



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Final

### Planning Board

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Monday, November 9, 2020

6:30 PM

Via Zoom

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To join the meeting remotely, use this link: <https://us02web.zoom.us/j/143936937>. You may also call 1-646-558-8656 and enter meeting ID: 143 936 937.

#### 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: Haden Brooks, Tyler Dunlea, Colin Swan, and Kaitlyn Tuttle.*

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

#### 3 [PB 20-080](#) Approval of Minutes: September 28, 2020 and October 26, 2020

**Attachments:** [Minutes 9-28-2020 - draft.pdf](#)

[Minutes 10-26-2020-draft.pdf](#)

*Haden Brooks made a motion to approve the minutes of the September 28, 2020 meeting.*

*Seconded by Tyler Dunlea.*

*Roll Call:*

*Haden Brooks – In Favor*

*Colin Swan – In Favor*

*Tyler Dunlea – In Favor*

*Kaitlyn Tuttle – In Favor*

*Keith Elder – In Favor*

*All in Favor*

*Haden Brooks made a motion to approve the minutes of the October 26, 2020 meeting.*

*Seconded by Tyler Dunlea.*

*Roll Call:*

*Haden Brooks – In Favor  
Tyler Dunlea – In Favor  
Keith Elder – In Favor*

*Colin Swan – In Favor  
Kaitlyn Tuttle – In Favor*

*All in Favor*

## **New Business**

- 4      [PB 20-079](#)      20-26 Belvedere Commons. Amendment. Robie Holdings, LLC to request final plan amendment to an approved 16-unit major subdivision for review of 30 additional units. The subject property is located on Briarwood Lane, Belvedere Drive, and Dusty Rhoades Lane and identified on Tax Map: 19, Lot: 8-2, Zone: Medium Density Residential (RM).

**Attachments:**    [20-26 Belvedere Commons Amendment 11-5-20.pdf](#)  
[Final Subdivision Application Belvedere Commons 2020 10 19.pdf](#)  
[Belvedere Commons Civil Plans 2020 10 16.pdf](#)  
[MA Review Comments 10-28-20.pdf](#)  
[HHE Forms submitted 11-5-20.pdf](#)  
[Varney, Roger and Denise - Public Comment 11-4-20.pdf](#)

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

- *The amendment was for the final 30 units in a 46 unit subdivision. Preliminary approval had been granted for the entire subdivision. Final approval had been granted for 14 condo units and a duplex, which were mostly complete.*
- *The amendment would include the construction of:*
  - o *Ten additional septic systems.*
  - o *1,000 feet of new roadway: a 500 foot extension of Belvedere Drive; and 500 feet of frontage on a cul-de-sac for Dusty Rhoades Lane. The roadway would connect the subdivision to Kettle Estates subdivision. The roads would be private and maintained by the association.*
  - o *Sidewalks*
- *The project had received a Site Location of Review Permit from DEP. As part of the permitting process through DEP there had been two public meetings.*

*Jenn Curtis explained:*

- *Monumentation was required at the corner of the property lot lines.*
- *Public comment had been received:*
  - o *Homer Mclemore had concerns in regard to the ordinance and approval of an amendment for another phase before the previous one was completed. He also expressed concern that approval of the amendment would avoid the intent of the Town Council's recent approval of a growth ordinance and open the town up to litigation.*

*Amanda Lessard stated:*

- *Newly approved units would be subject to the growth ordinance, no matter when they were permitted. This ordinance put an even greater limitation on the number of building permits available per year to a subdivision and to an individual entity.*

- *There had been no substantive changes to the subdivision ordinance between approval of the first phase and this amendment.*
- *New impact fees would apply to the new units.*
- *Abutter notices had been mailed because of the time lapse between the previous approvals and this application.*

*Consensus of the Board was that a site walk and public hearing were not required.*

*Haden Brooks made a motion that the application for 20-26, Preliminary and Final Plan for Major Subdivision Amendment of Belvedere Commons, formerly referenced as Phase 2 of Preliminary Plan in application 19-19, was found complete in regard to the submission requirements based on the application checklist, but the Planning Board retained the right to request more information where review criteria are not fully addressed.*

*Seconded by Tyler Dunlea.*

*Roll Call:*

<i>Haden Brooks – In Favor</i>	<i>Colin Swan – In Favor</i>
<i>Tyler Dunlea – In Favor</i>	<i>Kaitlyn Tuttle – In Favor</i>
<i>Keith Elder – In Favor</i>	

*All in Favor*

*Haden Brooks made a motion that the application for 20-26, Preliminary and Final Plan of Major Subdivision Amendment for Belvedere Commons, formerly referenced as Phase 2 of Preliminary Plan in application 19-19, (AKA Robie Holdings Condos) on Tax Map: 19, Lot: 8-2-2 was to be approved with conditions with the following findings of fact and conclusions.*

#### *FINDINGS OF FACT*

##### *POLLUTION*

- *No portion of this subdivision is within the mapped 100 year floodplain.*
- *The plan notes that there are no wetlands on the property.*
- *A portion of this subdivision is 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 is requesting a waiver request from the hydrogeologic assessment submission requirement.*
- *In an email dated October 16, 2019, Mark Arienti, P.E. Town Engineer, recommended that where the property is located over a significant sand and gravel aquifer, a hydrogeologic assessment should be performed*
- *A hydrogeologic assessment performed by Mark Cenci of Geologic, Inc. dated November 4, 2019 was submitted. It states that for each leach field the 10 mg/liter NO3-N plumes are calculated to be 150 feet in length.*
- *Staff noted that the Nitrate Plan dated 11-4-19 shows that one of the nitrate plumes extends over the property boundary onto the parcel at Map 19, Lot 8C.*
- *Dustin Roma, PE, submitted a revised Nitrate Plume Plan on November 20, showing a revised leach field location.*
- *Town Engineer, Mark Arienti, P.E., reviewed the revised Nitrate Plume Plan and*

commented that moving the leach field makes sense, but the Town should make sure to have the revised analysis for the new plume location. The applicant submitted an updated nitrate plume plan dated November 20, 2019, depicting all leach fields in compliance with the ordinance.

- The amendment application submitted October 19, 2020 included an updated Nitrate Plume Plan with test -pit locations, locations of proposed leachfields (nearly identical to as show on the November 20, 2019 plan) and showing nitrate plume locations and well exclusion areas. The 10mg/ml nitrate plume locations all are within the property boundary.
- See Sewerage for information on septic disposal systems

#### WATER

- All dwelling units will be served by public water in a proposed new water main located in the subdivision street.
- 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.
- The Preliminary Plan Submission included documentation of email correspondence on
  - October 7, 2019, notifying Portland Water District of the planned development, including estimated water needs, and requesting follow-up that would ultimately result in an Ability to Serve Letter.
  - An Ability to Serve letter from the Portland Water District must be submitted with the final plan.
  - An Ability to Serve letter dated November 5, 2019 was included with the supplemental submission on November 12, 2019.
  - There is an existing fire hydrant is located at the intersection of Briarwood and Underwood Lanes.
  - A fire hydrant will be located near the mid-point of the new subdivision street and will be shown on the Preliminary Plan. The Preliminary Plan Submitted October 7, 2019 does not show the hydrants. The hydrants should be shown on the Plan.
  - A new private hydrant to be installed, is shown near unit 12, just past road station 5+00.

#### SOIL EROSION & STORMWATER MANAGEMENT

- A soil erosion and sediment control 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 as part of the preliminary plan.
- As part of the Preliminary Plan submission dated October 7, 2019, the applicant submitted stormwater management plans. The stormwater management report documents that the project will result in 10.76 acres of total developed area. Proposed treatment measures consist of subsurface storm drain collection system to capture and convey site runoff, which will be discharged into either of two stone-bermed level spreaders. The level spreaders will distribute the flow into forested buffers. Stormwater from the roofs of the buildings will drain to roofline drip-edges.
- In an email dated October 16, 2019, Mark Arienti, P.E. Town Engineer, commented: The Applicant has stated that since the project will create less than 3 acres of impervious area and less than 20 acres of developed area it is not required by the MDEP to meet the Flooding Standard. However, Section 911.J of Windham's Subdivision Standard requires all subdivisions, regardless of size, to submit a stormwater management plan that complies with Section 4E Flooding Standard of the DEP Chapter 500 Stormwater Management. Section 911.j does, however, allow an applicant for a

project that does not require a DEP Site Location of Development (SLDA) Permit to request the Planning Board to waive the Flooding Standard in the event that greater than 75% of the impervious and developed areas for both the lots and infrastructure are treated through the use of buffers in accordance with DEP Chapter 500 Stormwater Management. A formal waiver application should be submitted to support the applicants request to avoid meeting the flooding standard.

- The applicant submitted a waiver request for the flooding standard in a response to comments on October 23, 2019.

- In an email dated October 16, 2019, Mark Arienti, P.E. Town Engineer, commented: Forested Buffer #2 appears to receive stormwater drainage from Belvedere Drive at approximately STA 7+00 to the Cul-de-Sac and the connection to Dusty Rhoades Lane. A 15" culvert with a slope of 15.4% discharges to what appears to be a plunge pool and then a 90 degree turn into a level spreader that feeds the buffer. An analysis should be provided to document that the design will adequately support the anticipated flow. For this buffer, please also confirm the calculation of the required berm length.

- Attachment 2 of the application indicates a tributary landscaped area of 209,445 SF, but from the

- Stormwater Treatment Table appears to shows 202,195 SF of new area and 39,618 SF of existing area for a total of 241,813 SF.

- In a response to comments dated October 23, 2019, Dustin Roma, P.E. submitted revised calculations revising buffer width, and riprap sizing calculations. He noted that the outlet to the culvert was raised to provide less slope on the pipe, and to provide a more natural flow path from the pipe outlet to the level spreader swale. Mark had no further comment.

- In an email dated October 16, 2019, Mark Arienti, P.E. Town Engineer, commented: Please provide flow lines on the Stormwater Treatment Plan (sheet SWT-1) to better illustrate drainage paths and also please clarify what the diagonal hatch is meant to show.

- In an October 23, 2019 response to comments, flow lines were added to the plan. Mark had no further comment.

- A DEP Stormwater permit is required for this project. The permit must be submitted as part of the Final Plan.

- A SLDA permit could be required if DEP determines that this project is a common scheme of development with Kettle Estates.

- The applicant informed staff in conversation that they intend to seek a SLDA permit prior to the Phase 2 final approval.

- The application for an amendment included a DEP Site Location of Development Act permit dated October 9, 2020.

- In an email dated October 28, 2020, Mark Arienti, P.E. Town Engineer, commented: Finding 10.B and Conditions 5 states that prior to the start of construction, the location of stormwater treatment buffers must be permanently marked on the ground. Note #14 on the subdivision plan notes indicates temporary marking of stormwater buffers before construction, which is not consistent with the SLDA.

- The Town received a copy DEP Stormwater Permit by Rule #69049, which specifies the project scope as a 14 unit condo project with 607 feet of road and a hammerhead turnaround; accepted by DEP on November 8, 2019.

- This project is in the NPDES (National Pollutant Discharge Elimination System) urbanized 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. The stormwater management report documents that the project will result in 10.76 acres of total developed area. See Condition #2.

- A hydrogeologic assessment shall be submitted with the Preliminary Plan (see

*Findings under A. Pollution)*

- *The area of gravel excavation should be quantified and may require Site Plan review.*
- *In the Preliminary Plan application submitted on October 7, 2019, the applicant noted that the finish grades reflect an export of approximately 50,000 cubic yards of gravel material. The applicant has indicated that the planned excavation and grading is only being undertaken as part of and subordinate to the construction of the subdivision project; the 4 to 8 feet of cut will enable the dwellings to be constructed with foundation footings on natural grade, rather than fill, which would have to be added to areas that had been mined for gravel by the previous owner. In conversation with staff, the applicant stated they are willing to undertake the excavation and grading portion of the project as part of the Phase 2 subdivision development, within the same time period. The applicant further stated that in their assessment, the impact of the excavation and grading portion of the subdivision development would be perceived by nearby residents as substantially similar to the rest of the project. Staff find that the excavation is only being undertaken as part of and subordinate to the construction of the subdivision project, and therefore qualifies per 603.A.4. of the Mineral Extraction Ordinance to be exempt from the requirement at 601.A, and does not require Site Plan review in addition to Subdivision review.*
- *The amendment application dated October 19, 2020 included a draft easement benefiting Belvedere Commons Condominium, which would provide access over Kettle Estates property for maintenance of stormwater facilities.*

*TRAFFIC*

- *The site is accessed off Briarwood Lane, a public street, and Dusty Rhoades Lane, a private road, constructed to the Major Private Road standard as part of the Kettle Estate Subdivision.*
- *As part of the Kettle Estates Subdivision, an easement was granted to this property to travel over Dusty Rhoades Lane, to Acorn Lane, a public street.*
- *Per Section 911.M.5.a.6 (pg 9-58) access drive standards for condominium subdivisions shall meet the major private road standard (right-of-way width is not applicable).*
- *In the Preliminary Plan submission on October 7, 2019, the applicant submitted a detail of Typical Roadway Section of Belvedere Drive. It is depicted as having a 24' paved surface (two 10' lanes, and two 2' paved shoulders), with a 2' grassed shoulder on one side, and a 5' sidewalk on the other*
- *Section 911 M. (7) (page 9-62) requires a minimum of two connections to an existing public street for a residential subdivision street serving 31 or more units.*
- *At the Development Team meeting Fire Chief Brent Libby asked about the ability for emergency services to utilize the Kettle Estates hammerhead turnaround if winter maintenance for this development and Kettle Estates is managed separately.*
- *The road should match Dusty Rhoades section of Kettle Estates, which is approved as a paved road meeting the Major Private Road standard, with a (5) foot wide sidewalk on one side of the road.*
- *In the Preliminary Plan submission on October 7, 2019, the applicant submitted a detail of Typical Roadway Section of Dusty Rhoades Lane, which would create a "T" intersection with Belvedere Drive, and end in a cul-de-sac. A typical roadway section of Dusty Rhoades Lane is depicted as having a 28' paved surface (two 12' travel lanes and two 2' paved shoulders), with a 2' grassed shoulder on one side, and a 5' sidewalk on the other side. The total width of paved sections would match; however, the proposed extension would not include the 6' wide esplanade between the paved surface and sidewalk that the existing Dusty Rhoades Lane has.*
- *Section 911.M.3.d states that streetlights may be required at intersections with existing public streets. The Town of Windham Streetlight Policy, adopted June 25, 2013, states that streetlights should be at intersection with private roads that serve more than*

10 units, therefore a new streetlight is required at the intersection with Briarwood Lane is required

- A streetlight is shown on a utility pole to be installed at the intersection with Briarwood Lane on sheet PP-1 dated 11-4-19.
- A traffic impact analysis is required for subdivisions involving 28 or more parking spaces, or that are projected to generate more than 140 vehicle trips per day and should be submitted with the Preliminary Plan.
- The Preliminary Plan Submission on October 7, 2019 notes that a vehicle traffic analysis is being prepared and will include counts at the intersection of Briarwood Lane and Varney Mill Road and will incorporate the trips expected to be generated from the full buildout.
- The application states that vehicle sight distance at the proposed intersection of Belvedere Drive and Briarwood Lane is at the mid-point of the outside of the roadway curve and provides ample sight distance in both directions. The applicant should quantify the distances and note them on the Final Plan, to demonstrate compliance with the ordinance
- A Traffic Impact Study for Proposed Belvedere Commons Subdivision, prepared by William Bray, was submitted with a November 12, 2019. It includes a Traffic Accident Summary of nearby major intersections, including Falmouth Road at Varney Mill Road and a mobility analysis. It concludes that peak hour traffic generated by the proposed residential subdivision has negligible impact on traffic operations at the Varney Mill Road/Briarwood Lane/Dyer Place and Varney Mill Road/Forbes Lane intersections.
- The Traffic Impact Study states that 200' of unobstructed sight line is required at the intersection with Briarwood, based on the 25 mph speed limit, and there is a clear line of sight in excess of 350 feet in both directions from the proposed centerline of the subdivision street where it will connect to Briarwood.
- 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 Traffic Impact Study does not include an assessment of additional vehicle trips to be generated by the development which will pass through the North Route 302 Capital Improvement District in the peak commuter hour. The project shall be assessed the fee per dwelling unit for fee area 2, as shown on Table 1. North Route 302 Road Improvement Impact Fee at 1204.L.
- In an email dated October 16, 2019, Mark Arienti, P.E. Town Engineer, commented: There should be a crosswalk shown on the plan between the sidewalk at the end of Belvedere Drive over to the Sidewalk on The Dusty Rhoades Extension. Provide curb tip down and crosswalk details and call out on plans.
- A crosswalk is shown on plan sheet PP-2 dated 11-4-19. It includes a curb tip down and call out on plan and sidewalk ramp and crosswalk detail.

#### SEWERAGE

- The development will be served by several community subsurface wastewater disposal systems.
- Soil test pit analysis which indicates soils that will support a septic system for this use must be included with the final plan submission. Test pit locations must be shown on the plan.
- The Preliminary Plan submission on October 7, 2019 included locations of test pits on the plan, and test pit analysis prepared by a Maine Licensed Site Evaluator, Alexander Finamore, LSE #391. The analysis concluded that all of the test pits contained suitable soils to support a 'First Time System' according to the Maine Subsurface

*Wastewater Disposal Rules.*

- *Leach field locations are shown on the final plan set.*
- *See Pollution for findings based on the hydrogeologic analysis.*
- *The applicant submitted HHE and preliminary HHE forms for the septic systems that will be used by the additional 30 units proposed by the amendment. All systems are non-engineered, and typically 3 duplex units will share a leach field. The forms were dated September 15, 2020 and were prepared by Site Evaluator Norman "Bud" Harris (#348) of Harris Septic Solutions, Inc.*
- *See Pollution for findings based on the hydrogeologic analysis, including nitrate plume plan.*

*SOLID WASTE*

- *Residents of the single family dwellings and the duplex 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.*

*AESTHETICS*

- *The site is located on one half of a reclaimed gravel pit, which appears to be grown up with brush and scrub. The old pit is completely surrounded by residential neighborhoods.*
- *Street trees should be shown on the site plan. The Preliminary Plan submitted on October 7, 2019 shows vegetation clearing limits and notes that it should be maintained for five years from the date of Planning Board approval. Planting details should be included on the Final Plan.*
- *Tree and shrub installation details are included in the November 4, 2019 submission.*
- *Buffers for neighboring properties should be shown on the Preliminary Plan.*
- *The applicant may propose a private park, for residents of the subdivision, to be considered for acceptance in lieu of the recreation impact fee.*
- *At the September 9, 2019 Planning Board meeting, the Planning Board said they would like to know how close the new houses would be to neighboring properties. The Preliminary Plan submission on October 7, 2019 does not indicate limited building envelopes within the unit boundaries. A 10' setback is shown on the plan.*
- *Areas designated for common land or access to common land should be noted on the site plan.*
- *The November 4, 2019 submission includes notes on the limits of common elements.*
- *The Amended Subdivision Plan dated October 16, 2020 includes proposed clearing limits, limits of common elements, easement areas. Property boundary monuments are not shown at all property boundary corners.*
- *The Plans and Profiles of Belvedere drive, and Dusty Rhoades Lane (PP-1, PP-2, and PP-3) dated October 16, 2020 all depict street trees at 50' intervals).*

*CONFORMITY WITH LOCAL PLANS AND ORDINANCES*

- *Comprehensive Plan: The plan does meet the goals of the 2017 Comprehensive Plan. The property is located in the Residential Grown Area shown on the Future Land Use Map.*
- *Land Use Ordinance:*
- *The proposal meets the net residential density requirements and the setback requirements of the RM district.*
- *Subdivision Ordinance*
- *Street trees are required and must conform with § 911 E.1.(b).*



- *Street trees that conform with § 911 E.1.(b). are shown on the Plan and Profile sheets of the November 4, 2019 submission.*
- *A landscaping plan must be submitted with the Preliminary Plan.*
- *A landscaping plan is included with the November 4, 2019 submission.*
- *Standard notes and the standard condition of approval must be shown on the plans.*
- *Digital transfer of the subdivision plan data must be submitted with the Final Plan submission for inclusion with the Town's GIS.*
- *Condominium Association Documents shall be provided with the Final Plan submission and must specify the rights and responsibilities of each lot owner with respect to the maintenance, repair, and plowing of the subdivision streets, open space, and stormwater infrastructure.*
- *The supplemental submission on November 12, 2019 includes draft Declaration of Condominium documents which include the required elements. An updated version referencing the additional stormwater easement, SLDA permit, road names, and all other updated information, should be submitted.*
- *Section 912.G states that If a plan has received a phased approval, the first phase shall be recorded within three (3) years of the original approval and subsequent phases shall be recorded within five (5) years of the original approval. If a phased plan is not recorded within those time periods, the phases that have not been recorded shall become null and void.*
- *Section 914.A.6. states that the Board may approve plans to develop a Major Subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guarantee.*
  
- *Others: Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 area as well as the Pleasant River watershed (the Town's high priority watershed). See Condition of Approval #2.*

#### *FINANCIAL AND TECHNICAL CAPACITY*

- *Evidence of financial capacity must be provided as part of the Preliminary Plan submission.*
- *The Preliminary Plan application submission on October 7, 2019 includes estimated construction costs, totaling \$600,000 (six-hundred thousand dollars).*
- *The applicant submitted a Certificate of Indicating that Robie Holdings LLC is a corporation in Good Standing from the Maine Secretary of State's Office.*
- *Evidence of technical capacity must be provided as part of the Preliminary Plan submission.*
- *The Preliminary Plan submission on October 7, 2019 was signed and stamped by State of*  
*Maine licensed professional engineers. The applicant has managed recent subdivision developments in the Town of Windham.*

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

- *The property is located in the Pleasant River and Collins Pond watersheds.*
- *The applicant should demonstrate that the project will not adversely impact any river, stream, or brook.*
- *See Findings of Fact under Pollution, and Soil Erosion.*

#### *CONCLUSIONS (N/A)*

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/do not have a lot depth to shore frontage ratio greater than 5 to 1. N/A
18. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
19. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will/will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located. N/A
20. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.

#### CONDITIONS OF APPROVAL

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated October 16, 2020 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.

3. Prior to the issuance of permits for buildings in Phase 2, a permanent easement shall be recorded over Kettle Estates subdivision to allow for the use of the access road to access the forested buffers and level spreader stormwater management elements for maintenance purposes. Easement language shall be approved by Planning Staff prior to recording.

Seconded by Tyler Dunlea.

Roll Call:

Haden Brooks – In Favor

Colin Swan – In Favor

Tyler Dunlea – In Favor

Kaitlyn Tuttle – In Favor

Keith Elder – In Favor

All in Favor

## **Other Business**

### **5 Adjournment**

Haden Brooks made a motion to adjourn.

Seconded by Tyler Dunlea.

Roll Call:

Haden Brooks – In Favor

Colin Swan – In Favor

Tyler Dunlea – In Favor

Kaitlyn Tuttle – In Favor

Keith Elder – In Favor

All in Favor