application states that the use will have 1-3 employees. An additional parking layout detail is shown on Sheet C2.1. Sufficient parking for employees and customers is available.
- The project is in the collection area for the North Route 302 Road Improvements Impact Fee (Section 1204). The warehouse addition is not expected to generate additional vehicle trips that pass through the North Route 302 Capital Improvement District in the peak commuter hour.
- The final plan submission states that all the uses on the property are expected to generate 30 trips per day.

Sewage Disposal, Water Quality and Groundwater Impacts

- The use will be served by a private subsurface (septic) system.
- Test pit soil analysis is shown on the HHE-200 form designed by Mark Hampton LSE dated May 22, 2018. The test pit is shown on the plan.
- The property is located in the Sebago Lake Watershed.
- The proposed use should not have a significant impact on the quantity or quality of

area groundwater.

Stormwater Management

- A stormwater management report dated October 1, 2018 was submitted with the final plan. The site generally drains to a low area in the front with some area draining to the rear. The additional 10,700 sq ft of building and pavement will drain to the existing area adjacent to 302 and a stone rock sandwich will be used to drain the area above the site under the exit driveway. The stormwater will infiltrate in these areas.
- In an email dated October 11, 2018 Town Engineer Jon Earle, PE commented that the plan shows one subcatchment tributary to the proposed rock sandwich BMP but it appears that a second analysis point should be considered at the northerly property line to verify that the flooding standard is being met at this location.
- The applicant responded to comments in a letter dated October 12, 2018 that the soils on site are gravel, hydrologic soils Group A. All the water infiltrates in the center of the site eliminating runoff from the parking area at Route 302. Calculations were considered unnecessary.
- A revised stormwater management report dated October 26, 2018 was submitted in response to review comments.
- In an email dated October 31, 2018 Town Engineer Jon Earle, PE stated that the revised treatment narrative and calculation meet Chapter 500 and he has no further comment.

Erosion Control

- A soil erosion and sediment control plan was submitted with the plan set on Sheet C2.0.

Utilities

- A new electric service connection is proposed. The electrical service is shown on the site plan to be underground on the property.
- The property is currently served by public water. The site plan shows a new 1.5" water service connection and abandoning the existing water service in conformance with Portland Water District standards.
- An Ability to Serve Letter dated October 22, 2018 from the Portland Water District states that the proposed project can be served with the existing 1" domestic water service with the installation of an approved backflow prevention device.
- There is an existing fire hydrant on Roosevelt Trail near the proposed exit driveway. The hydrant location is shown on the plan.
- The application narrative describes a renovation to the existing residential unit in the existing building. Town assessing records list the second floor as unfinished and the code records do not show a permitted residential use. A 1996 building permit notes that the upstairs will be used for storage only. The submission states that no sprinklers are required based on findings from the State Fire Marshall's Office. Section 522 of the Land Use Ordinance requires that mixed use buildings be equipped with a sprinkler system. As the site plan does not show a fire service water line to the building or documentation that the proposed service is adequate for fire flows, see Condition of Approval #2.

Technical and Financial Capacity

- A letter dated September 28, 2018 from Peter Godsoe, Vice President at Norway Savings Bank. has been provided as evidence of financial capacity.
- The applicant has provided information on the licensed professionals working on this

project as evidence of technical capacity.

Landscape Plan

- *Proposed landscaping is shown on the site plan and additional detail are shown on Sheet C2.1.*
- *Based on comments from the Portland Pipeline Company, one tree was removed from the site plan dated October 29, 2018.*

Conformity with Local Plans and Ordinances

1. Land Use

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

2. Comprehensive Plan

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

3. Others:

- *Design Standards, Section 813. The project must meet the design standards of the C-zoning district.*
- *A narrative address the design standards and building elevations were provided with the final plan submission.*

Impacts to Adjacent/Neighboring Properties

- *The Final Plan submission includes a photometric analysis and a cut sheet of the proposed building mounted light fixture.*
- *The use is not expected to generate a significant amount of solid waste so will not need to have a dumpster location on site. The site plan application states that solid waste will be handled by a private waste hauler and stored inside until pick up is scheduled.*
- *The impacts of the proposed use to neighboring properties should be negligible.*

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 October 1, 2018, amended October 29, 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. Mixed use buildings shall be equipped with a sprinkler system.

Seconded by Nick Kalogerakis.

Vote: All in favor.

- 9 [PB 18-107](#) 18-35 State of Maine Correctional Center. Conditional use and major site plan sketch/final plan review. State of Maine, Department of Corrections to request review of a 20,017 square foot maintenance and central plant building. The subject property is located at 17 Mallison Falls Road and identified on Tax Map: 3, Lot 5 Zones: Industrial (I), Stream Protection (SP), and General Development (GD).

Attachments: [18-35 MDOC Control Plant Final 11-09-18.pdf](#)
[Response to Comments 11-09-2018.pdf](#)
[Peer Review DOC Control Plant 11-08-18.pdf](#)
[DOC Final application 2018-11-07.pdf](#)
[Sebago Civil Drawings.11-6-18.pdf](#)
[Architectural Floor Plans.pdf](#)
[Building Elevation Drawings.pdf](#)
[Lighting Plans.pdf](#)
[18-35 MDOC Control Plant Sketch 10-19-18.pdf](#)
[Peer Review DOC Control Plant 10-18-18.pdf](#)
[DOC Plan Set to Town 2018-10-11.pdf](#)
[DOC Sketch application 2018-10-11.pdf](#)

Meeting went into Recess

Meeting Reconvened

Owens McCullough was present representing the applicant.

- This was the first phase of a larger redevelopment project. It would be a new 20,000 square foot, single story maintenance and central plant building for the support of future projects to update the facility. The structure would be located within the existing borders of the property.
- DEP had approved the amendment to their Site Location of Development.
- There would be a new 12 inch watermain from Mallison Falls Road. A 12 X 20 foot building would be constructed to house the backflow preventer and meter.
- A proposed holding tank would tie into the new sewer infrastructure.
- They requested waivers for:
 - o Submission of the boundary survey because the project was internal to the site.
 - o Submission of the landscaping plan, which would be created for the next phase of construction.
- Stormwater management would be through an on-site buffer and underdrain soil filter.
- Fuel for maintenance vehicles would be stored in a 1,000 gallon, above ground double walled fuel storage tank which would be in a precast vault. .
- There would be new transformer pads and a backup generator.
- Cooling towers were proposed to accommodate the HVAC system.
- There would be parking for 10 to 15 employees.
- The project was outside the secure fenced area.
- The building would have floor drains connected to an oil/water separator and then into the public sewer systems.
- There would be no blasting.

Amanda Lessard stated:

- The final plan submission had been received.
- DEP had issued its approval.
- Staff comments had been addressed.
- The conditional use criteria had been met.

Bill Walker made a motion to accept the waiver request for the boundary survey submission requirement.

Seconded by Drew Mayo.

Vote: All in favor.

Bill Walker made a motion that the application for project 18-35 MDOC Maintenance & Control Plant 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 Michael Devoid.

Vote: All in favor.

Gary Laplante, Director of Operations for the Maine Department of Corrections explained:

- The Department had public discussions with the neighborhood who had made it clear they did not support building on the same side of Mallison Falls Road as the training facility. As a result they had not located it there.
- A neighbor had expressed concern regarding potential light impact to his bedroom window. The proposed light did not shine toward his house.

Amanda Lessard had not received any comment from members of the public.

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

Consensus of the Board was not to require a sitewalk.

Bill Walker made a motion that the site plan application for 18-35 MDOC Maintenance & Control Plant on Tax Map: 3, Lot: 5, was to be approved with conditions with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- The property is 108+ acres located between the Mountain Division Trail, Mallison Falls Road, River Road, and Colley Wright Brook. There is an existing correctional facility located at the west of the site at the top of the ridge accessed from Mallison Falls Road and a Women's Reentry Facility accessed via River Road.*
- The proposed maintenance and control plant building will be located on the westerly side of the existing facility just outside the security fence and next to an existing parking lot.*

Vehicular and Pedestrian Traffic

- The subject parcel has approximately 2,000+ feet of frontage on Mallison Falls Road and on River Road.*
- No additional curb cuts are proposed to serve the Maintenance & Control Plant.*
- A traffic impact study must be submitted with the final plan set if the project will generate fifty (50) or more trips during the a.m. or p.m. peak hour.*
- The site plan should show any proposed parking spaces adjacent to the building. No minimum number of parking spaces are required. The applicant should demonstrate that the number of spaces provided onsite will meet the needs of the anticipated uses on the property.*
- The final site plan submission states that the new maintenance and physical plant building will replace an existing building so no change in traffic generation or patterns are expected.*

Sewage Disposal and Groundwater Impacts

- The Correction Center complex is served by public water and sewer. The new building will be served by public sewer. The applicant should clarify if the new building will generate any additional wastewater beyond the existing use.*
- The final site plan submission states that the new maintenance and physical plant building will replace an existing building so no change in overall water usage or wastewater generation is expected.*
- In an email dated November 8, 2018, Town Engineer Jon Earle P.E., notes that Sheet 7 of 13 shows a 1,000 gallon temporary holding tank being installed in front of the building and asks if it must be permitted by the Town CEO and at what stage of the project will the building be tied into the public sewer system.*
- In a response to review comments, Owens McCullough P.E. of Sebago Technics agreed that an HHE-200 will need to be submitted but that the holding tank will be a temporary condition for construction offices in the building until the sewer system planning is complete for the entire re-development.*
- The project will include a 1,000 gallon above ground fuel storage tank for the purposes of fueling operations vehicles. The fuel tank will be double walked with*

monitoring and will also be set inside a precast concrete chamber with a shed roof. The fueling area is shown on the site plan.

- Details of the fuel tank storage are shown on Sheet 14 of 13 of the final plan set. The final plan submission narrative states that prior to the site being operational, a revised SPCC plan will be prepared in general conformance with State standards and 40 CFR 112.

Stormwater Management

- The project must receive approvals from Maine DEP for an amendment to a Site Location of Development Act permit and must comply with the standards of 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 dated revised October 2018 prepared by Sebago Technics, has been submitted as part of the final plan submission. The redevelopment will result in approximately 79,887 square feet (1.83 acres) of total land disturbance, including 45,283 square feet (1.04 acres) of impervious area and 34,594 square feet (0.79 acres) of landscaped area. Stormwater will be detained and treated by one underdrained soil filter and one drip edge filter.
- An Amended Site Location of Development Act Permit #L-15483-26-H-B was issued by the Maine Department of Environmental Protection on October 29, 2018 and included in the final plan submission.
- In an email dated November 8, 2018, Town Engineer Jon Earle, P.E., states that the project meets the Town's Chapter 500 requirements for the Basic, General, and Flooding standards.

Erosion Control

- A soil erosion and sediment control plan has been submitted as Sheets 9 of 13 dated October 11, 2018 of the sketch plan set.

Utilities

- Two new underground electrical services are shown on the sketch plan Utility Plans Sheets 7 and 8. Underground electric will serve the building.
- The new building must have a sprinkler system, and an addressable fire alarm system that meets NFPA standards.
- The plan shows a new 12" water main will be extended from Mallison Falls Road with a 6" fire service and 2" domestic service to the building.
- The applicant must submit an Ability to Serve letter from the Portland Water District that confirms the proposed water and sewer services conform with its design and construction standards, that the development will not result in an undue burden on the systems, and the water lines will be installed in a manner adequate to provide needed domestic and fire protection flows.
- The final site plan submission states that the new maintenance and physical plant building will replace an existing building so no change in overall water usage or wastewater generation is expected. It is anticipated to use approximately 43.6 gpm (Peak Flow) and approximately 220 gallons per day and include a peak flow calculation based on the fixture count.
- The final plan submission includes an email dated October 18, 2018 from Robert

Bartels, PE, of the Portland Water District that includes an infrastructure map noting the location, type, and size of the public water mains near the site and that it is possible to make a new connection after review of design plans.

- *In an email dated November 8, 2018, Town Engineer Jon Earle, P.E., questioned if the backflow device shown on the Utility Plan Sheet 8 of 13 had been approved by PWD.*
- *In a response to review comments, Owens McCullough P.E. of Sebago Technics stated that the 12' x 20' building shown on sheet 8 of 13 will include a meter pit, testable backflow preventer valve and check valve for ease of access by PWD as they required.*

Financial and Technical Capacity

- *The sketch plan submission states that in 2016 the State of Maine authorized funding (S.P. 547- L.D. 1447) an act to authorize the Maine governmental facilities authority to issue securities to pay for capital improvements at the Maine Correctional Facility in Windham.*
- *The final plan submission includes an email from Gary LaPlante, Director of Operations at the Maine Department of Corrections, stating that the legislation did not dictate how the funds would be utilized and are sufficiently available for this aspect of the project.*
- *The final plan submission includes an estimate the total project cost.*
- *The applicant has provided information on the licensed professionals working on this project as evidence of technical capacity.*

Impacts to Adjacent/Neighboring Properties

- *The final plan submission states that due to the nature of and sequencing of the proposed project, landscaping will be addressed during the larger prison modifications to follow this application.*
- *A dumpster enclosure is shown on the final site plan Sheet 5 of 13. Section 812.T requires that dumpsters shall be screened by fencing or landscaping. No dumpster enclosure detail is included in the plan set.*
- *Site lighting must be shown on Final Plan, and details of fixtures must be included in the submission.*
- *The final plan submission states that the project will include exterior building mounted lights with sharp cut-offs. Existing light poles will also be removed and relocated in according to the Utility Plan Sheet 7 of 13. The building lights are shown on the Lighting Plan Sheet EL101 and fixture details are listed on the Light Fixture Schedule Sheet EL601.*

Conformity with Local Plans and Ordinances

Land Use

- *This project meets the 100 feet setback requirements of the I zoning district.*
- *This project meets the minimum lot size requirements and minimum lot frontage requirements of the I zoning district.*
- *All non-residential uses in the I zoning district must provide two (2) square feet of open space for everyone one (1) square foot of floor area. The applicant should quantify the floor area and open space on the property.*
- *Mallison Falls Road is the boundary of the Industrial District and Medium-Density Residential District. Zoning District boundaries should be shown on the plan. The I zoning district standards requires a 50 foot buffer from all property lines that abut a residential zoning district where no development is allowed and the buffer must provide screening as described in the definition of "buffer strip". There is an existing parking lot*

in the 50 foot buffer along Mallison Falls Road. The proposed Maintenance & Control Facility does not propose to increase the nonconformity.

Comprehensive Plan

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

Others:

- Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 urbanized area.*
- Conditional Use, Section 516. The project must comply with the review criteria.*

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 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 October 11, 2018, as amended November 7, 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.

CONDITIONAL USE REVIEW

FINDINGS OF FACT

Property Value

- *The existing use of the property is a Correctional Facility. An additional building on the site will not impact the value of surrounding properties.*

Wildlife Habitat

- *See Site Plan Review*

Botanical Species

- *See Site Plan Review*

Potable Water

- *See Site Plan Review*

Sewage Disposal

- *See Site Plan Review*

Traffic

- *See Site Plan Review*

Public Safety

- *See Site Plan Review*

Vibration

- *The applicant should provide documentation if blasting is proposed to construct the proposed facility or if the use will produce recurrently generated vibrations.*

Noise

- *See Site Plan Review*

Off-Street Parking and Loading

- *See Site Plan Review*

Odors

- *See Site Plan Review*

Air Pollution

- *See Site Plan Review*

Water Pollution

- *See Site Plan Review*

Erosion and Sediment Control

- *See Site Plan Review*

Hazardous Material

- *See Site Plan Review*

Zoning District and Performance Standards

- *See Site Plan Review*

Solid Waste Management

- *See Site Plan Review*

CONCLUSIONS

1. *The proposed use will not depreciate the economic value of surrounding properties.*
2. *The proposed use will not damage significant wildlife habitat or spawning grounds identified by the Maine Department of Inland Fisheries and Wildlife or by the Town of Windham's Comprehensive Plan.*
3. *The proposed use will not damage rare or endangered botanical species as identified by the Maine Department of Conservation or by the Town of Windham's Comprehensive Plan.*
4. *The proposed use has access to potable water and will not burden either a groundwater aquifer or public water system.*
5. *The proposed use has adequate capacity to dispose of sewage waste.*
6. *The proposed use has adequate sight distance as established by current Maine DOT Highway Entrance and Driveway Rules.*
7. *The proposed use will not overburden police, fire and rescue services, as determined by response time, accessibility to the site of the proposed use, and numbers and types of emergency personnel and equipment presently serving the community.*
8. *The proposed use will not produce inherently and recurrently generated vibrations that exceed a peak particle velocity greater than 2.0 at the closest "protected structure," as defined by the Maine Department of Environmental Protection.*
9. *The proposed use does meet the noise standards in Section 812.S. of the Site Plan Review Ordinance.*
10. *The proposed use does meet the parking and loading standards of Section 812.C. Site Plan Review.*
11. *The proposed use will not emit noxious or odorous matter in such quantities as to be offensive at the lot boundaries.*
12. *The proposed use will not cause the emission of dust or other form of air pollution which can cause any damage to health, to animals or vegetation, or other forms of property.*
13. *The proposed use will not discharge any materials in such nature or temperature as to contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements.*
14. *The proposed use will not cause water pollution, sedimentation, erosion, nor contaminate any water supply, nor reduce the capacity of the land to hold water, so that a dangerous or unhealthy condition may result.*
15. *The proposed use will not for any period of time discharge across the boundaries of the lot wherein it is located toxic and noxious matter in concentrations so that a dangerous or unhealthy condition may result.*
16. *The proposed use does meet the applicable zoning district standards in Section 400 and the applicable performance standards of Section 500.*
17. *The proposed use will provide for adequate disposal of solid wastes.*

Seconded by Drew Mayo.

Vote: All in favor

Continuing Business

- 10 [PB 18-103](#) 17-23 Durant Homestead. Major subdivision preliminary plan review. Matt Hancock Properties, LLC to request review of a twenty-five (25) lot residential cluster subdivision. The subject property is located at 60 Chute Road and identified on Tax Map: 6 Lot: 25, Zone: Farm (F).

Attachments: [17-23 Durant Homestead Prelim 11-05-18.pdf](#)
[Peer Review Durant Homestead 10-31-2018.pdf](#)
[2018-10-15 Durant Homestead Rev A submittal opt.pdf](#)
[Durant Homestead Preliminary Subdivision Plan 2018-10-15.pdf](#)
[2018-10-09, Durant Homestead Design Plan Set_opt.pdf](#)

Kirk Ball, from Acron Engineering, was present representing the applicant. He explained:

- *The plan had been reduced to 25 lots so it did not meet the requirement for installation of public water.*
- *They required a Site Location Permit from DEP.*
- *The town engineer's comments had been addressed.*
- *The Tier 1 Wetlands Application had been reviewed by DEP and the Army Corp. of Engineers.*

The Board expressed frustration because:

- *The developer would not have to install public water because he had reduced the plan by one lot. The Board couldn't require extension of the public water.*
- *There were other subdivisions, totaling around 75 homes in the area. This would add another 25, all drawing off an aquifer. How many wells can be added in one small area and not affect existing homes wells?*
- *Infrastructure in town was suffering. It met the ordinance but it added more wells, more septic systems. There was a need to do something about it.*

Bill Walker made a motion that the application for project 17-23 – Durant Homestead 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 Drew Mayo.

Vote: Three in favor. Nick Kalogerakis and Michael Devoid opposed.

Bill Walker made a motion that the preliminary subdivision application for 17-23 Durant Homes on Tax Map: 6, Lot: 25 was to be approved with conditions with the findings of fact and conclusions.

Seconded by Drew Mayo.

Vote: Two in favor. Bill Walker, Nick Kalogerakis and Michael Devoid opposed.

Nick Kalogerakis made a motion to reconsider.

Seconded by Bill Walker.

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

Bill Walker made a motion that in reconsideration of the preliminary subdivision

application for 17-23 Durant Homes on Tax Map: 6, Lot: 25 it was to be approved with conditions with the findings of fact and conclusions.

FINDINGS OF FACT

A. POLLUTION

- A portion of subdivision is within the mapped 100 year floodplain. The mapped floodplain associated with Black Brook is shown on the plan. It is located in the proposed open space; therefore no development will occur within the mapped floodplain.
- This subdivision is not located over a significant sand and gravel aquifer.
- A hydrogeologic assessment is not required as the subdivision does not have an average density of more than one dwelling unit per 100,000 square feet. The Board may also require a hydrogeological assessment in cases where site considerations or development design indicate greater potential of adverse impacts on groundwater quality.
- A nitrate impact analysis prepared by MAI Environmental dated May 2018 was included in Section C.3 of the August 2018 preliminary plan submission. The nitrate levels in the groundwater at the property lines are at or below 10 mg/L. Nitrate plumes are shown on the Groundwater Assessment Overall Site Plan. The analysis also indicates that the water usage by the 26 lots is approximately 33% of the available recharge, so there is adequate available water recharge to support the subdivision wells.
- In an email dated August 29, 2018, Town Engineer Jon Earle P.E., requested clarification as the nitrate plume from Lot 24 appears to extend just slightly past the property line onto the ROW of Chute Road.
- The October 15, 2018 submission clarified that the plume for lot 24 terminates at the ROW for Chute Road and is reflected in a revised Nitrate Impact Analysis dated October 9, 2018 and shown on a revised Nitrate Plume Map,

B. WATER

- The preliminary plan proposes that dwelling units will be served by individual wells.
- Section 911.B.1.a states that a subdivision shall connect to the public water system if the closest water main is within a distance equal to 100 feet multiplied by the number of lots in the subdivision, or 2,600 feet for 26 lots shown on the sketch plan. The closest water main is located at River Road. The preliminary plan shows that the property is ~0.4 miles (2,565 feet) to River Road, so public water would be required. The applicant has requested a waiver from the standard.
- Section 911.M.5.b.5.b of the subdivision ordinance requires that all dwellings on dead end streets over 1,000 linear feet in length not served by public water have an NFPA 13D monitored sprinkler system.
- 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.
- If a waiver is requested from connection to public water, in accordance with the 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. Septic system locations are shown on the Groundwater Assessment Overall Site Plan and should also be shown on the subdivision plan.
- An existing fire hydrant is located on Chute Road just east of the intersection with River Road. At the Development Team meeting on November 2, 2017, Deputy Fire Chief John Wescott stated that if the project is served by public water three (3) additional fire hydrants would be required – one on Chute Road, and two on the proposed street.
- At the Development Team meeting on November 2, 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.

- The note requiring sprinkler systems should be added to the plan.*
- The preliminary plan submission dated October 15, 2018 reduced the total number of lots in the subdivision to 25. All lots will be served by individual wells.*
- Note 13 on the preliminary plan states that where bedrock is encountered at a depth of 10 feet or less at any well, install water supply wells with casing set and grouted a minimum of 20 feet below the solid bedrock surface.*
- Note 17 on the preliminary subdivision plan states that all residential homes shall be equipped with a sprinkler system in accordance with the latest edition of NRPA-13D.*

C. SOIL EROSION

- An erosion and sedimentation plan, prepared by Acheron Engineering Services, dated August 2018, has been submitted as Section B.24 of the preliminary plan submission. Proposed erosion and sedimentation controls are shown on the subdivision grading site plan on Sheet 7, proposed lot grading plans on Sheets 8 and 9 and subdivision access road erosion control details are shown on Sheet 16 of the preliminary plan set.*
- 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 requires a Maine Department of Environmental Protection (DEP) Site Law Permit. A copy of that permit must be submitted with the Final Plan.*
- Wetlands were delineated by Burman Land & Tree Company, LLC Associates on July 5, 2018. Freshwater wetlands are shown on the plan. A protected natural resources delineation and verification report was included in Section B.22 of the preliminary plan submission. This project does not require a Maine Department of Environmental Protection (DEP) Natural Resources Protection Act (NRPA) Tier-1 permit for wetland alterations. The total amount of wetland impacts (14,569 square feet) is noted on the subdivision plan.*
- A stormwater management plan prepared by Acheron Engineering Services dated August 2018 has been submitted as Section B.25 Preliminary Plan submission. The project proposes to treat the 17.84 acres of developed area and 3.88 acres of new impervious area with two (2) wet ponds and forested and meadow buffers.*
- The stormwater treatment table is shown on Sheet 6 of the preliminary subdivision plan set. A note should be added to the recording plan that describes the assumed impervious and developed area for each lot.*
- Section C.6 of preliminary plan submission includes a blasting plan as blasting will be required at storm water pond #1.*
- In an email dated August 29, 2018, Town Engineer Jon Earle P.E., stated that the plan meets MDEP flooding standard and requirements to treat 90% impervious and 75% of the developed areas with lot by lot allowances shown on the treatment plan. He asked that the proposed tree line on the plan be reviewed and revise to reflect actual areas to be cleared based on the assumptions made for each lot's impervious and developed areas. He also asked that Tc flow paths for each subcatchment be shown on both the pre and post development plans.*
- A note should be added to the plan requiring permanent marking of the stormwater buffers.*
- The preliminary plan submission dated October 15, 2018 includes a revised stormwater management plan. The reduction of one lot results in a minor reduction in the amount of impervious and developed area for the project to 17.54 acres of developed area and 3.81 acres of impervious area.*
- The preliminary subdivision plan includes a lot developed area summary that specifies the maximum amount of impervious and developed area on each lot.*

- In an email dated October 31, 2018, Town Engineer Jon Earle P.E., stated that he had no further comment on the project.

D. TRAFFIC

- Twenty-three (23) subdivision lots will have access from the new 2,300 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 Chute Road, a paved public street. Sight distance for the new subdivision street should be shown on the Preliminary Plan for both directions along Chute Road. Site distances should also be shown on the plan for the three (3) lots with driveways on Chute Road.
- At the Development Team meeting on November 2, 2017, Public Works Director Doug Fortier and Fire Chief Brent Libby stated that the second proposed hammerhead shown on the plan was not necessary due to its proximity to the cul-de-sac.
- Section 911.M.3.d requires streetlights at intersections with existing public streets. A new streetlight is shown on Sheet C-2 of the preliminary plan set.
- In order to provide for safe pedestrian or bicycle travel, minor local streets shall provide either a shoulder or a sidewalk. Sidewalks are not required as the subdivision is more than 1,000 linear feet from an existing convenience store or public building. An additional one (1) foot of paved shoulder, on each side of the street, shall be added to the required minimum shoulder width.
- A road plan and profile, prepared by Acheron Engineering Services, dated July 30, 2018, shown on Sheets 10, 11, and 12 was submitted as part of the Preliminary Plan.
- In an email dated August 29, 2018, Town Engineer Jon Earle P.E., asked for clarification of the road profile shading representing gravel and bedrock material below subgrade, stated that the road cross section meets the public road standard with additional paved shoulders, and requested a location and detail for a stop sign, and commented that the waiver for a second hammerhead was reasonable given the proximity to the cul-de-sac.
- The preliminary plan submission dated October 15, 2018 included a detail for a stop sign. Sight distances are shown on the preliminary subdivision plan.
- A traffic impact analysis must be submitted with the Preliminary Plan submission as the subdivision is projected to generate more than 140 vehicle trips per day.
- A traffic impact study prepared by Maine Traffic Resources dated May 9, 2018 was included in Section C.5 of the August 2018 preliminary plan submission. The proposed 26 lots are expected to generate 248 weekday trips, 20 in the A.M. peak hour, and 26 in the P.M. peak hour. The level of new traffic is not expected to have any significant impact off-site on traffic operations beyond the site drive. The level of service at the unsignalized Chute Road, River Road, and Depot Street is expected to remain at a good LOS "C" during both the AM and PM peak hours.
- Sight distance from the subdivision access drive is 500 feet looking to the left and 355 feet looking to the right. The sight distance looking to the right can be increase to over 400 feet with clearing along the property frontage in front of Lot 1. The required sight distance for the posted 40 mile per hour speed limit is 400 feet. Sight distances for Lots 24, 25, and 26 each exceed 400 feet. The area to clear vegetation on Lot 1 is shown on Sheet 8 of the preliminary plan set.
- In an email dated August 29, 2018, Town Engineer Jon Earle P.E., stated that the sight distances should be shown on the plan and requested that the clearing for sight distance on Lot 1 be shown on the plan and provisions made in the association documents to maintain the clearing.
- The preliminary plan submission dated October 15, 2018 includes identification of the clearing on Lot 1 to improve the sight distance at the intersection on Sheet C-7 and a maintenance requirement in item 16 of the Restated Declaration of Restrictive

Covenants.

- *There is a large property which abuts the proposed subdivision (Map 6 Lot 29). Section 911.M.3.a (page 9-51) and Section 911.M.5.b.5.iii (page 9-60) allows the Board to require the dedication of a right-of-way to provide continuation of the road where future development is possible. A right-of-way to this abutting property was provided in the vacated 2007 approved subdivision of this parcel.*
- *The Preliminary Plan shows a proposed right-of-way between Lots 7 and 8 to the abutting property.*

E. SEWERAGE

- *The development will be served by individual private subsurface wastewater disposal systems.*
- *A preliminary wastewater disposal investigation dated August 9, 2017, prepared by Stephen H. Howell, S.E., of Soil Solutions was provided in the October 23, 2017, sketch plan submission and indicates that suitable soils and site conditions were found for the proposed disposal of wastewater. Proposed septic system and test pit locations are shown on sketch plan dated May 10, 2017.*
- *A Class B high intensity soil survey dated June 2006 prepared by Darryl N. Brown of Main-Land Development Consultants, Inc. was provided in the October 23, 2017, sketch plan submission.*
- *Soil test pit analysis prepared by Aleita M. Burman, LSE of Burman Land & Tree Company, LLC dated July 13, 2018 show that each lot has adequate soils to support a private septic system. Septic system locations should be shown on the subdivision plan.*
- *The October 15, 2018 submission included a revised Soil Site Evaluation Report dated September 27, 2018 and a revised well and septic system location plan. Septic system locations are also shown on the preliminary subdivision plan. Notes 14, 15, and 16 on the preliminary subdivision include specific requirements for septic systems on Lots 12, 13, 14, 15, 16, 19, 20, 21, and 3.*

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 a combination of open field and wooded, with rolling topography. The lot is currently being used for firewood processing.*
- *There are no currently documented rare botanical features or significant wildlife habitat documented on the site.*
- *A landscape plan is required for the preliminary plan submission. Street trees are required at least every fifty (50) feet (§ 911.E.1.b). Street trees are shown on the preliminary plan.*
- *Limits of tree clearing should be shown on the plan. A note should be added to the plan stating that clearing of trees is not allowed in areas where tree cover is depicted on the plan for a period of at least five (5) years from the date of Planning Board approval.*
- *The preliminary subdivision plan includes a lot developed area summary that specifies the maximum amount of impervious and developed area on each lot. As this standard of development is more stringent than a 5 year tree clearing limit, staff find this acceptable. The proposed treeline shown on the preliminary subdivision plan does not appear to allow for any development on several of the lots.*

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 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 is included in the common open space. This calculation must be shown on the plan. The preliminary subdivision plan notes that 56% of developable land is in the open space.*
- *On September 10, 2018 the Planning Board approved a waiver from the requirement to have the open space in a single contiguous block of land. The proposed open space is accessible from the proposed subdivision street and Chute Road.*

- *Subdivision Ordinance*
- *A landscaping plan must be submitted with the Preliminary Plan. On September 10, 2018 the Planning Board granted a waiver from this submission requirement.*
- *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.*
- *Draft Durant Homestead homeowner association documents were included in Section A.6 of the Preliminary Plan submission and 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 221 Street Naming and Addressing: The street name approved by the Assessing Department, Pennywhistle Drive, is shown on the preliminary subdivision plan.*

I. FINANCIAL AND TECHNICAL CAPACITY

- *A cost estimate for the project and a letter dated April 13, 2018 from John Beaulieu Branch Service Manager of RBC Wealth Management were included in Section A.16 of the preliminary plan submission as evidence of financial capacity.*
- *The applicant has provided information on the licensed professionals working on this project in Section A.17 of the preliminary plan submission as evidence of technical capacity.*

J. RIVER, STREAM OR BROOK IMPACTS

- *The project will not adversely impact any river, stream, or brook.*
- *Black Brook runs across the property adjacent to the subdivision to the east but is not shown on the plan. The 100-foot Stream Protection Zone on either side of this brook is shown on the plan.*

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 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 October 23, 2017, as amended October 15, 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.

Seconded by Keith Elder.

Vote: Four in favor. Michael Devoid opposed.

New Business

- 11 [PB 18-104](#) 18-36 Basin Road Subdivision. Minor subdivision sketch plan review. Colin & Payson Swan to request review of a four (4) lot subdivision. The property in question is located at 46 Basin Road and identified on Tax Map: 18A, Lot: 48-4 and 48-1 (portion), Zone: Farm Residential (FR).

Attachments: [18-36 Basin Road Sketch 11-08-18.pdf](#)
 [Peer Review Basin Rd 10-31-2018.pdf](#)
 [Sketch Plan Application - Swan - Basin Rd Subdivision 2018_10_30.pdf](#)
 [Sketch Subdivision Plan - Swan - Basin Road Subdivision.pdf](#)

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

- *A portion of the subject property had recently been before the Board as a different subdivision.*
- *This application was for three lots and the applicant's house lot, located on Basin Road.*
- *It was 628 feet to the public water main; they proposed wells.*
- *All the lots would be larger than one acre.*
- *New homeowners would contribute toward shared infrastructure.*
- *They requested two waivers:*
 - o *The high intensity soil survey – Test pits had been conducted and it was an area of well drained soils. They felt the information presented by the test pits and medium intensity soil survey was adequate.*
 - o *The hydrogeological assessment – They felt the requirement could be waived because of the larger lot sizes and high infiltration rates of the soils. There were no significant areas around the perimeter that would be impacted by septic systems. The town engineer had thought the waiver request was reasonable.*
 - o *The right-of-way for Sappi would be moved.*

Amanda Lessard explained:

- *Abutter comment was received.*
- *The biggest piece of information was the adequacy of Basin Road to serve the lots in the subdivision.*
- *For the previous subdivision the Fire Chief had found the road access to be adequate for emergency vehicles.*
- *The Board could request road improvements as part of the approval even though the applicant didn't own the road.*

The Board commented:

- *The ordinance defined "adequate" as meeting the applicable road standards.*
- *The Fire Chief had said the road was adequate for emergency vehicles.*
- *There were 30 plus houses. The road was not currently adequate. The developer shouldn't be responsible for all of the upgrade.*

- *Someone should contact the road owner to try and correct it. Technically, if you don't own the road you can't make improvements as required in the ordinance.*
- *If the other 30 plus houses had been getting trash services, and oil deliveries; if the town had been plowing the road and there had not been frequent accidents the road was adequate.*

Bill Walker made a motion to schedule a public hearing.

Seconded by Nick Kalogerakis.

Vote: All in favor.

Other Business

12 Adjournment

Bill Walker made a motion to adjourn.

Seconded by Nick Kalogerakis.

Vote: All in favor.