



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Planning Board

Monday, April 12, 2021

6:30 PM

Remote via Zoom

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: Michael Devoid, Kaitlyn Tuttle, Marge Govoni, and Rick Yost.

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

3 [PB 21-019](#) Approval of Minutes: March 22, 2021

Attachments: [Minutes 3-22-21 - draft.pdf](#)

The minutes of the March 22, 2021 meeting were corrected. On page 36, for the Chamberlain Estates application, the Board voted on a waiver of the Appendix B Commercial Street Standards. Rick Yost was opposed; he did not abstain.

Michael Devoid made a motion to approve the minutes from March 22, 2021, subject to that correction.

Seconded by Marge Govoni.

Roll Call

*Michael Devoid- In favor Kaitlyn Tuttle - In favor
Keith Elder- In favor Rick Yost – In favor
Marge Govoni – In favor*

Vote: All in favor.

Continuing Business

4 [PB 21-017](#) 20-24 Fielding Apartments. Major site plan final plan review. Fielding Oil Company, Inc. to request review of a 24-unit condominium building with two accessory storage buildings. The property in question is located on Roosevelt Trail and identified on Tax Map: 51, Lot: 4-1, Zone: Commercial 1 (C-1).

Attachments: [20-24 Fielding Apartments Final Site Plan 4-7-21.pdf](#)
[Cover Letter 3.26.21 Binder.pdf](#)
[41878-FIELDING 3-16-21 added propane tanks.pdf](#)
[19262 Explorations Report Roosevelt Trail \(Map 41 Lot 40-1\) Windham.pdf](#)
[Condo Declaration Fielding's.pdf](#)
[Exhibit C - Bylaws Fielding's.pdf](#)
[SK-001_NEW.pdf](#)
[2021-01-04 Fielding's Oil SWPBR71573-RS.pdf](#)
[RE FW Fielding Condos, Wincham Valente.pdf](#)
[Traffic Comment Response.pdf](#)
[41878-P&P 4-12-21.pdf](#)
[41878-SITE 4-12-21.pdf](#)
[Waiver Request Form - Performance Standards 522B2a - Copy.pdf](#)
[Waiver Request Form - Performance Standards_ApxB Commercial Street.pdf](#)

Travis Letellier was present representing the applicant. He explained:

- *The project was a 24 unit condo development with two storage sheds.*
- *They had provided for possible future connectivity to the abutting development.*
- *Stormwater infiltration was located under the main entry drive.*
- *There were three septic areas on site.*
- *They had added a location for three propane tanks at the back of the site, in the wooded area.*
- *They requested waivers:*
 - o *For a grassed esplanade instead of tree planter boxes because they were providing landscaping along on the property.*
 - o *From the requirement for a walkway on both sides of the proposed Vintage Drive Extension. No walkway was proposed on the far side of Vintage Drive on the abutting property and so a walkway on that side would lead to nothing. They did propose a walkway on the roadside closet to the buildings which would align with that proposed for the abutting property.*
 - o *They were waiting for street name approval.*
 - o *They had received a minimum lot size waiver from the Department of Human Services and also one for the distance between infiltration and the leach field.*

Jenn Curtis explained they would also require a waiver for the second proposed curb cut onto the proposed Vintage Drive Extension.

The Board commented:

- *How would the connection to the abutting proposed Vintage Drive be made?*
- *Would the single dumpster be big enough for 24 units? How often would it be emptied?*
- *The 9 foot wide parallel parking spaces on the main drive conflicted with the commercial street standard requirement for 8 foot wide spaces, which was required for Vintage Drive Extension.*
- *How large were the esplanades? Would the applicant consider locating one or two benches there?*

- *A sidewalk on one side of the road was fine.*
- *The waiver requests were acceptable.*
- *Grass was preferred for the esplanades, rather than the planters.*

Town Engineer, Mark Arienti, had commented that the 8 foot wide parking spaces were wide enough, and it was reasonable to have them along the main driveway.

Michael Devoid made a motion to grant a waiver from the Appendix B road standards to allow a grassed esplanade instead of requiring tree pits and to allow a walkway on only one side of the road.

Seconded by Marge Govoni.

Roll Call

Michael Devoid- In favor Kaitlyn Tuttle - In favor
Keith Elder- In favor Rick Yost – In favor
Marge Govoni – In favor

Vote: All in favor.

Michael Devoid made a motion to grant a waiver to allow two curb cuts onto the proposed Vintage Drive Extension.

Seconded by Marge Govoni.

Roll Call

Michael Devoid- In favor Kaitlyn Tuttle - In favor
Keith Elder- In favor Rick Yost – In favor
Marge Govoni – In favor

Vote: All in favor.

Michael Devoid made a motion to allow the parallel parking spaces along the access drive to be 8 feet wide contingent on that being presented as a proposed ordinance change to Town Council.

Seconded by Marge Govoni.

Roll Call

Michael Devoid- In favor Kaitlyn Tuttle - In favor
Keith Elder- In favor Rick Yost – In favor
Marge Govoni – In favor

Vote: All in favor.

Michael Devoid made a motion that the site plan application for project 20-24 Fielding Apartments 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 Marge Govoni.

Roll Call

Michael Devoid- In favor Kaitlyn Tuttle - In favor
Keith Elder- In favor Rick Yost – In favor
Marge Govoni – In favor

Vote: All in favor

Michael Devoid made a motion that the Site Plan application for 20-24 Fielding Apartments on Tax Map: 18, Lot 52 was to be approved with conditions with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- The lot is currently undeveloped and partially cleared with existing frontage on Roosevelt Trail. It abuts properties with both non-residential and residential uses.
- The site is relatively flat.
- There are no wetlands identified on the plan.
- The site is in the Ditch Brook Watershed

Vehicular and Pedestrian Traffic

- The subject parcel has approximately 150 feet of frontage on Route 302.
- The sketch plan shows the right-of-way on the abutting property to the north shown the on PTG Commercial Subdivision approved by the Planning Board on June 22, 2020.
- One driveway entrance is proposed on Route 302. In accordance with Section 406.E.6.(g) new, enlarged or rebuilt uses on an arterial road, shall be limited to one (1) curb cut.
- The project is subject to the block standard requirements in 406.E.6.(l), which include a requirement that land must be divided with streets to create blocks.
- §406.E.6(k) requires that all new and reconstructed Streets must be built to Public Street, Commercial Street, Curbed Lane, or Residential Street standards.
- Sight distances for the entrance must be shown on the final plan.
- Sight distances are included in the Traffic Analysis; however, the Final Plan submitted December 21, 2020 does not show the sight distances.
- Driveway entrances on adjacent abutting properties should be shown on the final plan.
- Driveway entrances on adjacent abutting properties are shown on the Final Plan submitted December 21, 2020.
- Development in the C-1 zoning district is subject to the North Windham Sidewalk Impact Fee (Section 1201). (See COA #5).
- The sketch plan shows 46 parking spaces. 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 uses. Section 812.C.(1)(d) requires 30% of the parking spaces to be 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.
- If the project generates over 100 peak hour trips and requires a Traffic Movement Permit from the Maine Department of Transportation, it must be submitted with Final Plan.
- A traffic impact study performed by traffic engineer Bill Bray, dated December 17, 2020, states that the development will generate 9 trips in the AM peak hour and 11 trips in the PM peak hour. The study does not provide weekend trips. The study states that

there are no high crash locations within the project study area.

- 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 they will submit an updated traffic assessment that will include a calculation of their impact fee.
- The applicant submitted a Response to Traffic Review Comments prepared by Bill Bray, P.E. of Traffic Solutions, dated January 10, 2021, stating that:
- "...the proposed 24-unit project will generate 118 daily trips and 11 peak hour trips on a typical Saturday."
- A total of two vehicle trips [per peak hour trips] are likely to pass through the Route 302/Angler's Road intersection. Accordingly, the impact fee assessment for the proposed project is \$765.30 (See COA #3)
- A left-turn lane is not warranted during either peak hour travel conditions.
- The Final Site Plan submission dated December 21, 2020 depicts an extension of Vintage Drive, a Commercial Street, from the planned subdivision to the north, which crosses the subject property, and also connects to Route 302, in compliance with the block standards.
- The Final Plan submission dated December 21, 2020 includes 50 parking spaces; 2 for each unit, and two additional spaces, 17 of the spaces will be 10'x20'.
- The profile for the proposed street does not match the Commercial Street standard. As of the date of this memo, the applicant has stated that they intend to match the required street standard, and to match the profile of the proposed road on the adjacent parcel to the north.
- As of the date of this memo, the applicant is working with the Town Addressing Officer to approve the road name.

Sewage Disposal, Water Quality and Groundwater Impacts

- The project will be served by a private subsurface wastewater disposal system (septic).
- 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.
- The applicant is proposing three septic locations, with none at a capacity of 2,000 gallons per day or more. The applicant is required to get a waiver from the Department of Health and Human Services for the amount of wastewater disposal needed to accommodate the proposed number of units on the subject site. The Final application must include the authorization from DHHS.
- The applicant submitted a letter from DHHS Division of Environmental and Community Health, dated February 12, 2021, approving the application for a lot size waiver, stating that "...the application is not considered to be likely to lower the water quality of, or otherwise pose a threat to, any lake, pond, stream, river or tidal waters, any underground water supply, or the public health, safety and general welfare."

Stormwater Management

- Per Section 812.E., a stormwater plan needs to be submitted that meets the standards DEP Chapter 500 Stormwater Management.
- This project is in the NPDES (National Pollutant Discharge Elimination System) area as designated by the Environmental Protection Agency for the Town of Windham. As a

result, there will be additional construction inspection requirements and ongoing requirements for reporting of stormwater infrastructure maintenance as there is more than one (1) acre of development proposed.

- The Final Plan submission dated December 21, 2020 included a Stormwater Management Plan. The plan states that the project is creating less than an acre of impervious area and 1.4 acres of developed area. The site will drain southeasterly towards a collection area, and into a catch basin near Route 302.
- In an email dated January 5, 2021, Mark Arienti, P.E. had several comments related to Stormwater Management calculations, and stormwater management designs. The applicant responded on January 6, 2021, but Mark has not had time to review the responses as of the date of this memo.
- A Stormwater Permit by Rule (PBR) from DEP is required with the Final Plan submission.
- The applicant submitted a PBR form indicating that DEP had reviewed and accepted the PBR on January 4, 2021.
- A drainage easement is required with the property to the south, to connect the drainage overflow from the underground detention area to a catch basin just over the property line. The applicant submitted an email from the abutting property owner expressing no objection to the drainage easement. The easement could be a condition of approval (see draft COA #2)
- In an email dated April 6, 2021, Mark Arienti, P.E. had these comments:
 - o I reviewed the condominium declaration. [...] it wasn't clear who is responsible for maintaining the stormwater BMPs and the subsurface wastewater disposal systems.
 - o A report prepared by Summit Geoengineering was provided that included a well log for a monitoring well installed at the property to document subsurface conditions and depth to groundwater. The report supports the assumptions for soils that the stormwater infiltration system and the subsurface wastewater disposal systems are based on.

Erosion Control

- A soil erosion and sediment control plan must be submitted as part of the Final Plan submission.
- A soil erosion and sediment control plan is included in the Final Plan submission dated December 21, 2020. The plan shows the locations of silt fences, hay bales, a catch basin, and a stabilized construction entrance. The notes include inspections and maintenance, post-construction, and housekeeping provisions.

Utilities

- The property must be served by underground utilities.
- The Final Plan submitted on December 21, 2020 shows all utilities being installed underground.
- The project will be served by public water for domestic use and fire protection.
- A written statement from the Portland Water District indicating that there is adequate water supply to service the use must be submitted with the Final Plan.
- Based on the size of the proposed new building, sprinkler system is required, and based on comment from Fire Chief Libby at the Development Review Team Meeting on October 21, 2020, that should include the connecting entry/hallway between the two blocks of apartments.
- The Final Plan submission dated December 21, 2020 includes an Ability to Serve letter from the Portland Water District.
- The project will require road opening permits from the Town where public right of way is disturbed.
- The closest fire hydrant is approximately 300 feet to the south on Route 302

- The fire hydrant is shown on the updated Site Plan dated January 6, 2021.

Technical and Financial Capacity

- Evidence of financial capacity must be provided as part of the final submission.
- The applicant submitted a letter from Katahdin Trust Company, dated December 15, 2020, stating that the applicant had discussed their plans to develop a 24-unit residential complex at 610 Roosevelt Trail, and that the applicant is financially capable of such a development project.
- The Final Plan must include an itemized project cost estimate.
- The applicant stated that the estimated project cost would be between \$5 Million and \$6 Million.
- Evidence of technical capacity must be provided as part of the final submission.
- The applicant has retained the services of qualified professionals to investigate the site and design the project.

Landscape Plan

- The final submission should include a landscape plan and planting schedule.
- The Final Plan submitted December 21, 2020 shows the locations and types of plants to be used in landscaping.
- Snow storage area must be identified on the Final Plan.
- Snow storage areas are shown on the north and westerly external parking area boundaries of the Site Plan dated December 21, 2020.

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 applicant is required to get a waiver of the State of Maine minimum lot size from the Department of Health and Human Services for the amount of wastewater disposal needed to accommodate the proposed number of units on the subject site. The Final application must include the authorization from DHHS.
- There is no Net Residential Density requirement in the C1.
- The proposed building meets the 10-20 foot maximum setback from Route 302. The project meets the minimum side and rear 6 foot setback.
- The building facade must be oriented parallel to Roosevelt Trail. At least one primary entrance must be located on the building's front façade. The sketch plan shows a sidewalk from the front entrance to Route 302.
- Dwelling, Multifamily, is a permitted use in the C1.
- §406.E(6)(I) Block standards apply.
- See FOF under "Traffic" above for comments on block standards.
- The Final Plan needs to demonstrate how the project will comply with the Commercial District Design Guidelines in Section 813.
- Building elevations and sign details should be provided with the final plan submission. Building elevations were submitted with the Final Plan submission dated March 26, 2021.
- The Final Plan dated December 21, 2020 includes a detailed account of how the project will meet the District Design Guidelines. The eight (8) (minimum) additional standards that we will meet:

1. Parking Location
2. Internal Traffic Flow
3. Orientation of Building

4. Screening – Utilities
5. Parking lot landscaping
6. Planting Variety
7. Planting Suitability
8. Mass Planting
9. Illumination levels

- The applicant has submitted a waiver from the façade standard requirement for transparent openings. The waiver was granted at the meeting on January 11, 2021.
- The development is subject to the following Section 1200 Impacts Fees, to be paid at with the issuance of a building permit: North Windham Sidewalk Impact Fee, Recreation Impact Fee, North Route 302 Road Improvements Impact Fee, Open Space Impact Fee, Public Safety Impact Fee, Municipal Office Impact Fee.

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.
- Chapter 221 Street Naming and Addressing: If the project is intended to be a condominium, a street name for the entrance approved by the Addressing Officer shall be shown on the Final Plan. As of the date of this memo, the applicant is working with the Town Addressing Officer to approve a name for the access drive.
- Chapter 116 Growth Management Ordinance: A growth permit is required prior to the issuance of a building permit for the construction, creation, or placement of each new dwelling unit within the Town of Windham.

Impacts to Adjacent/Neighboring Properties

- The sketch plan shows a proposed dumpster located on a paved pad. The dumpster also needs to have a screened enclosure.
- Site lighting must be shown on Final Plan, including illustrations of all proposed lighting fixtures, photometric data and details of fixtures must be included in the submission, in accordance with §813.C.1.a.
- The Photometric sheet included with the Final Plan submission dated December 21, 2020 shows the lighting will exceed the standard of 0.5 footcandles at the northerly border. The applicant should modify the plan accordingly.

CONCLUSIONS

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

pedestrian traffic no more hazardous than is normal for the area involved.

7. The proposed site plan will provide for adequate sewage waste disposal.

8. The proposed site plan conforms to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.

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

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

11. The proposed site plan will provide for adequate storm water management.

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

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

CONDITIONS OF APPROVAL

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated October 5, 2020, amended March 26, 2021, and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the Planning Board or the Town Planner in accordance with Section 814.G. of the Land Use Ordinance.

2. Approval is subject to the requirements of the Post-Construction Stormwater Ordinance,

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

3. Prior to issuance of building permits, the applicant must pay the \$765.30 North Route 302 Road Improvements Impact Fee assessed for the proposed project.

4. Prior to issuance of building permits, the applicant must submit proposed drainage easement language for review by the Planning Department and then file the approved easement with the registry of deeds. The easement should clearly specify maintenance responsibilities.

5. Prior to issuance of building permits, the applicant must pay the \$27,125.00 North Windham Sidewalk Impact Fee assessed for the proposed project.

Seconded by Marge Govoni.

Roll Call

Michael Devoid- In favor Kaitlyn Tuttle - In favor

Keith Elder- In favor Rick Yost – In favor

Marge Govoni – In favor

Vote: All in favor

New Business

- 5** [PB 21-018](#) 21-04 Frost Lane Subdivision. Major subdivision sketch plan review. MB Contracting, LLC to request review of a 7 lot conservation subdivision. The

property in question is located on Frost Lane and identified on Tax Map: 13, Lot: 51, Zone: Farm Residential (FR).

Attachments: [21-04 Frost Lane Major Subdivision Sketch 4-8-21.pdf](#)
[_Compiled-Frost Lane Subdivision-Design Plans \(3-22-2021\).pdf](#)
[_Compiled-Sketch Plan Submission-Frost Lane Subdivision \(3-22-2021\).pdf](#)
[Binekey Frost Rd Subdivision 04-09-2021.pdf](#)
[Legere Frost lane subdivision 04-12-2021.pdf](#)
[Hartzler et al Frost Ln 04-12-21.pdf](#)

Jayson Haskell, from DM Roma Consulting Engineers, was present representing the applicant. He explained:

- The applicant was proposing to purchase 28.7 acres from a larger 48 acre parcel.
- The conservation subdivision requirements resulted in a net density for seven lots.
- The proposed road would be 1,400 feet long and use the existing Frost Lane curb cut onto Albion Road. The first 500 feet of the road would be an easement, which would be realigned to provide more curvature in the road and to reduce wetland impacts.
- The road would be built to the town's public road standard. They would request waivers for:
 - o A hammer-head instead of a cul-de-sac
 - o A reduction to the public street standard to have a 20 foot wide pavement, one foot paved shoulders, and a two foot gravel shoulders
 - o A waiver for a two foot paved shoulder in lieu of a sidewalk
- The subdivision would be served by public water. A hydrant would be located between lots one and two.
- Electricity service would be underground.
- The property was located in the Highland Lake Watershed. They were required to meet phosphorous management and would use underdrain filter basins, roof-line drip edges, and roadside swales, where possible.
- A Stormwater Permit was required from DEP, and Wetland Alteration permits were required from DEP and Army Corp of Engineers.
- 98% of the open space was in primary conservation areas.
- They proposed a trail through the open space which would be an area of limb clearing and undisturbed soil.

Amanda Lessard explained:

- The plan didn't reflect lot boundaries as they were depicted on the town's tax maps; there was a peninsula into the lake.
- The land that the owner would retain wasn't a legal lot. They needed a description of how it would be made legal.
- Public comment had been received. Written comments received prior to the meeting are linked within the minutes.

The Board commented:

- The waiver request for the high intensity soil survey was acceptable.
- There shouldn't be a waiver for the street standards for width or the hammer-head. If the town were to accept the road it should be built to the standards.
- The hydrant location was good.
- A sidewalk would be better than widening the road; it was a safety issue.
- A cul-de-sac was preferred and eliminate the sidewalks instead. Did Windham have a standard for cul-de-sac radius?

- *Was there a possibility of anything being built in the open space in the future?*
- *Most of the surrounding roads were private with associations. They were dirt roads in poor condition. It would be better to avoid interconnectivity.*
- *The waiver requests were a matter of weighing phosphorous concerns vs. the street standards and impervious surface.*

Keith Elder made a motion to schedule a site walk and public hearing.

Seconded by Michael Devoid.

Roll Call

<i>Michael Devoid- In favor</i>	<i>Colin Swan – In favor</i>
<i>Keith Elder- In favor</i>	<i>Kaitlyn Tuttle - In favor</i>
<i>Marge Govoni – In favor</i>	<i>Rick Yost – In favor</i>

Vote: All in favor.

Consensus of the Board was to wait until the public hearing to accept public comment.

Other Business

6 Adjournment