



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Final

### Planning Board

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Monday, April 13, 2020

6:30 PM

Online via Zoom

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To join the meeting remotely, Click the link: <https://zoom.us/j/274595213>

OR Call 1-646-558-8656

Then enter the Meeting ID: 274 595 213

#### 1 Call To Order

#### 2 Roll Call and Declaration of Quorum

*The meeting was called to order by Chair, Keith Elder. Other members present were: Michael Devoid, Andrew Mayo, Colin Swan, and Kaitlyn Tuttle.*

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

*The Planning Board used Zoom to hold the Planning Board meeting, in accordance with Public Law Chapter 617 adopted as emergency legislation by the Maine State Legislature on March 17, 2020 and signed into effect by Governor Mills, 1 MRSA § 403-A permits public proceedings through remote access during the declaration of state of emergency due to COVID-19.*

#### 3 [PB 20-034](#) Approval of Minutes: March 9, 2020 and March 31, 2020

**Attachments:** [Minutes 3-9-2020-draft](#)  
[Minutes 3-31-2020 - draft](#)

*Motion made and seconded to approve the minutes of the March 9, 2020 meeting.*

*Roll Call Vote:*

<i>Andrew Mayo – Yes</i>	<i>Keith Elder – Yes</i>
<i>Colin Swan – Yes</i>	<i>Michael Devoid – Yes</i>
<i>Kaitlyn Tuttle – Yes</i>	

*All in favor.*

*Motion made and seconded to approve the minutes of the March 31, 2020 meeting.*

*Roll Call Vote:*

<i>Andrew Mayo – Yes</i>	<i>Keith Elder – Yes</i>
<i>Colin Swan – Yes</i>	<i>Michael Devoid – Yes</i>
<i>Kaitlyn Tuttle – Yes</i>	

*All in favor.*

## **Public Hearings & Continuing Business**

- 4      [PB 20-026](#)      20-01 Bangor Savings/Cross Insurance. Major site plan final plan review. Bangor Savings Bank to request review of a 7,000 square foot office building. The properties in question are located at 745 and 747 Roosevelt Trail and identified on Tax Map: 67, Lots: 54, 55, Zone: Commercial 1 (C-1).

**Attachments:**    [20-01 Bangor Savings & Cross Office Major Site Plan - Final 4-8-20](#)

[BSB2020 Site Plan Review Application](#)

[Additional Application Materials](#)

[BSB20200302-ISSUED TO TOWN FOR PLANNING BOARD REVIEW-SS](#)

[BSBAppendix B HydroCAD Report Existing 03122020](#)

[WindhamBangorSavingsTrafficAnalysisMemorandum](#)

[Peer Review 3-13-20](#)

[Gorrill Palmer Traffic Review e-mail 03-31-2020](#)

[BS Rresponse to Comments with attachments 4-6-20](#)

[Peer Review 4-8-20](#)

[Public Comment - Dyke Windham Planning Board BSB 04132020](#)

*Dave Latullipe, was present representing the applicant. He provided an overview of the updates to the plan since the last review by the Planning Board, including improved vehicular traffic safety measures, as recommended by their traffic analysis and peer reviewer, Gorrill Palmer, and a detailed landscaping plan, showing extensive new landscaping, and the retention of existing large established trees.*

*There was no public comment.*

*Andrew Mayo made a motion that the application for project 20-01 Bangor Savings and Cross Office was found complete in regard to the submission requirements based on the application checklist, but the Planning Board retained the right to request more information where review criteria were not fully addressed.*

*Seconded by Michael Devoid.*

*Roll Call Vote:*

*Andrew Mayo – Yes*

*Keith Elder – Yes*

*Colin Swan – Yes*

*Michael Devoid – Yes*

*Kaitlyn Tuttle – Yes*

*Vote: All in favor.*

*Andrew Mayo made a motion that the Site Plan application for 20-01 Bangor Savings and Cross Office on Tax Map: 67, Lots 54 and 55 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 occupied by two commercial structures and paved parking area. The existing structures will be removed and replaced by the new bank branch and office building, parking and reconfigured site accessways.*

##### *Vehicular and Pedestrian Traffic*

- The proposed project will include a two-lane drive through, a drive through bypass lane, and a 28-space paved parking area.*
- The site is bordered by Route 302 on the West, Route 115 on the south and Abby Road on the east.*
- The site currently has two two-way curb openings on Route 302, one two-way curb opening on 115, and three two-way curb openings on Abby Rd. The sketch plan depicts one two-way curb opening on 302, the maximum distance from the intersection, one narrow angled entryway only curb opening for right-turning traffic on Route 115, and a single two-way entrance from Abby Road, the maximum distance from the intersection with 115.*
- All access drives are located 5' from a side or rear lot line.*
- 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.*
- Section 812.C.(1)(d) requires 30% of the parking spaces to be 10'x20'.*
- The Final Plan, dated "1/2020" includes 9 of the 28 spaces as 10'x20'*
- A traffic impact study must be submitted with the final plan set if the project will generate fifty (50) or more trips during the a.m. or p.m. peak hour.*
- The 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 applicant states that internal site circulation is designed to minimize conflict between vehicles and pedestrian traffic.*
- The site design includes pedestrian friendly sidewalks and a walkway to the entrance from Route 302. Internal crosswalks are provided for pedestrians accessing the building from the parking lot, to safely cross the drive-thru aisle and a cross-walks are also provided for pedestrians using the sidewalk on Routes 115 and 302. A bike rack is planned near the main building entrance.*
- The applicant submitted "Traffic Impact Analysis for Proposed Bangor Savings Bank in Windham, produced by Sewall, dated March 16, 2020. The analysis predicts a change of an additional 42 trips in the AM Peak Hour and an additional 60 trips in the PM Peak Hour. The report characterizes the projected impacts to the intersections and includes a safety analysis that discusses the high crash location in the study area (intersection of Abby Road/115). The report recommends a "Do Not Block Intersection" pavement markings and signage to reduce crash potential.*
- Independent professional peer review of the final application for Vehicular and Pedestrian Traffic (812.B & D) was performed by Gorriall Palmer (GP) and submitted to the Town on March 31, 2020. GP largely agreed with the methodology used to perform the*

traffic impact analysis. GP had the following substantive comments:

- The proposed access management measures (reduction of driveways and restriction of movements) should have a net positive impact to the overall area, reducing potential conflicts and improving safety.
- One approach is anticipated to have a decline in the level of service. The applicant should provide the overall intersection level of service, and address if the level of service of the overall intersection will change.
- The applicant provided a response to comments on April 6, 2020 with additional traffic analysis data, including an analysis of the expected level of service at the overall intersection "... The results show that the Abby Road approach will operate at LOS "E" overall and not "F". Further, and most importantly, the analysis shows that the overall intersection functions at LOS "A" during both peak hour periods so there are no concerns in regard to meeting the ordinance which prohibits LOS "E" or lower for an intersection."
- GP agrees with the safety analysis for High Crash Locations and mitigation tactics to improve these locations. This includes additional striping and signage not to block the intersection.
- In a response to comments dated April 6, 2020 the applicant provided an updated Plan Sheet 102 depicting the prescribed "Do Not Block Intersection" Striping and signage on Rt 115.
- GP recommends the applicant revisit the channelization of the proposed driveways to improve the enforcement of right turn movements only. As currently shown at both driveways, the restrictions do not appear to be prohibitive enough.
- In the response to comments dated April 6, 2020 the Applicant stated: "The geometry of the entrance island has been modified to further discourage entrance across the northbound travel lane from southbound US 302. Project plans have been updated to reflect this change. Copies of the updated plan sheets are attached for reference. We believe these modifications will keep alert, responsible drivers from using the entrance inappropriately."

#### *Sewage Disposal, Water Quality and Groundwater Impacts*

- The project will be served by a subsurface wastewater disposal system.
- Test pit soil analysis should be submitted with the final plan. The test pit location must be shown on the plan.
- A groundwater impact analysis is required for involving on-site sewage disposal facilities with a capacity of 2,000 gallons per day or more.
- An HHE-200 prepared by Site Evaluator Andrew Gobeil, dated March 25, 2020 was submitted with a response to comments on April 6, 2020. It states that the disposal tank will be 1,000 gallon and the disposal field will be 768 sf consisting of 12 – 4'x8' concrete chambers, to be placed under the proposed parking lot/driveway area on the northeast quadrant of the property, within the required minimum distances from the property boundaries.

#### *Stormwater Management*

- The property is located in the Presumpscot River Watershed.
- 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 as there is more than one (1) acre of development. See recommended Condition of Approval #2.
- At the Development Review Team Meeting on January 31, 2020, the applicant was advised that the stormwater should be treated on-site. The applicant was told by Public Works Director Doug Fortier that similar to other projects in the area, they would be

allowed to connect the overflow to the existing public stormwater drainage system in the area.

- A Stormwater Management Plan produced by Sevee and Maher Engineers, dated March 2020, was submitted with the final application. The plan addresses surface runoff through a combination of infiltration and surface runoff to the existing municipal storm drain system. The proposal includes two infiltration basins to collect runoff from the roof of the new building and a significant portion of the paved area. The remaining is designed to drain overland to the municipal storm drain system.

- Town Engineer, Mark Arienti, P.E. reviewed the final plan submission and had commented on March 13, 2020: "To meet the treatment requirements under the General Standards, the stormwater evaluation has utilized the Redevelopment Standards of Ch. 500 for the site, since in the existing condition the site is almost fully paved or buildings. The Stormwater Management report submitted with the application seems to appropriately apply the redevelopment provisions and the other portions of the Ch. 500 Basic and General standards." Mark had two substantive comments for the applicant to address:

- Mark recommended that infiltration basin #2 be modified to provide at least 1 foot of freeboard [additional capacity] to reduce the likelihood of water flowing onto Rt 115.

- The applicant responded on April 6, 2020: "Infiltration basin 2 is designed to provide .5 feet of freeboard above the emergency spillway elevation. Spot grades have been added to the grading plan for clarity. Overflow is intended to travel overland to the municipal storm drain system in the right-of-way based on initial design recommendations from Town staff. Copies of [updated stormwater plan] are attached for reference."

- Mark responded to the applicant on April 8, 2020: "The Maine DEP Stormwater BMP Manual Section 6.1, Infiltration Basin, generally recommends that the spillway for an infiltration basin maintain one foot of embankment freeboard above the water elevation in the basin for a 25-year, 24-hour storm. However, this is not a requirement per se, and the additional details provided help to clarify that the proposed design greatly reduces off-site drainage to the maximum extent practicable. No further comment."

- Although the amount of runoff flowing into the public right-of-way is being largely reduced, there are still about 5,000 - 6,000 SF flowing into Route 302 at the entrance to the project in this area. Other options to minimize the amount flowing onto Rte. 302 in this area should be considered.

- The applicant responded on April 6, 2020: "Proposed improvements to the site grading stormwater management will significantly reduce the peak flow and volume of stormwater runoff leaving the property and reduce the load on the existing municipal storm drain system. Further reductions in surface runoff from the property will require costly structural stormwater management devices that will burden the Applicant with long-term maintenance and potential replacement costs."

- Mark responded to the applicant on April 8, 2020: "This is a satisfactory response considering the reduction in peak flows already achieved. No further comment."

#### *Erosion Control*

- A soil erosion and sediment control plan must be submitted as part of the Final Plan submission.

- The final application states that "All grading, filling, and associated site construction will be conducted in accordance with the Maine Erosion and Sediment Control Best Management Practices, latest edition, dated October 2016. Plan sheet 300 includes erosion control plan specifics, including general, temporary, and permanent measures, dewatering, winter construction and stabilization, housekeeping, and plan details."

#### *Utilities*

- The property must be served by underground utilities.
- The application indicates that the site will be served by gas.
- A new water line will feed the building from Route 115.
- The final application includes an Ability to Serve determination from the Portland Water District, dated February 21, 2020, which includes conditions of service that the applicant must adhere to.
- The project will require road opening permits from the Town for each public right of way that is disturbed.
- There is an existing hydrant on Route 115 near the intersection with Abby Road. The building does not need to be sprinklered, as it is under 7,500 sf.
- The building will have a roof-mounted solar array.

#### *Technical and Financial Capacity*

- Evidence of financial capacity must be provided as part of the final submission
- The final application included a cost estimate for the project, estimating the total at approximately \$1.64 Million, with \$1.4 Million allocated to the cost of the building.
- The final application included a letter of financial commitment from Bangor Savings dated March 27, 2020, indicating that Bangor Savings had recently completed a similar project in Auburn, Maine and have the technical and financial capabilities to successfully complete the project.
- Evidence of technical capacity must be provided as part of the final submission.
- The applicant has retained the services of qualified professionals to design the project, apply for permits, and prepare the application. In addition, Bangor Savings has recently built several new buildings around the state, including in Auburn, Brunswick, and Augusta.

#### *Landscape Plan*

- The applicant is proposing to keep the mature landscaping at the corner.
- The final submission should include a planning schedule for any additional planting.
- A landscape plan was included with the Final Plan. The plan is to maintain the existing plant bed and mature trees at the corner and add shrubs and flowering bushes and plants around the building and in the curb between the parking lot and the building.
- Snow storage area must be identified on the Final Plan.
- On the landscape plan, a snow storage area is designated on the south end of the parking lot.

#### *Conformity with Local Plans and Ordinances*

##### *1. Land Use*

- This property meets the minimum lot size requirements and minimum lot frontage requirements of the C1 zoning district.
- The proposed uses are "Service Business, Commercial", and "Business and Professional Office" – both uses are permitted in the C1 District.
- The property is a corner lot as defined in Section 300 and in accordance with Section 532, the project complies with both the maximum front setback requirements on Roosevelt and Tandberg Trail and the remaining two sides of the lot meet the minimum side yard requirements of the C1 zoning district.
- The Final Plan needs to demonstrate how the project will comply with the Commercial District Design Guidelines in Section 813.
- The final application dated March 2020, details at section 4.0 how the applicant intends to meet the Commercial District Design Guidelines and includes architectural building elevations:

- The building has brick and vinyl siding, trimmed windows across 40% or more of the public-street facing sides, a wall-plane projection on the side of the building that is greater than 50' long, and a peaked roof with gables.
- The dumpster will be enclosed in a fenced area on a concrete pad at the back of the parking lot.
- A snow storage area is designated on the plan.
- A lighting plan was included. The lighting is designed to coordinate with the building and landscaping to prevent glare and dark spots in the parking lot and provide safe operation for the pedestrians and vehicular traffic. Exterior lighting will be shielded, full cut-off type LED fixtures. Poles will be square steel and not exceed 15 feet in height. Product cut sheets for the fixtures were included.
- A significant amount of landscaping is included with the plan. See describing under "Landscape Plan" above.
- The site design includes pedestrian friendly sidewalks and a walkway to the entrance from Route 302. Internal crosswalks are provided for pedestrians accessing the building from the parking lot, to safely cross the drive-thru aisle and a cross-walks are also provided for pedestrians using the sidewalk on Routes 115 and 302. A bike rack is planned near the main building entrance.

## 2. Comprehensive Plan

- This project meets the goals and objectives of the 2017 Comprehensive Plan. The property is located in the North Windham Growth Area.

## 3. Others:

- Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 urbanized area. See Condition of Approval #2.

## Impacts to Adjacent/Neighboring Properties

- The applicant indicated that lighting will be designed for vehicular and pedestrian safety, and to minimize light pollution.
- A proposed dumpster will be located on a paved pad with an enclosure.
- The impacts of the proposed use to neighboring properties should be negligible.
- Site lighting is shown on Final Plan, and details of fixtures are included in the submission.

## CONCLUSIONS

1. The plan for development reflects the natural capacities of the site to support development.
2. Buildings, lots, and support facilities will be clustered in those portions of the site that have the most suitable conditions for development.
3. Environmentally sensitive areas, including but not limited to, wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and, sand and gravel aquifers will be maintained and protected to the maximum extent.
4. The proposed site plan has sufficient water available for the reasonably foreseeable needs of the site plan.
5. The proposed site plan will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
6. The proposed use and layout will not be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved.
7. The proposed site plan will provide for adequate sewage waste disposal.
8. The proposed site plan conforms to a duly adopted site plan regulation or ordinance,

comprehensive plan, development plan, or land use plan.

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

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

11. The proposed site plan will/will not provide for adequate storm water management.

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

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

#### CONDITIONS OF APPROVAL

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated January 21, 2020, amended March 2, 2020, and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Staff Review Committee, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the Staff Review Committee or the Town Planner in accordance with Section 814.G. of the Land Use Ordinance.

2. Approval is subject to the requirements of the Post-Construction Stormwater Ordinance, Chapter 144. Any person owning, operating, leasing or having control over stormwater management facilities required by the post-construction stormwater management plan must annually engage the services of a qualified third-party inspector who must certify compliance with the post-construction stormwater management plan on or by May 1st of each year.

Seconded.

Roll Call Vote:

Andrew Mayo – Yes

Keith Elder – Yes

Colin Swan – Yes

Michael Devoid – Yes

Kaitlyn Tuttle – Yes

Vote: All in favor.

#### 5 [PB 20-027](#)

20-02 Town of Windham Landfill Solar Array. Major site plan final plan review. Town of Windham to request review of a 72,686 square foot developed area, including 24,878 square feet of solar panels to be installed on a town owned, capped landfill. The property in question is located on Enterprise Drive and identified on Tax Map: 21, Lot: 19, Zone: Commercial 1 (C-1).

**Attachments:** [20-02 Windham Landfill Solar - Site Plan Final 4-8-20](#)

[Windham Final site plan app 4-2-20](#)

[Plan Set - Windham Landfill Solar](#)

[Application for Solid Waste Project Minor Revision 4-8-20](#)

[Peer Review Comments and response 4-3-20 to 4-9-20](#)

[Revision Response to Comments attachments 4-7-20](#)

Josh Baston, of ReVision Energy, was present representing the applicant. He explained:



- The vent locations and drainage channels had been mapped. They were staying away from those.
- There was an existing curb cut on Enterprise Drive. They would use that and stabilize a 12 foot access road to the gate. It would be used for construction and then maintenance for the life of the array.
- The proposed chain link fence would be coated in black vinyl to address concerns about its visual impact.
- They had not yet met with CMP regarding the power being overhead or underground.
- The transformer would be located next to the gravel access road, outside of the fenced area.

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

The Board commented:

- Could a waiver request for overhead power be considered before knowing what CMP required?
- What was the life of the system?
- What was the decommissioning process?

Andrew Mayo made a motion to accept submission material for the April 27, 2020 meeting.

Seconded by Michael Devoid.

Roll Call Vote:

Andrew Mayo – Yes	Keith Elder – Yes
Colin Swan – Yes	Michael Devoid – Yes
Kaitlyn Tuttle – Yes	

Vote: All in favor.

## **Continuing Business**

- 6      [PB 20-028](#)      19-21 Depot Street Subdivision. Major site plan and subdivision preliminary plan review. MCL Realty, LLC to request review of 32 dwelling units in 6 buildings and Portland Water District sewer pump station. The subject property is located on Depot Street and identified on Tax Map: 38, Lot: 37A, Zone: Village Commercial (VC).

**Attachments:**    [19-21 Depot Street Final PWD 4-9-20](#)  
[2020-03-23 Windham PB Submission](#)  
[Pump Station Drawings 9-12-13-14](#)

Will Haskell, of Gorrill-Palmer Consulting Engineers, was present representing the applicant. He explained:

- They were working with Portland Water District and the town for installation of a new watermain; sewer improvements; and a pump station.
- The pump station project included a wet well, a small pad for a future generator, and an 8 X 10 foot pump station control building.
- The project would require a DEP Permit by Rule.

- Stormwater management was addressed in the application for the subdivision.
- Landscaping around the pump station would be shrubbery with low plantings along the sidewalk.
- They requested a waiver of the design standard requirement for transparent openings along 40% of the horizontal distance of a wall. To provide such openings would compromise security of the pump station.
- Lighting on the building would be one wall pack for security and floodlights for use in emergency situations.

The Board commented:

- Flood lights could be kept on a timer to shut off at a certain time so they wouldn't remain on indefinitely.
- Consensus of the Board was that a waiver of the window requirement was acceptable.
- Shrubby was a good trade-off for landscaping.

Andrew Mayo made a motion to approve the waiver request for the design standard requirement for transparent openings along 40% of the horizontal distance of a wall, specific to the pump station.

Seconded by Keith Elder.

Roll Call Vote:

Andrew Mayo – Yes	Keith Elder – Yes
Colin Swan – Yes	Michael Devoid – No
Kaitlyn Tuttle – Yes	

Vote: Four in favor. Michael Devoid opposed.

## **New Business**

- 7      [PB 20-029](#)      20-05 PTG Commercial Complex. Major site plan sketch plan review. PTG Properties LLC to request review of a 42,000 square foot commercial development of 6 buildings and 135 parking spaces. The property in question is located at 626 Roosevelt Trail and identified on Tax Map: 52, Lot: 24, Zone: Commercial 1 (C-1).

**Attachments:**    [20-05 PTG Commercial Sketch 4-8-20](#)  
[626 Roosevelt - Sketch Site Plan Application 2020\\_4\\_7](#)  
[626 Roosevelt Trl - Site Plan \(4-6-20\)](#)  
[626 Roosevelt - Sketch Site Plan Application 2020\\_3\\_23](#)  
[626 Roosevelt Trl-Sketch Plan \(3-23-20\)](#)

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

- The project was a four-lot commercial subdivision on a 3.7 acre lot.
- The development would include six commercial buildings, one having a drive-through. They anticipated the uses to be office, possibly some retail.
- The project would access from Route 302 via one curb cut.

- They proposed to build an interior road ending in a hammerhead. Eventually the parking lot would have circular access.
- Sidewalks would connect the buildings.
- Stormwater would be infiltrated. A DEP permit would be required.
- There were four leach fields proposed; some septic systems would be shared.
- The site would be served by public water.
- Sprinklers would be required.
- Power would be underground.
- Individual buildings would each have site plan review.

*Board Comment:*

- The application was for four lots and a road.
- Would the road have a hammerhead?
- It was a nice project.
- The location was good.
- Consensus of the Board was to schedule a public hearing.

*Staff Comment:*

- One public comment had been received with concern over how the project would access Route 302.
- It was possible that the site plan applications would be reviewed by the Staff Review Committee.

- 8      [PB 20-030](#)      20-06 Veery Estates (River Road Condos) Amendment. Major subdivision sketch plan review. RMILLS LLC to request an amendment to an approved residential subdivision for the addition of 10 units (5 duplex). The property in question is located at Junco Drive and identified on Tax Map: 5, Lot: 1-1, Zone: Medium Density Residential (RM).

**Attachments:**    [20-06 Veery Estates Amendment Sketch 04-06-2020](#)

[Veery Estates - Sketch Subdivision Plan 2020\\_3\\_23](#)

[Veery Estates Amended Subdivision Sketch Application 2020\\_3\\_23](#)

[river rd condo 09-2018](#)

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

- The project was the second phase of development on a six acre property. They proposed an additional five duplex buildings.
- They would extend the existing private subdivision road 400 feet to end in a cul-de-sac.
- Public water was available from a hydrant on River Road.
- A Stormwater Permit would be required by DEP.
- There would be a condo association; they were not age restricted.

- 9      [PB 20-031](#)      20-07 Ruby Meadows 2nd Amendment. Mark Cobb to request an amendment to an approved subdivision for a revision to the clearing limits and increase in developed and impervious area on Lot 3. The property in question is located at 3 Viola Lane and identified on Tax Map: 10, Lot: 78B-3, Zone: Farm (F).

**Attachments:** [20-07 Ruby Meadows 2nd Amendment 04-09-20](#)

[Buffer - Declaration of Restrictions](#)

[Peer Review Ruby Meadows 2nd Amendment 04-09-2020](#)

[Ruby Meadows - AMENDED SUB-LOT 3 04-07-2020](#)

[Amended Subdivision Plan - Ruby Meadows Lot 3 2020 3 23](#)

[Amended Subdivision Plan Application - Lot 3 Ruby Meadows 2020 3 23](#)

[RUBY MEADOWS AMENDMENT 12-2018](#)

*Dustin Roma, a civil engineer with DM Roma Consulting Engineers, was present representing the applicant. He explained the property owner had a house and driveway on the property. He wanted to expand beyond the limits of clearing and increase impervious surface to build a garage for personal use.*

*The town engineer had requested:*

- *Permanent markers for the buffer.*
- *A road drip edge for the new garage.*
- *The addition of drainage lines to the plan.*

*Staff commented:*

- *The subdivision lot was in an urbanized area and the association was required to have annual inspections of the stormwater infrastructure.*
- *There would be a deed restriction for this lot that the owner was responsible for annual inspections and providing a report to the town.*

*Andrew Mayo made a motion the Subdivision application for 20-07 Ruby Meadows 2nd Amended Subdivision on Tax Map: 10, Lot: 78 was to be approved with conditions with the following findings of fact and conclusions.*

#### **FINDINGS OF FACT**

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

- *No portion of this subdivision is within the mapped 100 year floodplain.*
- *This subdivision is not located over a significant sand and gravel aquifer.*
- *A hydrogeologic assessment must be submitted as part of the Preliminary Plan when the subdivision is not served by public sewer and the subdivision has an average density of more than one dwelling unit per 100,000 square feet. The Planning Board granted a waiver from this submission requirement.*

##### **B. WATER**

- *The three (3) lots on Albion Road and the ten (10) lots on the proposed road will be served by public water for domestic use.*
- *An email dated June 12, 2018 from Robert Bartels, PE, of the Portland Water District includes a map noting the location, type, and size of the public water mains near the sites and states that it is possible to make a connection into a public main only after proper review and approval by PWD.*
- *An Ability to Serve letter dated July 6, 2018 from Robert Bartels, PE, of the Portland Water District approves the water system as designed.*
- *Two (2) lots on Pope Road will be served by private wells. The ordinance requires that the subdivision must be served by public water if the closest water main is within a distance equal to 100 feet multiplied by the number of lots in the subdivision. The existing public water main terminates at the intersection of Albion Road and Pope Road.*

The Planning Board granted a waiver from this standard.

- Existing fire hydrants are located on Albion Road near the Lot 13 and Lot 14 lot line, and at Pope Road at the intersection of Albion Road.
- At the Development Team Meeting on May 1, 2018 Fire Chief Brent Libby requested a new hydrant on the proposed street approximately 1,000 feet from the existing hydrants. Proposed hydrants should be shown on the plan.
- In an email dated June 29, 2018, Town Engineer Jon Earle P.E., requested a moratorium restoration detail for the water main and water service connection that conform with Chapter 210 Streets and Sidewalks.
- An Albion Road trench repair detail is shown on Sheet D-2 of the revised preliminary plan dated July 6, 2018.
- A letter dated August 11, 2018 from Kenneth P. Brown of the Portland Pipeline Corporation was submitted with the final plan submission, anticipates that the project will be able to meet PPCL's construction guidelines of a 50 foot setback from the nearest pipeline.
- In an email dated August 17, 2018, Town Engineer Jon Earle P.E., encouraged incorporating the location of the PPCL pipelines onto the subdivision plan and road plan/profile sheets.

#### C. SOIL EROSION AND STORMWATER MANAGEMENT

- An erosion and sedimentation plan, prepared by DM Roma Consulting Engineers, dated June 18, 2018, has been submitted as part of the Preliminary Plan. Notes and details are shown on Drawing D-1.
- A stormwater management plan that meets the water quality and quantity standards as well as the flooding standard of Section 3 DEP Chapter 500 Stormwater Management must be submitted as part of the Preliminary Plan. If this project requires a Maine Department of Environmental Protection (DEP) Chapter 500 Stormwater Permit, it must be submitted with the Final Plan.
- Freshwater wetlands have been identified on the plan. This project requires a Maine Department of Environmental Protection (DEP) Natural Resources Protection Act (NRPA) Tier-1 permit for wetland alterations. The permit must be submitted with the Final Plan. Five areas of wetland impacts are shown on Sheets PP-1 and LD-1.
- Note 16 on the July 6, 2018 revised subdivision plan states the total amount of wetland impact associated with the proposed development.
- The DEP NRPA Permit #L-23150-TC-C-N approved on August 22, 2018 was included with the final plan submission.
- The DEP Stormwater Permit by Rule approved on July 3, 2018 was included with the final plan submission.
- This project is in the NPDES (National Pollutant Discharge Elimination System) area as designated by the Environmental Protection Agency for the Town of Windham. As a result, there will be additional construction inspection requirements and ongoing requirements for reporting of stormwater infrastructure maintenance if the area of development is greater than one (1) acre. See Condition of Approval #2.
- A stormwater management plan has been submitted as part of the June 18, 2018 Preliminary Plan submission. The project proposes to treat the 9.33 acres of total developed area with one (1) underdrained filter basin, four (4) bioretention cells, forested buffers and roofline drip edges around each house.
- The forested buffer should be shown on the subdivision plan.
- Notes should be added to the subdivision plan that all buildings will require the installation of a roof drip edge filter for stormwater treatment and that the forested buffer should be permanently marked prior to the start of construction.
- The stormwater management plan also includes an inspection, maintenance and housekeeping plan. The owner is responsible for the maintenance of all stormwater

management structures and related site components until such time that a homeowner's association is created.

- In an email dated June 29, 2018, Town Engineer Jon Earle P.E., notes that there appears to be a typo in Table 1 peak runoff SP-1 25-yr storm. Chapter 500 water quality standard have been met but he requested that the lot by lot summary of impervious and developed areas be shown on the subdivision plan. He also requested additional ground topography for the footprints for each of the filter basin and bioretention cells rather than relying on the LIDAR aerial survey, and proposed grading for bioretention cells 3 and 4.
- The applicant responded to review comments on July 6, 2018 and submitted a revised stormwater management plan and a revised plan set. The revised subdivision plan shows a lot development table, the forested buffer is shown on Lot 14. Note 12 requires permanent marking of the buffer prior to the start of construction. Note 8 specifies that houses require a roofline drip edge.
- In an email dated July 9, 2018, Town Engineer Jon Earle P.E., had no further comment and acknowledged that ground topography of the stormwater filter basins and rain gardens would be provided with a final plan submission.
- In an email dated August 17, 2018, Town Engineer Jon Earle P.E., asked if ground survey had been completed in the footprints of the constructed stormwater BMPs and requested updated stormwater treatment calculations that account for the additional disturbed areas created by a 30' cleared area along Lots 12, 13, and 14 at Albion Road.
- In an email dated November 30, 2018 Jennifer Harris of the Maine DEP stated that if the Secretary of State confirms that Ruby Meadows LLC has been revived and reformed to its original state, then the DEP does not require any permit transfers for this project.
- The amended subdivision plans prepared by DM Roma Consulting Engineers dated March 23, 2020 shows a revised tree line on Lot 3 and a table summarizing that the lot development and treatment area going to the filter basin. Stormwater runoff generated from the additional impervious area will be treated through a proposed stone berm level spreader that discharges to a wooded buffer. Engineering design calculations were included with the submission.
- The application narrative states that maintenance of the stormwater buffer will be the responsibility of the owner of Lot 3. Note 11 on the proposed amended plan states that the forested stormwater treatment buffer is deed restricted and referenced the stormwater management declaration of restrictions in Appendix A of the Inspection, Maintenance, and Housing Keeping Plan for the site and demonstrate there is no conflict with the HOA maintenance responsibilities.
- On April 8, 2020 the applicant submitted a draft forested buffer declaration of restrictions, a revised amended subdivision plan with updated maximum developed area and impervious area on Lot 3, and a report that the DEP does not require an amendment to the PBR for the increased lot development.
- Town Engineer Mark Arienti, P.E. reviewed the amended submission and commented on April 9, 2020: Calculations and buffer design are in accordance with DEP guidance. Notes should be added to the plan that the stormwater buffer will be permanently marked before construction and buildings will have a roofline drip edge filter.

#### D. TRAFFIC

- Most of the subdivision lots will have access from the new 975 foot subdivision street, a paved public street. Section 550.C states that no new private road shall be permitted to directly access a public street.
- The proposed street right-of-way abuts the property line to provide access to future development on the abutting parcel. The purchase and sale agreement states that an easement will be provided to the seller's remaining land. This easement should be noted on the plan.
- Three of the lots will have access on Albion Road, and two lots will have access on

Pope Road. Lots 13 and 14 will share driveway entrance on Albion Road. Sight distance in each direction for the proposed street and the driveways on the existing public streets should be shown on the Preliminary Plan.

- The preliminary plan submission dated June 18, 2018 states that the site distance at the proposed roadway is 535 feet looking right and 465 feet looking left which meets the Town standards for the posted speed limit of 35 mph on Albion Road.
- Lots 3 and 12 must have driveway access from the proposed subdivision street. This requirement should be noted on the plan.
- At the Development Team meeting on May 1, 2018, it was stated that Albion Road was recently paved and would need to comply with the moratorium road restoration standards for the proposed street openings.
- Section 911.M.3.d states that streetlights may be required at intersections with existing public streets. The Town of Windham Streetlight Policy, adopted June 25, 2013, states that streetlights should be at intersection with private roads that serve more than 10 lots.
- Based on the distance to uses that would generate pedestrian trips, sidewalks are not required. When sidewalks are not required for local streets, Section 911.M.5.b.6.ii requires that the applicant construct a sidewalk or a street with a widened shoulder. One (1) additional foot of paved shoulder, on each side of the street, shall be added to the required minimum shoulder width. The Planning Board granted a waiver from this standard.
- 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 Planning Board granted a waiver from this submission requirement.
- The preliminary plan submission dated June 18, 2018 states that the proposed 15 residential lots are expected to generate 15 peak hour trip ends.
- A road plan and profile, prepared by DM Roma Consulting Engineers, dated June 18, 2018, shown on Sheet PP-1. The roadway cross section for a minor local street is shown on Sheet D-2.
- In an email dated June 29, 2018, Town Engineer Jon Earle P.E., noted that the sight distance is noted in the narrative but should also be shown on the plan.
- The applicant responded to review comments on July 6, 2018 and submitted a revised plan set that show sight distances and estimated traffic to be generated by the subdivision as 150 daily trips. The revised subdivision plan notes a proposed access, utility and stormwater easement over lot 13 for the benefit of Lot 14. Note 15 on the plan provide an access, utility and maintenance easement to the remaining land of the seller.
- The final plan submission shows a 30' cleared area along Albion Road on Lots 12, 13, and 14. Note 17 states that all trees shall be removed, and no trees planted in the 30' cleared area.
- In an email dated July 9, 2018, Town Engineer Jon Earle P.E., stated that language should be included in the draft declaration for the maintenance responsibility for the additional vegetation proposed to be cleared.

#### E. SEWERAGE

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

- *The applicant responded to review comments on July 6, 2018 and submitted a revised plan set that shows a test pit on each lot.*

#### **F. SOLID WASTE**

- *Residents of the single family dwellings will participate in the Town's pay-per-bag garbage program.*
- *Development of these lots should not produce an undue burden on the Town's ability to collect and dispose of solid waste.*

#### **G. AESTHETICS**

- *The site is currently undeveloped. It is wooded and includes wetland area dispersed across the parcel.*
- *The property abuts a Portland Pipeline Company Easement. Windham Drifters maintains a snowmobile trail in the easement.*
- *There are no documented rare botanical features or significant wildlife habitat documented on the site.*
- *Street trees are required at least every fifty (50) feet (§ 911.E.1.b) and are shown on Sheet PP-1.*
- *Limits of tree clearing are shown on the preliminary plan. Note 14 on the final 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 (200 feet) for lots in the F zoning district.*
- *Net residential density calculations are shown on the Plan.*
- *Subdivision Ordinance*
- *Standard notes and the standard condition of approval must be shown on the plans.*
- *The Tax Map and Lot numbers provided by the Tax Assessor must be shown on the Final Plan.*
- *Subdivision plan data compatible with the Town GIS was submitted as part of the Final Plan submission.*
- *A Draft Declaration was included with the Final Plan submission and specifies the rights and responsibilities of each lot owner with respect to the maintenance, repair, and plowing of the subdivision streets, open space and stormwater infrastructure.*
- *Note 1 on the amended plan reference the current landowner.*
- *The amended plan submission includes documentation from the Secretary of State's Office confirming that the applicant's LLC is not cancelled and remains in good standing.*
- *Others:*
- *Chapter 221 Street Naming and Addressing: Viola Lane, the name approved by the Town Addressing Officer, is shown the Final Plan.*
- *Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 urbanized area. The application narrative states that maintenance of the stormwater buffer on Lot 3 will be the responsibility of the owner of Lot 3. See Condition of Approval #2.*



*I. FINANCIAL AND TECHNICAL CAPACITY*

- A letter dated April 19, 2018 from Michael Lyden, Loan Officer at Maine Capital Group was submitted as evidence of financial capacity.*
- The applicant has provided information on the licensed professionals working on this project as evidence of technical capacity*

*J. RIVER, STREAM OR BROOK IMPACTS*

- This project is located within the Colley Wright Brook watershed.*
- The project will not adversely impact any river, stream, or brook.*

*CONCLUSIONS*

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

of the proposed subdivision.

19. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will/will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located. (N/A)

20. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.

#### CONDITIONS OF APPROVAL

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated March 23, 2020 and revised April 7, 2020, 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 Keith Elder.

Roll Call Vote:

Andrew Mayo – Yes

Keith Elder – Yes

Colin Swan – Yes

Michael Devoid – Yes

Kaitlyn Tuttle – Yes

All in favor.

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[PB 20-032](#)

20-08 Newbury Ridge Amendment. Major subdivision sketch plan review. Daigle Financial & Development LLC to request an amendment to an approved subdivision to develop a 21-unit retirement community. The property in question is located at Newbury Ridge and identified on Tax Map: 9, Lots: 34, 34-B1, 34-B2, and 34-C Zone: Farm (F) and Retirement Community and Care Facility Overlay District (RCCFO).

**Attachments:** [20-08 Newbury Ridge Amend Sketch 04-06-20](#)

[Newbury Ridge Amended Subdivision 2020 3 23](#)

[Newbury Ridge - Sketch Major Subdivision Amendment Application 2020 3 23](#)

[Newbury Ridge Subdivision 3-25-19](#)

[Planning Board Correspondence - Anderson, N, 4-4-2020](#)

[Planning Board Correspondence - Hagar, Becky 4-7-20](#)

[Planning Board Correspondence - Hawkes, Dennis 4-2-20](#)

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

representing the applicant. He explained:

- The property in question had previously been approved for a three lot subdivision. Since then, they had considered alternatives and now proposed 21 single family, detached, condo units.
- The project would be served by public water.
- All dwellings would share a common septic system. Septic would be pumped to a leach field. Nitrates would be reduced through advanced treatment.
- There would be paved sidewalks, a walking trail, community gardens and a gazebo.
- The project would need a DEP Stormwater Permit. Stormwater management would likely be through three soil basins.
- A hydrant would be located where it was most advantageous, as determined by the Fire Chief.
- The 1,200 foot roadway would be maintained by the association.
- They requested a waiver of the street design standards. The first 150 feet would be a road for the purpose of providing the required lot frontage in the zone. The remainder of the length would be a driveway to the remaining dwellings. They would like to remove the hammerhead in the middle and proposed a 22 foot wide pavement with five foot paved sidewalks and a two foot gravel shoulder on the opposite side of the road.

The Board commented:

- The first hammer-head may be important, depending on the location of the hydrant.
- The sidewalk was better to have than a wider road. Would the sidewalk be raised?
- Would the buildings all look the same?
- The applicant should listen to the abutters and work with them regarding their concerns.
- Consensus of the Board was as to agree with the waiver request.
- The Board would like to see a traffic study.

Staff Commented:

- Three public comments had been received, mostly concerning traffic and environmental impacts.
- The project probably wouldn't require a traffic impact analysis. An alternative could be to provide additional information from DOT regarding the traffic on the road.

- 11      [PB 20-033](#)      20-09 896 Roosevelt Trail Commercial. Major site plan sketch plan review. Jamar, Inc to request review of a 7,000 square foot commercial building. The property in question is located at 896 Roosevelt Trail and identified on Tax Map: 18, Lot: 52, Zone: Commercial 1 (C-1).

Attachments:    [20-09 896 Roosevelt Commercial Sketch 4-8-20](#)  
[896 Roosevelt Trail - Sketch Site Plan 2020 3 23](#)  
[896 Roosevelt Trail - Sketch Site Plan Application - 2020 3 23](#)

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

- They proposed a 7,000 square foot, single story building and 35 parking spaces.
- The site was over one acre, with an upland plateau adjacent to Route 302, where the building would be located.
- There was a wetland and stream on the property.
- They would use one existing curb cut onto Route 302.
- The project would need a DEP Permit by Rule to fill 8,000 square feet of wetland for construction of stormwater infrastructure.
- They would submit a landscape plan for the area around the parking lot.

- *They would submit a photometric plan.*

*The Board commented:*

- *A sidewalk should be built.*
- *What were the watershed impacts?*

## **Other Business**

### **12 Adjournment**

*Michael Devoid made a motion to adjourn.*

*Seconded by Kaitlyn Tuttle.*

*Roll Call Vote:*

*Andrew Mayo – Yes*

*Keith Elder – Yes*

*Colin Swan – Yes*

*Michael Devoid – Yes*

*Kaitlyn Tuttle – Yes*

*All in favor.*