



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Planning Board

Monday, March 11, 2019

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 Kaitlyn Tuttle.

Planner, Amanda Lessard was also present.

3 [PB 19-015](#) Approval of Minutes: February 11, 2019

Attachments: [Minutes 2-11-19 - draft.pdf](#)

Drew Mayo made a motion to accept the minutes of the February 11, 2019 meeting.

Seconded by Griffin Bourassa.

Vote: Three in favor. No one opposed. Nick Kalogerakis and Griffin Bourassa abstained.

Public Hearings

4 18-24 Land of Nod Road Subdivision. Major subdivision preliminary plan review. Grondin Corporation to request review of a 30 lot residential cluster subdivision. The property in question is located at 120 Land of Nod Road and identified on Tax Map: 7, Lot: 29, Zone: Farm (F).

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

- There had been an ordinance amendment which removed the density bonus. They now proposed 30 lots.*
- Road connection to an abutting project was no longer proposed.*
- A DEP Site Location of Development permit was required.*
- The traffic study showed no unsafe conditions based on the crash report data.*
- A nitrate study had been done for the well and septic on each lot. Well exclusion zones would be shown on the plan.*

Public Comment:

Karen Lougee, Cobb Farm Road – It had been stated that Colley Wright Brook was not defined as a waterbody most at risk from development or a sensitive or threatened watershed as defined by the Maine DEP. She cited a MDEP 2016 Integrated Water Quality Report which noted at least four brooks, Black Brook, Colley Wright Brook, Otter Brook, and the Pleasant River as being at risk. The town's mineral extraction

moratorium stated that waterbodies, including Colley Wright Brook, had been found to be impaired or threatened due to non-point source pollution. The Comp Plan stated Colley Wright Brook was a class B stream, considered impaired due to high bacteria and low dissolved oxygen. It was listed on MDEP's impaired streams list for MPS priority watersheds. She believed it was important for the town to have independent third party review.

In the spring, Land of Nod Road flooded by Colley Wright Brook and the water went into the brook. There was neighborhood concern regarding the impact on existing wells. The traffic study didn't look at the condition of the road at the four hair-pin turns. They had stated that 50% of traffic would go to Pope Road and 50% of traffic would go to Land of Nod Road. She disagreed. It was more direct to go to Land of Nod Road. Going up the hill toward Vance Drive it was crumbling and you had to pull to the center of the road, you couldn't see cars coming. She was disappointed there was no connection to the trails. They had been in place for a lot of years and they would no longer be able to use them.

Mickie VanSummern, Highland Cliff Road and Tucker Drive – They had used the trails extensively since they had moved in. It would be great to see a continuation of them. She had seen abundant wildlife and vernal pools throughout the area.

Ken Grondin, the applicant, said he had talked to the abutters about the trails. Since then it seemed a big group of neighbors were pulling for the moratorium. He had lost four or five lots; that was a couple of hundred thousand dollars. He could have used that money for a watermain in another project. It was a real hardship. He would still work with them on the trails, but it irked him to take that big a hit. He had a business to run. He hired local people. He was respectful of the environment and would be its steward. He was still interested in talking about the trails with the neighbors, but he would like some give and take and some respect from them.

Jeanne Rhein, Chute Road – She distributed information to the Board and reviewed it: A petition, the Long Range Planning Committee's charge. During the two zoning meetings taxpayers had seemed concerned with wildlife, wetlands, and environmentally sensitive areas. Increased taxes, it cost \$6,800 to educate one student. Cluster subdivision lots paid \$1,000 or \$1,500 in taxes. Third party environmental review of Colley Wright Brook, since so many homes were so close together and the Presumpscot was impacted by Colley Wright Brook. Things should be slowed down because of town staffing shortages.

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

Nick Kalogerakis made a motion to take agenda items out of order.

Seconded by Griffin Bourassa.

Vote: All in favor.

5 18-17 CRR Landscaping. Major site plan sketch plan review. C& E Enterprises LLC 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).

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

- *CRR had filled and levelled some of the site without permits. The Town had issued a*

Stop Work Order. In 2018 there was a Consent Order which required them to provide a site plan and obtain all necessary DEP permits.

- *They had obtained the DEP permits and were required to restore vegetation and reduce the impervious cover to less than one acre.*
- *They proposed a landscape supply area with 10 x 10 foot concrete bins around the periphery for stone, bark mulch, etc.*
- *The area would be surfaced with reclaimed asphalt.*
- *Parking would be in the center of the site. There was space for 37 regular spaces and they had 2 handicap spaces.*
- *There were no structures on the site.*
- *The site was accessed from Self-storage Drive.*

Public Comment:

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

Continuing Business

- 6 [PB 19-016](#) 18-24 Land of Nod Road Subdivision. Major subdivision preliminary plan review. Grondin Corporation to request review of a 30 lot residential cluster subdivision. The property in question is located at 120 Land of Nod Road and identified on Tax Map: 7, Lot: 29, Zone: Farm (F).

Attachments: [18-24 Land of Nod Prelim 02-21-2019.pdf](#)
[Peer Review Land of Nod 02-13-2019.pdf](#)
[02-04-19.BINDER-Prelim Mjr Sub App-Land of Nod Rd 16236.pdf](#)
[02-04-19.Stormwater Report-Land of Nod Rd 16236.pdf](#)
[16236 LAND OF NOD-PLANS.pdf](#)
[Michelle Allain-Newton Land of Nod development 2019-01-26.pdf](#)

Mr. Seymour explained:

- *The application would have a full DEP review of everything but the traffic. Abutters would receive notice of the application review from DEP and would have an opportunity to comment.*
- *Wildlife habitat and threatened or endangers species would be reviewed by Inland Fisheries and Wildlife.*
- *Vernal pools would be reviewed by the Army Corp of Engineers.*
- *The applicants geologist would provide well impacts, groundwater assessments and well exclusion areas.*

Amanda Lessard explained there were some outstanding issues for preliminary approval:

- *Evidence of financial capacity*
- *Well exclusion areas*
- *Impact on groundwater quantity*
- *Stormwater calculations*
- *Site distance and roadway issues*

The Board requested more information regarding:

- *Groundwater*
- *Trail network issues*
- *Well exclusion area should be on the plan*

- 7 [PB 19-017](#) 18-21 Woodside Condominium Retirement Community (Formerly Gray Road Retirement Community). Major subdivision final plan review. Weld, LLC to request review of a 14 unit residential subdivision in seven (7) duplexes. The property in question is located at Gray Road and Swett Road and identified on Tax Map: 9, Lots: 27K and 27E, Zone: Farm Residential (FR) and Retirement Community and Care Facility Overlay District (RCCFO).

Attachments: [Peer Review Woodside Condos 02-25-2019.pdf](#)
[18-21 Woodside Condo Retirement Community Final 02-22-2019.pdf](#)
[WoodsideCondo Response to Comments 2019-02-22.pdf](#)
[Woodside Condos Retirement Community Plans 2019-02-22.pdf](#)
[Peer Review Woodside Condos 02-14-2019.pdf](#)
[Woodside Condominium Retirement Community Final Subdivision 2019 2 4.pdf](#)
[Woodside Condominium Plan Set 2019 2 4.pdf](#)

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

- *The 14 unit condo project had received preliminary approval*
- *Remaining issues were:*
 - o *Topography confirmation*
 - o *A short section of stream had been identified; it was shown on the plan. They had been approved for a DEP Permit by Rule for land disturbance within 75 feet of that stream.*
 - o *Portland Water District had issued an ability to serve letter.*
- *Peer review comments had been addressed.*
- *They had a waiver request for the road width, from the major private road standard.*

Drew Mayo made a motion to approve the request for a waiver from the major private road standard to what was shown on the final plan set.

Seconded by Griffin Bourassa.

Vote: All in favor.

Drew Mayo made a motion that the application for project 18-21 Woodside Condominium Retirement Community 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 are not fully addressed.

Seconded by Griffin Bourassa.

Vote: All in favor.

Nick Kalogerakis made a motion that the Preliminary Subdivision application for 18-21 Gray Road Retirement Community on Tax Map: 9, Lots: 27K and 27E 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 or where the site considerations of development design indicate greater potential of adverse impacts.
- The applicant agreed to provide a hydrogeologic assessment after receiving comments from abutters at the sketch plan meeting on July 23, 2018 that they had dug drinking water wells near the property line.
- A hydrogeologic assessment was not included in the July 23, 2018 or September 4, 2018 preliminary plan submissions.
- The November 19, 2018 submission includes a nitrate-nitrogen assessment dated November 16, 2018 prepared by Stephen Marcotte, CG, LSE of Summit Geoengineering Services that concludes that the proposed subsurface wastewater disposal systems B, C, D will not result in an increase of nitrate-nitrogen above 10 mg/L in groundwater at the property boundary. The proposed subsurface wastewater disposal system B will result in an increase of nitrate-nitrogen at the property boundary along Gray Road. The 10mg/L nitrate-nitrogen plume is shown on Plan of Wastewater Disposal Systems A&B. Given that public water is available to future development in the area of the plume from disposal field B and there are no known water supply wells near the plume, a waiver from this standard is requested.
- In an email dated December 3, 2018, Town Engineer Jon Earle P.E., stated that the drinking water standard could reasonably be waived based on the narrative as part of the conclusion to the nitrate study report.

B. WATER

- The development will be served by public water for domestic use.
- A written statement from the Portland Water District verifying that there is public water in proximity to the subdivision must be submitted with the Preliminary Plan.
- 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.
- Existing fire hydrants are located on Gray Road at the intersection of Pope Road and to the north in front of the Public Safety Building.
- At the Development Team Meeting on July 10, 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.
- A new proposed fire hydrant is shown on Plan Sheet PP-2 of the September 4, 2018 preliminary plan set.

C. SOIL EROSION

- An erosion and sedimentation plan, prepared by DM Roma Consulting Engineers, dated September 4, 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. No wetland impacts are proposed.
- A stormwater management plan has been submitted as part of the July 23, 2018

Preliminary Plan submission. The project proposes to treat the 122,356 square feet (2.81 acres) of new developed area with two (2) underdrained filter basins and roof drip edges on each building.

- The stormwater management plan states that a DEP permit is not required as the applicant will construct the roadway without developing the lots and the roadway will generate less than 1 acre of new impervious surface and less than 5 acres of total development. A DEP Stormwater Permit by Rule is required as the project will generate more than one (1) acre of land disturbance.*
- Note 14 on the September 4, 2018 plan states that all buildings will require the installation of a roofline drip edge*
- In an email dated August 17, 2018, Town Engineer Jon Earle P.E., noted a minor (0.03 cfs) increase in peak flow for the 2-year storm at Study Point #1 and the applicant should submit a written waiver request. He also requested ground topographic survey within the footprints of Filter Basins 1 & 2 prior to final approval.*
- A revised stormwater management plan has been submitted as part of the November 19, 2018 Preliminary Plan submission. The project proposes to treat the 106,014 square feet (2.43 acres) of new developed area (43,494 square feet (0.99 acres) impervious area) with two (2) underdrained filter basins, one (1) bio-retention cell and roof drip edges on each building.*
- In an email dated December 3, 2018, Town Engineer Jon Earle P.E., noted that the project meets the Chapter 500 Basic, General, and Flooding Standards. He notes that the impervious area is just slightly below the threshold for a stormwater permit (66 SF) so Code Enforcement should ensure that the building permits plans are identical to footprints on the subdivision plan.*

D. TRAFFIC

- The development will have access from the new 750 foot subdivision street.*
- Per Section 911.M.5.a.6 (pg 9-58) access drive standards for condominium subdivisions shall meet the major private road standard (right-of-way width is not applicable).*
- Sight distance in each direction for the proposed street on the existing public street should be shown on the Preliminary Plan.*
- 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 required.*
- 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 July 23, 2018 preliminary plan submission states that the based on the ITE Trip Generation Manual the proposed 12 residential lots are expected to generate 12 peak hour trip-ends and generate 120 daily vehicle trips.*
- The July 23, 2018 preliminary plan submission states vehicle sight distance at the proposed driveway intersection with Route 202 looking right and left is over 700 feet.*
- A road plan and profile, prepared by DM Roma Consulting Engineers, dated July 23, 2018, shown on Sheet PP-1, was submitted as part of the Preliminary Plan.*
- The road plan and profile (Sheet PP-1) and details (Sheet D-1) dated July 23, 2018 propose constructing the road with 2-10' travel lanes, 2' paved shoulders on each side, and a 2' gravel should on the non-sidewalk side of the drive.*
- In an email dated August 17, 2018, Town Engineer Jon Earle P.E., asked for clarification on the roadway cross section on Sheet D-1 and the detail shown on Sheet D-2, that the sight distance be shown on the plan and that the trip generation number are*

conservative and for single family home and could be reduced referencing the trip generation from senior housing or condo/townhouses.

- A revised roadway section shown on Sheet D-1 of the September 4, 2018 plan set meets the Major Private Road standard for travel lane and shoulder widths and materials. Note 13 on the plan states that the road shall remain private.
- A revised road plan and profile, prepared by DM Roma Consulting Engineers, dated November 19, 2018, shown on Sheet PP-1, was submitted as part of the Preliminary Plan.
- In an email dated December 3, 2018, Town Engineer Jon Earle P.E., asked for updated trip generation based on the two additional proposed dwelling units. He noted that total will remain below the Town's threshold for a traffic impact study. He also requested a stop sign location and detail.

E. SEWERAGE

- The development will be served by individual private subsurface wastewater disposal systems.
- Soil test pit analysis included in subsurface wastewater disposal system applications (HHE-200) prepared by Mark J. Hampton, LSE CSS of Mark Hampton Associates, Inc dated August 18, 2018 show that the property has adequate soils to support a private septic system.
- Test pit/septic system locations are shown on the plan. A septic system to serve Units 1 and 2 is located off Route 202. A septic system to serve Units 3-12 is located behind Units 9/10 & 11/12.
- Soil test pit analysis was included in subsurface wastewater disposal system applications (HHE-200) prepared by Stephen Marcotte, CG, LSE of Summit Geoengineering Services dated November 12, 2018.
- Septic locations are shown on the plan. Septic system A to serve Units 1-4 is located off Route 202 and has advanced treatment. Septic system B to serve Units 5 and 6 is located near Route 202 across from the subdivision street from Units 3&4. Septic System C to serve Units 4-10 is located behind Units 9/10 & 11/12 and has advanced treatment. Septic System D to serve Units 11-14 is located at end of the street behind Units 13&14.

F. SOLID WASTE

- Residents of the two 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 and wooded.
- There are no documented rare botanical features or significant wildlife habitat documented on the site.
- Street trees are shown on the Plan and Profile Sheets PP-1 and PP-2 of the preliminary plan set.
- Limits of tree clearing are shown on the preliminary plan. Note 12 on the plan states that clearing of trees is not allowed in areas where tree cover is depicted on the plan for a period of at least five (5) years from the date of Planning Board approval.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- *Comprehensive Plan:*
- *The plan does meet the goals of the 2017 Comprehensive Plan. The property is located the Windham Center growth area.*
- *Land Use Ordinance:*
- *All lots meet the minimum lot size (50,000 square feet) and frontage (150 feet) for lots in the FR zoning district.*
- *Net residential density calculations are shown on the Plan.*
- *The proposal meets the net residential density requirements and the setback requirements of the RCCFO district.*
- *District Standards, Section 407.E. The project meets the standards of the RCCFO zoning district.*
- *Buildings shall be designed that do not turn their back on the existing road.*
- *Building elevations were included in the submission dated September 4, 2018.*
- *Retirement Community dwellings shall be limited to 3 or fewer bedrooms per dwelling unit.*
- *Submitted septic designs are for 2-bedroom units.*
- *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.*
- *Condominium association documents should be provided with the Final Plan submission and must specify the rights and responsibilities of each owner with respect to the maintenance, repair, and plowing of the subdivision streets, open space and stormwater infrastructure.*
- *Others:*
- *Chapter 221 Street Naming and Addressing: A street name approved by the Town Addressing Officer shall be shown on the Final Plan.*

I. FINANCIAL AND TECHNICAL CAPACITY

- *The expected construction costs to complete the required site improvements was included in the July 23, 2018 preliminary plan submission. A letter dated August 22, 2018 from Bruce J Cort, EA of Cort & Small LLC, 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 divided between the Pleasant River, the Town's priority watershed, and Black Brook watersheds.*
- *At the Planning Board meeting on September 24, 2018 the Board requested that the application obtain a field determination from Maine DEP related to questions about a stream located in the mapped wetland area.*
- *The revised plan dated November 19, 2018 relocates the road to show a forested buffer adjacent to the wetlands.*
- *The project will not adversely impact any river, stream, or brook.*

CONCLUSIONS

1. *The proposed subdivision will not result in undue water or air pollution.*
2. *The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the site plan.*
3. *The proposed subdivision will not cause an unreasonable burden on an existing water supply.*
4. *The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.*
5. *The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.*
6. *The proposed subdivision will provide for adequate sewage waste disposal.*
7. *The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste.*
8. *The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.*
9. *The proposed subdivision conforms with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.*
10. *The developer has adequate financial and technical capacity to meet the standards of this section.*
11. *The proposed subdivision is situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.*
12. *The proposed subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.*
13. *The proposed subdivision is not situated entirely or partially within a floodplain.*
14. *All freshwater wetlands within the proposed subdivision have been identified on the plan.*
15. *Any river, stream, or brook within or abutting the subdivision has been identified on any maps submitted as part of the application.*
16. *The proposed subdivision will provide for adequate storm water management.*
17. *If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.*
N/A
18. *The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.*
19. *For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will/will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located. (N/A)*
20. *Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.*

CONDITIONS OF APPROVAL

1. *Approval is dependent upon, and limited to, the proposals and plans contained in the application dated July 7, 2018, as amended November 19, 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 Griffin Bourassa.

Vote: All in favor.

Nick Kalogerakis made a motion to take agenda items out of order.

Seconded by Drew Mayo.

Vote: All in favor.

- 8 [PB 19-018](#) 18-41 Anglers Road Commons Apartments. Major subdivision preliminary plan review. Tim Clinton to request review of a mixed-use development consisting of forty-four (44) units in twenty-two (22) duplexes. The property in question is located at Anglers Road identified on Tax Map: 80, Lot: 66, Zone: Commercial 1 (C-1) and Aquifer Protection Overlay District B (APB).

Attachments: [18-41 Anglers Road Commons Prelim 02-21-2019.pdf](#)
[Peer Review Anglers Rd Commons 02-15-2019.pdf](#)
[Anglers Road Commons Apartments Plan Set 2019 2 4.pdf](#)
[Anglers Road Commons Apartments Preliminary Subdivision Application 2019 2 4.pdf](#)

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

- *The property in question was the six acre parcel of the proposed Anglers Road Subdivision.*
- *They proposed 44 residential dwelling units.*
- *They proposed an 850 foot long loop road, using the first existing curb cut and tying back in to Anglers Road. The road would be designed for the C1 zone residential standard with 20 feet of pavement, curbing, and a four foot sidewalk on one side*
- *Each building would have a septic tank. Effluent would proceed to a pump station, advanced treatment units, and then to two stone bed systems.*
- *The stormwater permit application had been submitted to DEP. Stormwater would be managed through collection and infiltration of rainwater. An existing infiltration basin along Anglers Road would be replaced.*
- *A traffic study was being completed. The Anglers Road intersection was signalized.*
- *They proposed a 5 foot wide paved trail from the sidewalk to the common property line with Donnabeth Lippman park.*
- *The buildings would be two story and contain two and three bedroom units.*
- *There would be street trees and additional landscaping along the roadway.*
- *They requested three waivers.*
 - o *The high intensity soils survey. Intensive soil exploration had already been done. It was unlikely they would gain any more information from the soil survey.*
 - o *Phosphorous impact analysis. The information had been submitted to DEP. The phosphorous standard was a different way of calculating the stormwater treatment requirement. DEP preferred it for this size project. Their design treated more than 95% of the site.*
 - o *The street design standard. They were required to have two means of road access because they proposed more than 30 units. However, C1 zoning only allowed one curb*

cut.

The Board commented:

- The phosphorous standard must be in place for a reason.
- It was good to have a sidewalk.
- Would the trail to the park be for public use?
- The street's paved travel way should be 22 feet wide to accommodate on street parking and plowed snow in the winter.
- When the power went out would effluent overflow the pump station?

Griffin Bourassa made a motion to approve the waiver request for the high intensity soils survey submission requirement.

Seconded by Drew Mayo.

Vote: All in favor.

Griffin Bourassa made a motion to approve the waiver request for the phosphorous impact analysis submission requirement.

Seconded by Drew Mayo.

Vote: Four in favor. Drew Mayo opposed.

Griffin Bourassa made a motion to approve the waiver request from the C1 street standard requirement for one curb cut.

Seconded by Drew Mayo.

Vote: All in favor.

The Board recessed.

Meeting went into Recess

Meeting Reconvened

- 9 [PB 19-019](#) 18-31 Cook Road Retirement Community. Major subdivision and site plan preliminary plan review. Jim Cummings to request review of a 46 unit residential subdivision in eighteen (18) duplexes, one (1) six-unit building and one (1) four-unit buildings. The property in question is located at Cook Road and 306 Gray Road and identified on Tax Map: 9, Lot: 5, Zone: Farm (F) and Retirement Community and Care Facility Overlay District (RCCFO).

Attachments: [18-31 Cook Road Retirement Community Prelim 02-21-19.pdf](#)
[Cook Road Retirement Response 02-14-2019.pdf](#)
[Peer Review Cook Rd Retirement 02-13-2019.pdf](#)
[Cook Rd Traffic Impact Study 2-5-2019.pdf](#)

Larry Bastian, from Terradyne Consultants, was present representing the applicant. He explained:

- The traffic study had been completed. The conclusion was the Cook/Gray Roads

intersections would continue to operate at the highest level of service. There was no requirement for a turning lane in Gray Road.

- The property drained to Black Brook.
- Portland Water District would serve the site.
- The six unit and four unit buildings would be sprinklered.
- Wastewater disposal would be through 11 separate disposal areas, most with advance treatment systems, some with nitrate level treatment.
- Stormwater management was two underdrain soil filter basins and a gravel wetland. Pre and post development flows would be less than predevelopment levels as they left the property.
- Openings in vegetation, between the street and buildings, would be filled with evergreen trees as a buffer.
- Additional lighting would be provided inside the site.

Nick Kalogerakis made a motion that the preliminary subdivision application for project 18-31 Cook Road Retirement Community 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 are not fully addressed.

Seconded by Drew Mayo.

Vote: All in favor.

Nick Kalogerakis made a motion that the Preliminary Subdivision application for 18-31 Cook Road Retirement Community on Tax Map: 9, Lot: 5 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 November 19, 2018 submission includes a nitrate-nitrogen assessment dated November 17, 2018 prepared by Stephen Marcotte, CG, LSE of Summit Geoengineering Services that concludes that the proposed subsurface wastewater disposal systems serving the proposed Cook Road Retirement Community will not result in an increase of nitrate-nitrogen above 10 mg/L in groundwater at the property boundary.
- In an email dated December 3, 2018, Town Engineer Jon Earle P.E., asked if a plan showing the nitrate plumes at each disposal field location would be provided.
- A nitrate plume plan was included in the December 17, 2018/January 2, 2019 submission. It also identifies that all disposal fields are located in the Black Brook watershed and private drinking water wells on abutting properties are more than 200 feet from the proposed disposal fields.
- In an email dated December 21, 2018, Town Engineer Jon Earle P.E., notes that the nitrate plumes leaving each of disposal fields do not exceed 10 mg/L at the property line.

B. WATER

- The development will be served by public water for domestic use.
- A written statement from the Portland Water District verifying that there is public

water in proximity to the subdivision must be submitted with the Preliminary Plan.

- The November 19, 2018 submission states that plans have been sent to the Portland Water District for review.
- The January 2, 2019 submission states the Portland Water District reviewed the plans and provided comments, which have been included in the Utility Plan.
- 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.
- Existing fire hydrants are located on Gray Road at the southern corner of the intersection of Webb Road and to the north in front of 313 Gray Road.
- At the Development Team Meeting on October 1, 2018 Deputy Fire Chief John Wescott stated that new hydrant locations would depend on where a new water main was proposed but in general they request they are located approximately 1,000 feet from the existing hydrants. Proposed hydrants should be shown on the plan. Fire Chief Brent Libby also commented that the 4-unit buildings would require sprinkler systems, per the state building code.
- The Utility Plan shown on Sheet C-3.0 of the Preliminary Plan set dated November 18, 2018 shows a proposed hydrant located north of the intersection of the proposed subdivision streets, approximately 250 feet from Gray Road

C. SOIL EROSION

- An erosion and sedimentation plan, prepared by Terradyn Consultants, LLC dated November 18, 2018, has been submitted as part of the Preliminary Plan on Sheet C-2.0. Notes and details are shown on Sheet C-5.2.
- 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.
- This project requires a Maine Department of Environmental Protection (DEP) Chapter 500 Stormwater Permit, which must be submitted with the Final Plan.
- Freshwater wetlands have been identified on the plan. The preliminary plan identifies one area of wetland alteration of 4,660 square feet.
- 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.
- A stormwater management plan has been submitted as part of the November 19, 2018 Preliminary Plan submission. The project proposes to treat the 5.93 acres of developed area and 2.77 acres of total proposed impervious area with three (3) underdrained filter basins, two (2) gravel wetlands and selectively placed roof drain filter strips. A treatment table is shown on the Post Development Watershed Map on Sheet C-6.1.
- The subdivision plan should note which buildings require roof drain filter strips.
- The maintenance plan of stormwater management facilities identifies the Cook Road Retirement Community Owners Association has the party responsible for maintenance of all stormwater management structures.
- In an email dated November 30, 2018, Town Engineer Jon Earle P.E., noted that the project meets the Chapter 500 Basic and General standards but in regard to the Flooding Standard he requested the HydroCAD calculation for the predevelopment conditional to verify the table in the stormwater report narrative.
- The December 17, 2018/January 2, 2019 submission notes on Sheet C-2.0 that roof drain filter strips are to be installed at Units 1-10, 31-36, 23-30, and the club house. HydroCAD output was also submitted.
- The roof drain filter strip note must be shown on the subdivision plan prepared for recording and submitted with the Final Plan.
- In an email dated December 21, 2018, Town Engineer Jon Earle P.E., notes that the

HydroCAD output concur with peak flows listed in the stormwater management report.

- The road cross section changed in the December 17 submission from the November 19 submission, but the December 31 revised plan returns to the road cross section/stormwater management report from November 19 so the project still meets the DEP Chapter 500 standards.*
- In an email dated December 21, 2018 Town Engineer Jon Earle P.E., asked if LIDAR data was used as the basis for the existing conditions topography. If so, the final plan submission should include field survey/verification of the constructed stormwater BMPs.*
- The January 2, 2019 submission suggests that the requirement for ground topographic survey at gravel wetland #1, gravel wetland #2 and filter basin #1 be made a condition of preliminary plan approval.*
- In an email dated February 13, 2019 Will Haskell, P.E of Gorrill-Palmer asked if a note had been added to the plan to require a field survey at the stormwater BMP's to verify the Lidar topography.*
- In a response to comments dated February 14, 2019, the applicant state that the survey date file was re-checked and found that the 1-foot contours are based on ground survey, not LiDAR, so no additional ground survey is needed at the stormwater BMP locations.*

- TRAFFIC**

- The development will have access from the new internal network of subdivision streets. These streets will connect Gray Road and Cook Road, public paved roads.*
- Per Section 911.M.5.a.6 (pg 9-58) access drive standards for condominium subdivisions shall meet the major private road standard (right-of-way width is not applicable).*
- Sight distance in each direction for the proposed street on the existing public streets should be shown on the Preliminary Plan.*
- 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 units.*
- The preliminary plan dated November 19, 2018 shows streetlight at the intersections of Cook Road and Gray Road and at the dead ends of the proposed subdivision streets. Section 911.M.3.d states that additional streetlights beyond at the intersections with public streets shall be discouraged to avoid excessive light pollution.*
- The revised preliminary plan dated December 31, 2018 shows streetlights at the intersections of Cook Road and Gray Road.*
- Based on the distance to uses that would generate pedestrian trips, sidewalks are not required.*
- The sketch plan shows the roads with a 4 foot wide paved shoulder for pedestrian access as well as a 4 foot wide bituminous sidewalk in front of Units 1-20. At the Development Team Meeting on October 1, 2018 Project Engineer Larry Bastian stated that the sidewalk would be removed from the plan to reduce the amount of impervious area on the site.*
- The preliminary plan shows seven (7) 9'x18' parking spaces for the 1,040 square foot club house. 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 ordinance requires that 30% of the spaces are 10'x20'.*
- The December 31, 2018 revised plan shows three (3) 10'x20' parking spaces at the clubhouse in addition to six (6) 9'x18' parking spaces. Any additional parking for clubhouse activities could be accommodated with on-street parking.*
- 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 requested a waiver from this submission requirement in the submission dated January 2, 2019.

- The November 19, 2018 preliminary plan submission states that the based on the ITE Trip Generation Manual this development will result in approximately 3 trips during the AM peak hour and approximately 5 trips during the PM peak hour. The total number daily trips should be provided.
- The January 2, 2019 preliminary plan submission states that the development will generate 158 total daily trips, 18 AM trips, and 16 PM trips.
- Road profiles, shown on Sheets C-4.0 and C-4.1, and typical road sections at wetland crossings and outside wetland crossings, shown on Sheet C-5.0, prepared by Terradyn Consultants LLC, dated November 19, 2018, was submitted as part of the Preliminary Plan.
- The road cross sections propose a 12' travel lane with a 3' gravel shoulder and a 10' travel lane with a 4' paved shoulder on the curbed side.
- The proposed cross section exceeds the required Major Private Road standard of 10' travel lanes, 2' paved shoulders, and 2' secondary gravel shoulder without curb. The standard private road note should be added to the plan.
- In an email dated November 30, 2018, Town Engineer Jon Earle P.E., stated that the provided peak hour trip generation seems low and asked for clarification that the project does not required a traffic impact analysis. He also asked that sight distances at the intersection on Cook Road and Gray Road be provided.
- The road cross section changed in the December 17 submission from the November 19 submission, but the December 31 revised plan returns to the road cross section from November 19. Sight distances are shown on the revised plan dated December 31, 2018.
- In an email dated December 21, 2018 Town Engineer Jon Earle P.E., stated that the request to waive the traffic impact study is reasonable as a study would not add any apparent value and offsite improvements are not necessary for this level of development.
- A Traffic Impact Study dated February 2019 prepared by William Bray, P.E. It notes that 46 senior condo units can be expected to generate 158 daily trips; 9 trips in the morning peak hour, 12 trips during the afternoon peak hour, and 14 trips during a typical Saturday peak hour. The proposed site access driveway on Gray Road and on Cook Road, and the Gray Road/Cook Road intersections are expected to operate at the best level of service in post-development travel conditions. No left-turn lanes are warranted.
- In an email dated February 13, 2019 Will Haskell, P.E of Gorrill-Palmer had no comments on the traffic impact study.

E. SEWERAGE

- The development will be served by individual private subsurface wastewater disposal systems.
- Soil test pit analysis included in preliminary septic system investigation report prepared by Stephen Marcotte, CG, LSE of Summit Geoengineering Services dated November 17, 2018 show that the property has adequate soils to support private septic systems.
- Ten (10) septic system locations are shown on the preliminary subdivision plan. Test pit locations are shown on Sheet C-2.0 of the December 31, 2018 preliminary plan set.

F. SOLID WASTE

- As part of the final plan submission the applicant should specify if the residents of the dwellings will participate in the Town's pay-per-bag garbage program or if a private on-site dumpster will be provided. A dumpster location should be shown on the plan and screening detail provided.

G. AESTHETICS

- The site is mostly wooded and containing a single family dwelling with a detached garage. The existing buildings will be demolished to accommodate the proposed development.
- 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). Streets trees are shown on the December 31, 2018 preliminary plan.
- Limits of tree clearing are shown on the preliminary plan. Note 8 on the December 31, 2018 preliminary plan states that clearing of trees is not allowed in areas where tree cover is depicted on the plan for a period of at least five (5) years from the date of Planning Board approval.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
- The plan does meet the goals of the 2017 Comprehensive Plan.
- Land Use Ordinance:
- All lots meet the minimum lot size (80,000 square feet) and frontage (250 feet) for lots in the Farm zoning district.
- Net residential density calculations must be shown on the plan. They are shown on the December 31, 2018 Preliminary Plan.
- The proposal meets the net residential density requirements and the setback requirements of the F and RCCFO districts.
- District Standards, Section 407.E. The project must meet the standards of the RCCFO zoning district.
- Buildings shall be designed that do not turn their back on the existing road.
- Building elevations must be included with the Final Plan submission.
- Multifamily dwellings: The minimum setback from the external perimeter of the overall site shall vary depending on the height of the building. Building height 0-35 feet minimum setback 100 feet, building height 31-35 feet, minimum setback 150 feet.
- Retirement Community dwellings shall be limited to 3 or fewer bedrooms per dwelling unit.
- Submitted septic designs are for 2-bedroom units.
- Retirement Community Performance Standards, Section 544.
- The retirement community shall meet the standards established in 42 U.S.C.A §4607 for housing for older persons: The property owner shall notify the Department of Code Enforcement when compliance reports have been submitted to the U.S. Department of Housing and Urban Development (HUD).
- If not part of the association documents, draft deed restrictions should be provided with the Final Plan that demonstrate that dwellings are intended and operated for occupancy by persons 55 years of age or older.
- 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.
- Condominium association documents should be provided with the Final Plan

submission and must specify the rights and responsibilities of each owner with respect to the maintenance, repair, and plowing of the subdivision streets, open space and stormwater infrastructure.

- *Others:*
- *Chapter 221 Street Naming and Addressing: The street names shown on the November 19, 2018 and December 31, 2018 preliminary plan have not been approved by the Town. Street names approved by the Town Addressing Officer shall be shown on the Final Plan.*

I. FINANCIAL AND TECHNICAL CAPACITY

- *A letter dated January 10, 2019 from Brian C. Desjardins, Vice President Commercial Lending at Bath Savings Bank was included in the preliminary plan submission 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 in both the Black Brook watershed and the Pleasant River watershed, the Town's priority watershed. The January 2, 2019 preliminary plan submission includes a plan with the watershed divide and states that the project site is located primarily in the Black Brook watershed and a small area (0.8 ac) drains to the Pleasant River.*
- *The project will not adversely impact any river, stream, or brook.*

CONCLUSIONS

- 1. The proposed subdivision will not result in undue water or air pollution.*
- 2. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the site plan.*
- 3. The proposed subdivision will not cause an unreasonable burden on an existing water supply.*
- 4. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.*
- 5. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.*
- 6. The proposed subdivision will provide for adequate sewage waste disposal.*
- 7. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste.*
- 8. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.*
- 9. The proposed subdivision conforms with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.*
- 10. The developer has adequate financial and technical capacity to meet the standards of this section.*
- 11. The proposed subdivision is situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.*

12. The proposed subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed subdivision is not situated entirely or partially within a floodplain.
14. All freshwater wetlands within the proposed subdivision have been identified on the plan.
15. Any river, stream, or brook within or abutting the subdivision has been identified on any maps submitted as part of the application.
16. The proposed subdivision will provide for adequate storm water management.
17. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.
N/A
18. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
19. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will/will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located. (N/A)
20. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.

CONDITIONS OF APPROVAL

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated September 13, 2018, as amended February 14, 2019, 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 Griffin Bourassa.

Vote: All in favor.

- 10 [PB 19-020](#) 18-28 Windleigh Ridge Subdivision (formerly Nash Road Subdivision). Minor subdivision final plan review. Daigle Financial & Development LLC to request review of a three (3) lot residential subdivision. The property in question is located at 3 Nash Road and identified on Tax Map: 9, Lots: 34, 34-B1, and 34-B2, Zone: Farm (F).

Attachments: [Peer Review Newbury Ridge 02-25-2019.pdf](#)
[18-28 Windleigh Ridge Final 02-21-19.pdf](#)
[Newbury Ridge Subdivision Response to Comments 2019-02-22.pdf](#)
[Newbury Ridge Subdivision Plans 2019_2_21.pdf](#)
[Peer Review Windleigh Ridge 02-19-2019.pdf](#)
[Windleigh Ridge Subdivision Response to Comments 2019_2_11.pdf](#)
[holly Tubbs Sight distance Nash Rd.pdf](#)

Dustin Roma, a civil engineer with DM Roma Consulting Engineers, was present

representing the applicant. He explained:

- They requested a name change for the subdivision to Newberry Ridge Subdivision.
- There had been a question of right, title or interest for the possible fourth lot. The entities were now separate. It was a three lot subdivision.
- Peer review had been completed.
- Site distance at the driveway had been questioned. The proposed intersection would be moved approximately 30 feet up the hill.
- The hammerhead had been altered to provide appropriate road frontage for the three lots.

Amanda Lessard explained:

- There were some revised stormwater calculations to review.
- A waiver may be required for the new road alignment for the tangent between two curves.
- The town should verify the site distance.

Griffin Bourassa made a motion to vote again on the waiver for road performance standards.

Seconded by Drew Mayo.

Vote: All in favor.

Drew Mayo made a motion that the application for project 18-28 Windleigh Ridge Subdivision was found complete in regard to the submission requirements based on the application checklist, but the Planning Board retained the right to request more information where review criteria were not fully addressed.

Seconded by Griffin Bourassa.

Vote: All in favor.

- 11 [PB 19-022](#) 17-23 Durant Homestead. Major subdivision final 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 Final 03-07-2019.pdf](#)
[Durant Homestead response 03-07-2019.pdf](#)
[Peer Review Durant Homestead 03-06-2019.pdf](#)
[2019-03-04 Durant Homestead Response to Comments Final Subdivision Application.pdf](#)
[Peer Review Durant Homestead 02-14-2019.pdf](#)
[2019-01-28 Final Major Subdivision Application Durant Subdivision.pdf](#)

Kirk Ball, of Acheron Engineering, was present representing the applicant. He explained:

- DEP had issued the site law and NRPA permits.
- Army Corp of Engineers had granted the permit for the wetland crossing and impact.
- They requested:
 - o A waiver for the well setbacks from the travelled way. There were four lots where they couldn't meet the requirement. It was better to have them closer to a travelled way as opposed to a predicted high nitrate area or closer to a disposal bed.
 - o A waiver for the street design standards. The grading plan in critical grading areas

showed 1=20 and 1=30.

Amanda Lessard explained:

- Staff was comfortable with the waiver request for well setbacks. The CEO preferred a waiver for setbacks to variances.
- Extension of public water to the subdivision was not required, based on the number of lots.

The Board commented:

- It was difficult to grant a waiver for wells when the number of lots had been reduced to avoid the requirement for public water.
- There would be a ditch that would interrupt the water from running into the well.

Griffin Bourassa made a motion to grant the waiver of street design drawing performance standards.

Seconded by Kaitlyn Tuttle.

Vote: All in favor.

Griffin Bourassa made a motion to grant a waiver from the well location setback requirement.

Seconded by Kaitlyn Tuttle.

One in favor. Kaitlyn Tuttle, Nick Kalogerakis, Drew Mayo, and Griffin Bourassa opposed.

- 12 [PB 19-023](#) 18-17 CRR Landscaping. Major site plan sketch plan review. C& E Enterprises LLC 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 Final 03-06-19.pdf](#)
[Peer Review_CRR Landscaping_03-01-2019.pdf](#)
[C&E Properties L28066AN.PDF](#)
[CRR_development summary_2018-11-09.pdf](#)
[CRR Landscaping Plan Set.pdf](#)
[CRR Landscaping Submittal to Town 2018-11-05.pdf](#)

Amanda Lessard explained:

- The project was under the threshold for a DOT traffic movement permit and also under the town's requirement for a traffic study.
- Some peer review comments had not been addressed:
 - o Would the bins be enclosed? How would material be prevented from infiltrating the stormwater system?
 - o There were questions about the site distance at the entrance.
 - o Plans, drawn by a design professional, were required for the block retaining wall.

Mr. Seymour explained:

- The block retaining wall was to prevent wetland impacts.

- *There was an isolator row to keep material away from the sand. He recommended maintenance three or four times a year.*
- *It was mostly a seasonal operation. He assumed the hours of operation would be 8 to 5 or 6.*
- *Equipment would be stored in the center of the site.*

Consensus of the Board was to allow public comment.

Todd Gartsu, Discovery Way. Was there a chance the horse manure would get not Highland Lake?

Mr. Seymour replied it would be composted and harmless. Additionally, they were not in the lake watershed.

Drew Mayo made a motion that the site plan application for project 18-17 CRR Landscaping was found complete in regard to the submission requirements based on the application checklist, but the Planning Board retained the right to request more information where review criteria were not fully addressed.

Seconded by Griffin Bourassa.

Vote: All in favor.

Drew Mayo made a motion that the Site Plan application for 18-17 CRR Landscaping on Tax Map: 25, Lots: 9A-3A1 and 9A-3B2 was to be approved with conditions with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- *The site is currently undeveloped but was recently filled and leveled.*
- *The project is located on a 1.69 acre parcel, to be created from the merger of two existing lots of less than one acre each. A condition of approval on the 2011 amended subdivision plan states that Lots 3.1 and 3.2 must be combined prior to the issuance of building permits.*
- *The proposed 34,000 square foot landscaping material and equipment storage yard will be served by office space located in the existing building owned by the applicant on the abutting property at 2 Self Storage Drive.*

Vehicular and Pedestrian Traffic

- *Vehicular access will be via Self Storage Drive. Note 9 on the Sketch Plan states that access will be obtained internally through an existing 50' access easement over Lot 3.3.*
- *A sidewalk is not required for this project's frontage along Route 302, as there are no residential, recreational, or commercial facilities in the vicinity that would benefit from such a sidewalk. There are also no schools, bus stops, or existing sidewalks, or parks or open space on or adjacent to the site.*
- *No parking spaces are shown on the sketch plan, but the narrative describes space for up to 20 spaces along with various equipment pieces for employee and customers. The applicant is proposing the office/administrative space associated with the landscaping use be located at 2 Self Storage Drive, which is also owned by the applicant and is occupied by the Coastal Road Repair offices.*

- The sketch plan shows a 20' paved gated access on Route 302 for delivery and EMS only. Additional detail on this entrance should be provided and site distances should be shown on the final plan.
- The Final Site Plan calls out the entrance to Lot 9A3-C3 as the paved primary site entry for use by all patrons. The gated entrance at Route 302 is called out on the final plan as a paved access drive for deliveries and EMS only. A stop sign and breakaway gate detail is shown on Sheet 9. A truck turning radius figure was included in the final plan submission dated November 5, 2018.
- The final site plan narrative describes space for 20 parking spaces and the final site plan labels 35 parking spaces.
- In an email dated March 1, 2019, Owen Chaplin P.E. of Gorrill-Palmer, requested an estimated number of daily and peak hour trips to be generated from the project and sight distance at the proposed southerly and existing northerly entrances be shown on the plan; asked for clarification on the number of parking spaces and to show an ADA space and for details on the construction of the parking lot islands.

Sewage Disposal and Groundwater Impacts

- No wastewater will be generated by this use, as no restroom facilities are proposed.

Stormwater Management

- Per Section 812.E., a stormwater plan needs to be submitted that meets the standards DEP Chapter 500 Stormwater Management.
- This project requires a Maine Department of Environmental Protection (DEP) Chapter 500 Stormwater Permit. The permit must be submitted as part of the Final Plan.
- A DEP Tier 1 NRPA permit is required for impacting over 5,000 square feet of wetlands.
- A stormwater management plan has been submitted as part of the November 5, 2018 Final Plan submission. The proposed development will create approximately a total of 42,566 square feet of new developed area and 35,793 square feet of new impervious area and will treat the runoff with one (1) subsurface sand filter basin to treat 100% of the new impervious surfaces and 85.67% of the new developed areas. BMP Construction Plan is shown on Sheet 5 of the final plan set. The applicant will be responsible for the maintenance of the stormwater facilities.
- A DEP permit is not required since the project will not disturb more than one (1) acre of land area.
- A Natural Resources Protection Act Permit #L-28066-TB-A-N (after-the-fact) was issued by the Maine Department of Environmental Protection on February 11, 2019 for approximately 7,729 square feet of total wetland impacts.
- In an email dated March 1, 2019, Owen Chaplin P.E. of Gorrill-Palmer, stated that the stormwater quantity and quality calculations appear to meet Town requirements. He stated that is unclear how the landscaping materials will be contained and asked how the applicant will prevent the stockpiled materials from entering the stormwater system. He also recommended that designs plans for the Modular Block Retaining Wall should be provided prior to the start of construction as a condition of approval. See Condition #2.

Erosion Control

- An erosion and sedimentation plan, prepared by Sebago Technics, dated November 5, 2018, has been submitted as part of the Final Plan. Notes and details are shown on Sheet 7.

Utilities

- The site may be served by public water depending on if there is a need for a watering supply or hosing down of equipment. An Ability to Serve Letter from the Portland Water District must be submitted with the Final Plan.
- Electrical service will be brought to the site from Route 302. Utility lines must be placed underground.
- The final plan narrative states that there is no need for public water and there will be underground electrical service provided from the existing poles located along Roosevelt Trail for potential lighting of the lot and entrance areas. The Final Plan set does not show any proposed underground electric or any proposed lighting locations.
- The closest fire hydrant on Route 302 is just north of the Pope Road intersection, approximately 840 feet from the project location.

Financial and Technical Capacity

- A letter dated December 4, 2018 from Mara Pennell, Vice President of Commercial Lending at Bath Savings Institution, has been provided as evidence of financial capacity to complete the project as proposed.
- The applicant has provided information on the licensed professionals working on this project as evidence of technical capacity.

Landscape Plan

- A Landscape Plan with a detailed plant list was included on Sheet 6 of final plan set dated November 5. A chain link fence is shown on the site plan and detail on Sheet 9.
- The ordinance requires that exposed nonresidential storage areas shall have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets. The Planning Board should determine if the landscaping material storage area is sufficiently screened from the public street.

Conformity with Local Plans and Ordinances

1. Land Use

- The project meets the minimum lot size and setback requirements of the C-3 zoning district.
- Service Business, Landscaping is a permitted use in the C-3 zoning district.
- The proposed emergency gravel access entrance on Route 302 meets the performance standards for a curb cut in the C-3 district.

2. Comprehensive Plan

- This project meets the goals and objectives of the 2017 Comprehensive Plan.
- Others: Design Standards, Section 813. The project must meet the design standards of the C-3 zoning district.
 - o The final plan submission narrative does not address the Standards in Section 813.
 - o An 8x8 attendant shelter is shown on the final site plan dated November 5, 2018. Building elevations should be submitted.
 - o A sign location is shown on the Landscape Plan Sheet 9. A sign detail should be submitted.
 - o Snow storage areas are not shown on the plan.

Impacts to Adjacent/Neighboring Properties

- *The sounds proposed by the activity on the site shall be limited by the time period and by the abutting land uses listed in the ordinance.*
- *No exterior lighting is proposed.*
- *Impacts to nearby properties should be minimal, based on the proposed use.*

CONCLUSIONS

1. *The plan for development reflects the natural capacities of the site to support development.*
2. *Buildings, lots, and support facilities will be clustered in those portions of the site that have the most suitable conditions for development.*
3. *Environmentally sensitive areas, including but not limited to, wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and, sand and gravel aquifers will be maintained and protected to the maximum extent.*
4. *The proposed site plan has sufficient water available for the reasonably foreseeable needs of the site plan.*
5. *The proposed site plan /will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.*
6. *The proposed use and layout will 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*

CONDITIONS OF APPROVAL

1. *Approval is dependent upon, and limited to, the proposals and plans contained in the application dated June 12, 2018, as amended February 11, 2019, 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. *Design plans for the Modular Block Retaining Wall prepared by a professional engineer licensed in the State of Maine should be provided prior to the start of construction.*
3. *Maintenance on stormwater treatment would be doubled to four times a year.*

Seconded by Griffin Bourassa.

Vote: All in favor.

New Business

- 13 [PB 19-021](#) 19-02 Anglers Road Commercial Subdivision. Minor subdivision sketch plan review. Windham Economic Development Corporation to request review of a 3 lot commercial subdivision. The property in question is located at Anglers Road and identified on Tax Map: 80, Lots: 66 and 66-1, Zones: Commercial 1 (C-1) and Aquifer Protection Overlay District Zone B (APB).

Attachments: [19-02 Anglers Rd Comm Subdivision Sketch 02-21-19.pdf](#)
[Minor Subdivision Application - WEDC.pdf](#)
[WEDC Subdivision Plan.pdf](#)

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

- *The property was accessed from Anglers Road and had two curb cuts.*
- *One lot had been sold from the property. The proposal was to divide the remaining 7.5 acre parcel into a 1.5 acre lot and a 6 acre lot.*
- *There was an application before the Board which proposed apartments on the 6 acre parcel.*
- *Portland Water District had both domestic and fire protection service stubbed out in Anglers Road to both proposed lots.*
- *There was a natural gas line installed on the side of Anglers Road which stopped just short of the 1.5 acre lot. It would be extended to serve the 6 acre lot.*

Amanda Lessard explained the application represented a lot line division; there was no development proposed and a site plan would likely be required for both properties.

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

Other Business**14 Adjournment**

Nick Kalogerakis made a motion to adjourn.

Seconded by Griffin Bourassa.

Vote: All in favor.