



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Final

### Planning Board

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Monday, May 13, 2019

7:00 PM

Council Chambers

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#### 1 Call To Order

#### 2 Roll Call and Declaration of Quorum

*The meeting was called to order by Chair, David Douglass. Other members present were: Nick Kalogerakis, Kaitlyn Tuttle, Colin Swan, and Drew Mayo.*

*Planning Director Amanda Lessard, and Planner Jenn Curtis were also present.*

#### 3 [PB 19-046](#) Approval of Minutes: April 22, 2019

**Attachments:** [Minutes 4-22-19 - draft.pdf](#)

*Nick Kalogerakis made a motion to approve the minutes of the April 22, 2019 meeting.*

*Seconded Drew Mayo.*

*Vote: All in favor.*

### **Public Hearings & Continuing Business**

#### 4 [PB 19-047](#) 19-05 Woodside Condos Retirement Community Phase 2. Major subdivision preliminary plan review. Weld, LLC to request an amendment to an approved subdivision for an additional thirty-six (36) residential dwelling units in eighteen (18) duplexes. The property in question is located on Conifer Drive and identified on Tax Map: 9, Lots: 27K and 27E, Zone: Farm Residential (FR) and Retirement Community and Care Facility Overlay District (RCCFO).

**Attachments:** [19-05 Woodside Condos Retirement Phase 2 Prelim 05-09-19.pdf](#)

[Peer Review Woodside Condos 05-02-19.pdf](#)

[Woodside Condominium Preliminary Subdivision Application 2019 4 22.pdf](#)

[Woodside Condos Plan Set 2019 4 22.pdf](#)

[Sparky Hurgin Re Woodside Condo 3rd party site review.pdf](#)

[Sparky Hurgin Retirement Community Development 04-08-2019.pdf](#)

*Dustin Roma, of DM Roma Consulting Engineers was present representing the applicant. He explained:*

- *This was the second phase of the project. The site was 11 acres with frontage on*

*both Route 202 and Swett Road.*

- *They proposed a second access off of Route 202, via a 1,000 foot long road to serve the new units.*
- *Portland Water District was reviewing the plans for public water.*
- *The project would require a DEP Stormwater Permit.*
- *They proposed three additional stormwater basins and a stormwater buffer to treat run-off.*
- *They were working to provide natural gas to the project.*
- *The wastewater system would have a 6,000 gallon per day engineered system to treat water before it went to the leachfield. There would also be two smaller fields.*
- *They requested waivers of:*
  - o *The high intensity soil survey*
  - o *The traffic impact analysis*
  - o *The groundwater quality performance standard*
  - o *The road cross section standard*

*Public Comment:*

*Helen Hurgin, Swett Road – She had many concerns regarding the Pleasant River watershed and wildlife habitat. Groundwater would affect their well because the very large septic system abutted their property. She was concerned the well would be fouled. The Pleasant River Management Plan considered the river impaired because of low levels of dissolved oxygen and high bacteria counts. The river supported many wildlife habitats, fish and other aquatic life.*

*The Management Plan listed sources of impairment: fertilizer, insecticides, herbicides, oil, grease, toxic chemicals, run-off, sediment from construction, erosion in stream banks caused by flooding and stormwater discharges, salt and sand from private roads, and bacteria from pet waste and faulty septic systems. All examples of what a major subdivision would bring. It was really important that all vegetated areas next to the stream be kept because they helped to filter and protect water quality.*

*The topography was not appropriate for a major subdivision. She walked out there; it was all downhill to the stream. It was where they got their water from. The Board should consider the Management Plan when a major subdivision could further impair the Pleasant River. She wanted to be sure DEP made a stream designation, that the full stream was looked at, and that there would be no disturbance of vegetation within 75 feet of the stream.*

*Sparky Hurgin, Swett Road – He had looked at the results of tests they had done; they found ledge two feet down. Nothing would drain through ledge. Anything that was put on top of it would drain into the wetlands. He requested the Board not to waive the ground water study.*

*They had asked for a waiver of the traffic analysis but Mr. Hurgin thought a third party review had said they thought 172 trips per day was too low. He asked the Board not to waive the traffic analysis.*

*The town's subdivision ordinance, section 901, Purpose read, "Assuring that nonresidential and multifamily construction is designed and developed in a manner that assures that adequate provisions are made for traffic safety and access; emergency access; water supply; sewage disposal; management of storm water, erosion, and sedimentation; protection of groundwater; protection of the environment, wildlife habitat, fisheries, and unique natural areas; protection of historic and archaeological resources;*

*minimizing the adverse impacts on adjacent properties; and fitting the project harmoniously into the fabric of the community.” He didn’t see how it fit. There were farms on Route 202 and Swett Road and it had always been just woods behind the houses.*

*Mr. Roma spoke to the Hurgins’ concerns:*

- The septic’s proximity to wells - Part of their detailed evaluation was an analysis of all wells within 300 feet of the proposed leachfield. The Hurgins’ field was 150 feet away; their well would be included. The study looked at groundwater flow. It would be part of the final design and designed to meet the town’s surface water protection ordinance and its standards for groundwater impact as well as DEP’s standards for surface water protection. It was a big watershed and the specific report addressed overall plans to address that. Silt and sediment control was the responsibility of the owner and contractor during construction. The town had staff and consultants to evaluate the performance of erosion control measures. There were added inspections because it was in a stream watershed.*
- Vegetated Buffers - They would be maintained appropriate to the ordinance. A permit application had been submitted for the area of the filter basins and outlet pipe. Those were the areas of disturbance to create a berm for the detention pond that everything drained to. They felt that was a reasonable encroachment into the setback because it was not impervious area and it would be vegetated, and provide stormwater treatment and infiltration.*
- Topography – Grading plans had been prepared. Some areas were more challenging. They had carefully considered the topography of the site and only proposed buildings where they felt it was suitable. Shallow ledge conditions had different design needs and areas of shallow ledge were a concern when building stormwater ponds and infiltration basins on top of them. They proposed liners for the infiltration basins. Analysis under the leachfields was needed to provide adequate soil separation for the volume of water.*
- Traffic - Trip generation was done based on land use. The 172 trips over 24 hours were low compared to other uses. Dividing those trips between two means of access on the same road would be low impact. Additionally, it was far from intersections.*

*Amanda Lessard explained:*

- The requirement was that there could be no wells within 300 feet. If there were the assumption was that the well would be removed and replaced with a new one outside of 300 feet. The applicant needed to provide some documentation that the property own had agreed to relocation of their well.*
- The stream was not a shoreland zone stream that was regulated by the town; it was DEP’s jurisdiction.*
- The third party comment about the traffic count had been in regard to part of Phase 1 and a revision was done. It was not for this phase.*

*Rocky Ackroyd, Swett Road – He lived across the street from the development. There were three buildings within 1,000 feet which had been built in the 1700s. It had also been the driving opinion of Windham citizens in the Comp Plan that the rural character should be maintained. He was not sure there was another place with the same concentration in a place that was as rural and farmland like. Maybe the developer would consider doing something to minimize the impact, like single family homes.*

*There was a requirement for 55 plus development that only 80% of the units had to be 55 and older so 20% could be sold to anybody. The other piece was that you couldn’t prevent families with children from continuing to live there to achieve the 80%. Over a period of years this would defeat the purpose of a retirement community by allowing almost anyone to live there.*

*How would DEP be involved? He had concern about all the run-off that would run through the site to the Pleasant River.*

*Mr. Roma responded:*

- Rural nature/historic homes – They had consulted with the Maine Historic Preservation Commission regarding any adverse impact on historical properties. The Commission had concurred it was acceptable, based on what was proposed. Zoning densities would allow 92 to 93 units. They had proposed only the number that the land could support. The property was centralized and sat back off of the road. They were providing some separation between the backs of the buildings and the stream in the area of abutting back yards along Swett Road. There would be between 150 and 200 feet between the backs of the existing and proposed buildings. The use was encouraged by the town through zoning incentives because it was a needed use.*
- DEP involvement – DEP could go to the site during the permit review process. A DEP representative had been to the site to look at the portion of the stream during Phase 1. Phase 2 had mapped it as a stream and it would be reviewed for stormwater and a Permit by Rule.*

*Margaret Brown, Moses Little Drive – She was concerned about traffic and the waiver request. Would there be a turn lane? Would there be any decrease of the speed limit on Route 202? She travelled the road frequently and it wasn't always 40 mph. There were large trucks and with elderly pulling out onto the road she thought a waiver wasn't a great decision and should be looked at carefully.*

*Amanda Lessard explained:*

- There were criteria under the traffic study regarding what warranted a turn lane. The waiver request had stated there wasn't that amount of traffic generated.*
- They were proposing to pave the shoulder on Route 202 between the two entrances.*

*Mr. Hurgin asked what was the design to keep fertilizer and pesticides out of the wetlands?*

*Ms. Hugin stated vegetation in the 75 foot setback should not be touched.*

*Mr. Ackroyd asked about the plan to eliminate light pollution and the increased cost of ambulances for the elderly.*

*Mr. Roma said:*

- They weren't proposing any street lights.*
- Ambulances were part of the town's budget and there was a charge for an ambulance trip.*
- They had asked for a permit to encroach in the 75 feet in one area.*
- Lawn areas were small and there was a tree canopy. They didn't anticipate needing high amounts of fertilizer.*

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

*The Board commented:*

- Having the leach field near a well was a concern.*
- More information was requested regarding the six additional test pits.*
- The traffic impact analysis was requested.*
- Groundwater quality was a concern.*
- The waiver request for the road cross section was appropriate.*

- *There was concern with lots 21 and 22 filling wetlands.*
- *Would the cost of stormwater and septic maintenance remain with the association?*
- *Natural gas service was a good idea.*
- *Was there a need for overflow/visitor parking?*
- *The project was a good; there was a need.*
- *Would the applicant be willing to test all the wells for baseline?*
- *Could the application of fertilizer and pesticides be limited by the association?*
- *The site was more flat and dryer than had been expected,*

*Nick Kalogerakis made a motion for a five minute break*

*Seconded by Drew Mayo.*

*All in favor.*

*Meeting went into Recess*

*Meeting Reconvened*

## **Continuing Business**

- 5      [PB 19-048](#)      19-02 Anglers Road Commercial Subdivision. Minor subdivision final plan review. Windham Economic Development Corporation to request review of a 3 lot commercial subdivision. The properties 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 Final 05-08-19.pdf](#)  
[WEDC Subdivision - Final Minor 2019 4 19.pdf](#)  
[2019-04-18 DRAFT Anglers Road Development - Survey Plan.pdf](#)

*Dustin Roma, of DM Roma Consulting Engineers was present representing the applicant. He explained:*

- *They proposed to split a 7.5 acre property on Anglers Road. A .2 acre portion would be transferred to an abutter. A six acre lot was currently undergoing Board review for a subdivision, and the remaining 1.5 acre lot would be sold as undeveloped.*
- *Anglers Road was a town road.*
- *The site was served by public water.*
- *The pending application for the six acre lot would amend this subdivision.*

*Drew Mayo made a motion that the application for project 19-02 – Anglers Road Commercial 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 Nick Kalogerakis.*

*Vote: All in favor.*

*Drew Mayo made a motion that the Subdivision application for 19-02 – Anglers Road Commercial Subdivision on Tax Map: 80, Lot: 66 and 66-1 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 located over a significant sand and gravel aquifer.*
- *This application is for the division of the property only. As there are no uses proposed, there is no impact on stormwater or groundwater resources.*

*B. WATER*

- *A 12-inch water main runs past this subdivision along Anglers Road.*
- *All lots are proposed to be served by public water and would connect to the main in Anglers Road.*
- *Where no uses are proposed the application request will not have an impact on the demand for water supply for domestic or fire suppression needs.*

*C. SOIL EROSION*

- *A bioinfiltration pond, a critical component of the stormwater system for the Anglers Road Realignment project, is located on Lot 2. The easement area is shown on the subdivision plan.*
- *No new development is proposed as part of this application, so there is no anticipated soil disturbance or impacts on soil erosion or sediment leaving the subdivision boundaries.*

*D. TRAFFIC*

- *All lots have frontage on Anglers Road. Lots 1 and 2 have frontage on the newly constructed public portion of the street. The parcel that has already been sold out has frontage on the private road portion.*
- *No new development is proposed as part of this application. Driveway entrance locations and traffic generation will be determined during the individual lot development's site plan review.*

*E. SEWERAGE*

- *This application does not include a new private subsurface wastewater disposal (septic) system. Soil test pits are shown on the sketch plan. Supporting information should be submitted or the test pits removed from the final plan.*
- *Soil test pit analysis prepared by Kenneth G. Stratton, CSS, LSE of Main-Land Development Consultants, Inc dated November 17, 2016 show that the lots have adequate soils to support a private septic system. Test pit are shown on the Final Plan.*

*F. SOLID WASTE*

- *Commercial Uses are responsible for the private collection and disposal of solid waste. Further review of solid waste disposal will occur with the individual lot development's site plan review.*

*G. AESTHETICS*

- *The site is partially wooded and partially clear and is undeveloped.*
- *There are no documented rare botanical features for significant wildlife habitat documented on the site.*

- *This application will have no impact on aesthetics of the site.*

#### **H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES**

- *Comprehensive Plan:*
- *The plan does meet the goals of the 2017 Comprehensive Plan. The property is in the North Windham Growth Area.*
- *Land Use Ordinances:*
- *Each of the lots exceeds the minimum lot size and frontage in the C-1 District.*
- *A piece of land 0.22 acres is shown on the sketch plan to be transferred to the abutter. This transfer to the abutter was completed prior to the final plan submission. This land area does not have road frontage to be a confirming lot. If this real estate is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot subject to subdivision review*
- *Subdivision Ordinance*
- *Standard notes and the standard condition of approval must be shown on the plan.*
- *Subdivision plan data compatible with the Town GIS must be submitted as part of the Final Plan submission.*
- *Others:*
- *Aquifer Protection Overlay District Zone B (APB) – The maximum impervious area for new non-residential uses is 50%. The District Boundary is shown on the plan.*

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

- *The subdivision application will not require site work or the installation of new roads, utilities, or infrastructure.*

#### **J. RIVER, STREAM OR BROOK IMPACTS**

- *This project is located in the Chaffin Pond Watershed.*
- *This 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 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 February 4, 2019, as amended April 19, 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 Land Use Ordinance.*

*Seconded by Nick Kalogerakis.*

*Vote: All in favor.*

#### 6 [PB 19-049](#)

19-01 515 Roosevelt Trail Condos. Major subdivision preliminary plan review. JTSH, LLC to request review of a five (5) unit residential subdivision. The subject properties are located at 515 Roosevelt Trail and 12 Varney Mill Road and identified on Tax Map: 48 Lot:30 and Tax Map 47 Lot: 3, Zones: Medium Density Residential (RM) and Stream Protection (SP).



**Attachments:** [19-01 515 Roosevelt Trail Condos PrelimFinal 05-08-19.pdf](#)  
[Peer Review 515 Roosevelt Trail 05-02-2019.pdf](#)  
[JTSH DEP PBR Permits.pdf](#)  
[515 Roosevelt Condos - Final Subdivision Application 2019 4 24.pdf](#)  
[04 - Grading Utility Plan.pdf](#)

*Dustin Roma, of DM Roma Consulting Engineers was present representing the applicant. He explained:*

- *Outstanding items were:*
  - o *Checking the topography of the stormwater pond areas. No changes were required.*
  - o *Concern regarding the nitrate plume analysis which showed the nitrate plume extending onto an abutting property. They had provided acknowledgment from the property owner that it was acceptable to them.*

*Drew Mayo made a motion to accept the waiver request for the nitrate plume analysis.*

*Seconded by Kaitlyn Tuttle.*

*Vote: All in favor.*

*Drew Mayo made a motion that the application for project 19-01 515 Roosevelt Trail Condos 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 Nick Kalogerakis.*

*Vote: All in favor.*

*Drew Mayo made a motion that the Preliminary and Final Subdivision application for 19-01 515 Roosevelt Trail Condos on Tax Map: 48, Lot: 30 and Tax Map 17 Lot 3 was to be approved with conditions with the following findings of fact and conclusions.*

#### **FINDINGS OF FACT**

##### **A. POLLUTION**

- *A portion of the proposed 2.12 acre property is located within the mapped 100 year flood plain. This flood plain area is located within the common area of the condo association.*
- *This subdivision is not located over a significant sand and gravel aquifer.*
- *A hydrogeologic assessment must be submitted as part of the Preliminary Plan as the subdivision is not served by public sewer and the subdivision has an average density of more than one dwelling unit per 100,000 square feet. The applicant has requested a waiver from this submission requirement.*
- *In an email dated March 13, 2019, Will Haskell P.E. of Gorrill-Palmer, recommends an assessment to assure that the nitrate plume from the proposed systems remains within the project boundary.*
- *The March 21, 2019 submission states that a nitrate analysis is being performed so the waiver request is withdrawn.*
- *A hydrogeologic assessment was not included in the April 4, 2019 submission.*
- *The April 24, 2019 submission includes a nitrate-nitrogen assessment dated March 25, 2019 prepared by Stephen Marcotte, CG, LSE of Summit Geoengineering Services that concludes that the proposed subsurface wastewater disposal system will result in an increase of nitrate-nitrogen above 10 mg/L at the property boundary. The 250 long 10 mg-N/L plume is shown on plan in attachment 3. Given that public water is available to*

properties in the vicinity and there are no known water supply wells near the plume, a waiver from this standard is requested.

- In an email dated May 2, 2019, Will Haskell P.E. of Gorrill-Palmer, recommends that the applicant obtain acknowledgement from the abutter that the nitrate plume will extend across their property or redesign the wastewater disposal system to eliminate the encumbrance.

#### B. WATER

- All dwelling units will be served by public water from an existing main in Roosevelt Trail. A written statement from the Portland Water District indicating that there is adequate water supply to service the subdivision must be submitted with the Preliminary Plan. An Ability to Serve Letter from the Portland Water District must be submitted with the Final Plan.
- An email dated March 1, 2019 from Heather Smith at the Portland Water District was included in the preliminary plan submission.
- An Ability to Serve Letter dated March 20, 2019 from Robert A. Bartels, P.E. at the Portland Water District was included with the March 21, 2019 submission.
- The closest existing fire hydrant is located on Roosevelt Trail to the south of the proposed subdivision at the intersection with Varney Mill Road. Existing hydrant locations are less than 1,000 feet from the development.

#### C. SOIL EROSION & STORMWATER MANAGMENT

- An erosion and sedimentation plan, prepared by DM Roma Consulting Engineers, dated March 4, 2019, has been submitted as part of the Preliminary Plan. Notes and details are shown on Drawing D-1.
- A surface drainage plan must be submitted as part of the Preliminary Plan. 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. Any permits from the Maine Department of Environmental Protection (DEP) must be submitted with the Final Plan application.
- 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.
- A stormwater management plan has been submitted as part of the March 4, 2019 Preliminary Plan submission. The project proposes to treat the new 43,889 square feet of new developed area with two (2) underdrained filter basins, a stone berm level spreader discharging to a forested buffer, and roof drip edges on each condo building.
- The applicant is requested a waiver from the stormwater flooding standard for study point 2.
- Note 15 on the subdivision plan requires that the stormwater buffer will be temporarily marked prior to site disturbance and permanently marked after the road and level spreader is constructed.
- Note 13 on the plan states that all buildings will require the installation of a roofline drip edge.
- In an email dated March 13, 2019, Will Haskell P.E. of Gorrill-Palmer recommend ground survey at the stormwater management facilities, requested how outflow of water quality volume from filter basin underdrains will be limited to 24-48 house, provide analysis for the 25-year storm, revise the routing calculation for the roof drip strips, demonstrate that the post development flow to the existing driveway culvert downstream, and verify that the post-development peak flows have been reduced to maximum extent

*possible in order to justify the waiver request.*

- A response to review comments and a revised stormwater management report was submitted on March 21, 2019. An additional sturdy point was added to the model and the post-development flows at both study points show a decrease in all design storm events.*
- In an email dated March 28, 2019, Will Haskell P.E. of Gorrill-Palmer stated that the 1' freeport is recommend by Maine DEP pond design guidelines and would not recommend it be reduced to less than 1'. He also states he was still concerned with the extent of the proposed increase in peak flows and is not comfortable with the waiver request at the proposed peak flow increases.*
- The applicant submitted revised plans and a revised stormwater management report on April 4, 2019. The applicant is requesting a waiver for increases in post-development peak flows. The post-development peak flows increase by 0.16 cfs at Study Point 1 in the 25-yr storm event, and by 0.10 cfs in the 10-yr and 25-yr events at Study Point 2.*
- In an email dated March 28, 2019, Will Haskell P.E. of Gorrill-Palmer stated that the revised stormwater analysis reduced the increase in peak flows to an insignificant increase and he has no technical concerns with the waiver request. He required that the existing driveway culvert invert be verified prior to the final plan submission and asked that the FB 1 spillway length be revised on the plan.*
- A revised Grading and Utility Plan, Sheet 4 of 7, was included with the April 22, 2019 submission which corrects the spillway length on Filter Basin 1 to be 10 feet.*
- The April 22, 2019 submission also states that surveyors will be on site the following day to collect elevation data of the existing culverts and topography in the area of the proposed stormwater management features.*
- A Stormwater Permit by Rule and a Natural Resource Protection Act permit by Rule approved by the Maine DEP and a Army Corps Permit for wetland fill was included in the final plan submission.*
- In an email dated May 2, 2019, Will Haskell P.E. of Gorrill-Palmer stated that the engineer has not yet responded to the previous comment to verify the driveway culvert inlet.*

#### **D. TRAFFIC**

- 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).*
- The site is accessed off of Roosevelt Trail, a paved public street. Sight distance for the new subdivision street should be shown for both directions along Roosevelt Trail on the Preliminary Plan.*
- In an email dated January 3, 2019, Town Engineer Jon Earle stated that the proposed entrance is located inside of the urban compact line and the Town will issue an entrance permit.*
- Section 911.M.3.d states that streetlights may be required at intersections with existing public streets. There are existing streetlights to the north on Roosevelt Trail at the intersection with Provost Drive and to the south at the intersection with Danielle Drive. 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, therefore no new streetlight is required.*
- The project may be subject to the North Route 302 Road Improvements Impact Fee (Section 1204). A traffic analysis shall be conducted in order to determine the traffic impact and requisite impact fee total, as measured by additional vehicle trips to be generated by a development project that pass through the North Route 302 Capital Improvement District in the peak commuter hour.*
- The March 4, 2019 preliminary plan submission states that the based on the ITE Trip Generation Manual the proposed 5 residential condos are expected to generate 5 peak*

hour trip-ends. The applicant should estimate the vehicle trips generate on a daily basis.

- The road plan and profile (Sheet GU-1) and details (Sheet D-1) dated March 4, 2019 propose constructing the condo access road with a 22 foot wide paved travel way with 2 foot grassed shoulders.
- Sight distances label on the March 4, 2019 preliminary plan are 1,350 feet looking left and 1,600 feet looking right.
- In an email dated March 13, 2019, Will Haskell P.E. of Gorrill-Palmer, commented that the typical roadway section does not conform with the Major Private Road standard and the section should be revised or a waiver requested. He also asked that the applicant consider providing a guardrail adjacent to 1.5:1 slope at the turnaround.
- A response to review comments revised plans were submitted on March 21, 2019. The applicant requested a waiver from the road standard to reduce the paved shoulder width from 2 feet to 1 foot on each side, added a note to required boulders at the end of the hammerhead in lieu of a guardrail, and noted that the total daily vehicle trips for the project are estimate to be 50 trips.

#### E. SEWERAGE

- The development will be served by one or two common private subsurface wastewater disposal systems.
- Soil test pit analysis prepared by Alexander Finamore, LSE of Mainely Soils dated January 31, 2019 show that the lot has adequate soils to support a private septic system. Test pit are shown on the Preliminary Plan.
- A copy of the HHE-200 septic system design was submitted on March 21, 2019.

#### 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 property is undeveloped. The site is lightly wooded and the majority is relatively flat. The rear of the property slopes towards Ditch Brook.
- There are no 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 are shown on the plan and Note 14 states that clearing of tress 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 project is located in the North Windham Growth Area.
- Land Use Ordinance:
  - The lot meeting the dimensional standards of the Medium Density Residential (RM) District (minimum 20,000 square feet on public water and 100 feet of road frontage).
  - Net residential density calculations are shown on the plan.

- *In an email dated March 13, 2019, Will Haskell P.E. of Gorrill-Palmer, commented that the deed does not contain bearings and distances but the survey plan states that the property extends to the thread of the stream and this 1.75 acres effects the Net Residential Density.*
- *A response to review comments revised plans were submitted on March 21, 2019. The applicant confirmed that the land areas reflected on the survey is measured to the edge of water on Ditch Brook not the tread of the stream.*
  
- *Subdivision Ordinance*
- *Standard notes and the standard condition of approval must be shown on the plans.*
- *Subdivision plan data compatible with the Town GIS must be submitted as part of the Final Plan submission.*
- *Condominium association documents were 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 Assessing Department has approved the road name, Merganser Lane, for the proposed subdivision road. The road name must be shown on the Final Plan.*
- *Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 urbanized area and the area of development is greater than one (1) acre. See Condition of Approval #2.*
- *Chapter 199 Shoreland Zoning: The plan should identify the setback of the underdrained filter basin from Ditch Brook. Section 15 Land Use Standard H. Roads and Driveways applies to the construction of roads and/or driveways and drainage systems, culverts and other related features and has a 75 ft setback from the stream, unless no reasonable alternative exists as determined by the Code Enforcement Officer. Activity within 75 feet of the stream requires a NRPA PBR from DEP.*
- *A response to review comments and revised plans were submitted on March 21, 2019. The riprap apron associated with the foundation drain and Filter Basin 1 discharge is approximately 65 feet from the edge of Ditch Brook, which is the furthest point from Ditch Brook that was low enough in elevation to discharge the two pipes. The dimensions between the land disturbance and Ditch Brook have been added to the Grading & Utility Plan.*

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

- *The estimated cost for construction was included in the preliminary plan submission.*
- *A letter dated March 28, 2019 from Peter H. Godsoe, Regional Vice President at Norway Savings Bank was submitted as evidence of financial capacity.*
- *The applicant has provided information on the licensed professionals working on this project as evidence of technical capacity*

#### **J. RIVER, STREAM OR BROOK IMPACTS**

- *The applicant should demonstrate that the project will not adversely impact any river, stream, or brook.*
- *The property abuts Ditch Brook. There is a 100-foot Stream Protection Zone on either side of this brook. The SP District boundary is shown on the plan. The sketch plan shows an underdrained filter basin proposed within the shoreland zone. On the preliminary plan, the level lip spreader adjacent to the forest buffer appears to be setback 75 feet, but the other riprapped outlet appears to be within the 75ft setback line*

shown on the grading and utility plan.

- A response to review comments and revised plans were submitted on March 21, 2019. The riprap apron associated with the foundation drain and Filter Basin 1 discharge is approximately 65 feet from the edge of Ditch Brook. The dimensions between the land disturbance and Ditch Brook have been added to the Grading & Utility 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 not situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed subdivision is 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.
18. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
19. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will/will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located. (N/A)
20. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.

**CONDITIONS OF APPROVAL**

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated December 26, 2018, as amended April 24, 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.
2. Approval is subject to the requirements of the Post-Construction Stormwater Ordinance, Chapter 144. Any person owning, operating, leasing or having control over stormwater management facilities required by the post-construction stormwater management plan must annually engage the services of a qualified third-party inspector who must certify compliance with the post-construction stormwater management plan on or by May 1st of each year.

Seconded by Kaitlyn Tuttle.

Vote: All in favor.

**New Business**

- 7      [PB 19-050](#)      19-08 State of Maine Correctional Center Renovations. Conditional use and major site plan sketch plan review. State of Maine, Department of Corrections to request review of the construction of approximately 220,000 square feet of new buildings. 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:**    [19-08 Correctional Center Renovations Sketch\\_05-08-19.pdf](#)  
[2019-04-22 SKETCH PLAN SUBMISSION COMPLETE.pdf](#)

Owens McCullough, PE of Sebago Technics was present representing the application. He explained the project would be a complete rehab of the prison. They proposed:

- New buildings
- Reconfiguration and expansion of parking
- A new security perimeter road around the site which would be accessible to town emergency vehicles
- The project would be phased over about the next three years.
- A new water system for fire and domestic service
- It was served by public sewer.
- An increase of 320 beds over the next ten years
- Natural gas service
- About 43 acres of the 265 acre site would be used.
- Extensive stormwater analysis had been done for the redevelopment. Stormwater would be managed with underdrain soil filters and wet ponds.
- DOT was planning to put in a turn lane as part of the River Road upgrades.
- A traffic study had been done for the site.
- They had public meetings at which they had committed to move the population back from the road per public comment.
- There were site restrictions imposed by wetlands and a steep slope.

Amanda Lessard commented:

- *It would help to better differentiate what was being removed and what was new.*
- *What was the timing of the phased construction?*
- *The project was in the urbanized area so additional inspections were required and the State would be responsible for annual inspections and reporting of stormwater infrastructure.*

*Drew Mayo made a motion made a motion for a site walk.*

*Seconded by Nick Kalogerakis.*

*Vote: All in favor.*

*Drew Mayo made a motion for a public hearing.*

*Seconded by Nick Kalogerakis.*

*Vote: All in favor.*

## **Other Business**

### **8 Adjournment**

*Drew Mayo made a motion to adjourn.*

*Seconded by Colin Swan.*

*Vote: All in favor.*