



**Town of Windham
Planning Department**

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MEMO

DATE: August 17, 2021

TO: Windham Planning Board
FROM: Steve Puleo, Town Planner
Cc: Dustin Roma, DM Roma Consulting Engineers
Mr. James Cummings, Applicant
Development Review Team

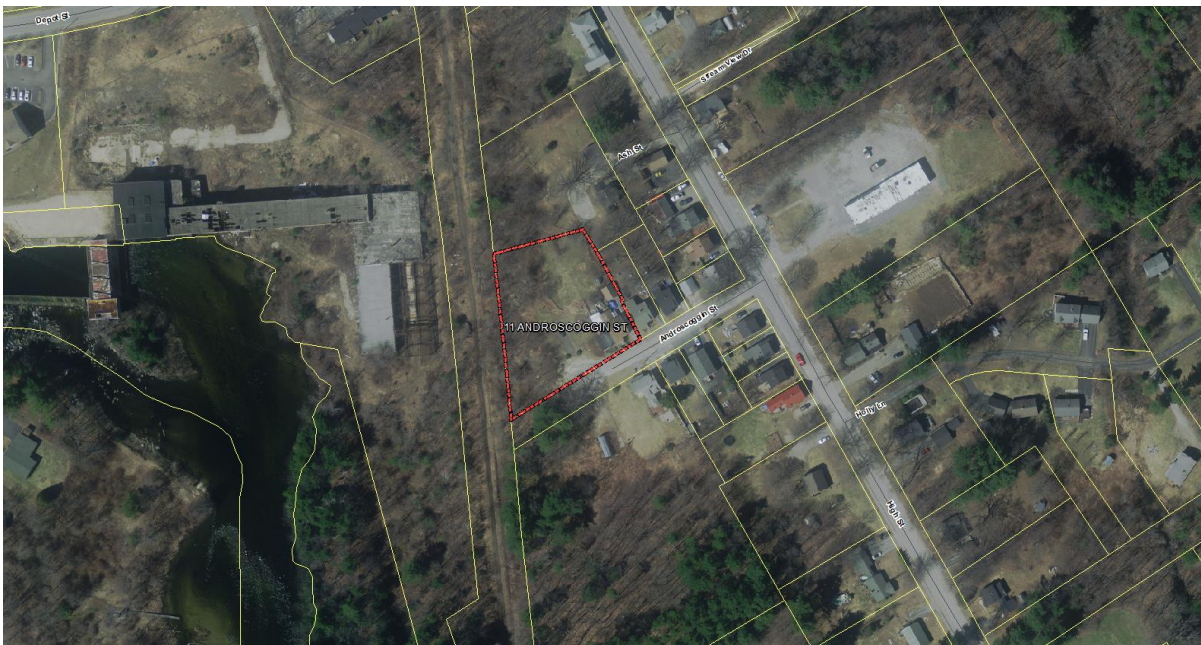
RE: 21-11: 11 Androscoggin Street - Apartments: Major Site Plan and Major Subdivision,
Sketch Plan Review
Planning Board Meeting: August 23, 2021

Overview –

The application is for a lot split to construct an 8-unit apartment building. The proposed project includes 19 space parking facility and driveway access, walkway, stormwater system, and other related site improvements.

A Development Review Team meeting was held on July 27, 2021. Comments received during the meeting are reflected in the memo below.

Note on classification: Maine Subdivision Law §4402.6 exempts division of new or existing structure into 3 or more dwelling units... where the project is subject to municipal site plan review. The lot split of 11 Androscoggin Street parcel for the development will create a Major Subdivision review and approval.



Aerial View of the subject parcel relative to surrounding properties and street network.

Tax Map: 37; Lot: 13; Zone: Village Center (VC).

SITE PLAN AND SUBDIVISION REVIEW

Staff Comments:

1. Waivers: None requested
 - a. At the Development Review Team Meeting, the applicant stated that they would not need a waiver from the Planning Board.
1. Complete Application: *N/A with Sketch Plan*

~~**MOTION:** The major subdivision and site plan application for the 11 Androscoggin Street Apartments project is found complete in regard to the submission requirements based on the application checklist, but the Planning Board retains the right to request more information where review criteria are not fully addressed.~~

2. Public Hearing: No public hearing has been scheduled for this project. The Planning Board must determine whether to hold a public hearing on the application.
3. Site Walk: A site walk has not been scheduled for this project. The Planning Board should determine if a site walk is necessary for this project.

Findings of Fact and conclusions for the

Windham Planning Board,

~~**MOTION:** The major subdivision and site plan application for the 11 Androscoggin Street Apartments project on Tax Map: 18, Lot 52 is to be (approved with conditions/denied) with the following findings of fact and conclusions.~~

FINDINGS OF FACT

811. - MAJOR SITE PLAN REVIEW

812.A. - Utilization of the Site

- The subject parcel is approximately 0.9 acres (39,268 SF) in size. The property is improved with a single-family.
- There are no wetlands found on the site and is steeply sloped towards the westerly property boundary.
- The property is located in the Presumpscot River watershed.
- The site is adjacent to the Mountain Division Trail.

812.B. - Vehicular Traffic; 812.C. - Parking and Loading; 812.D. - Pedestrian Traffic

- Lot 1 has approximately 63-feet, and Lot 2 has approximately 169-feet of frontage on Androscoggin Street. The sketch plan shows a 24-foot-wide driveway leading to a 19-space parking lot in front of the building. 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-feet by 20-feet in size

- The sight distances for the entrance must be shown on the final plan.
- A traffic impact study must be submitted with the final plan review if the project generates fifty less than (50) during the AM or PM peak hour.
- A traffic impact study must be submitted with the final plan review if the project generates fifty (50) or more trips during the AM or PM 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.
- Per the Development Review Team request, the applicant will provide for final plan review the design of a five (5)-foot-wide paved walkway on the east side of Androscoggin Street, connecting to the existing sidewalk in ROW.
- A crosswalk will be shown on the final plan from the new sidewalk to a walkway to the new building.
- Per Fire Chief Brent Libby, the applicant will provide a turning template showing access to emergency apparatus and improvements for a hammer-turn in the Androscoggin Street ROW and driveway to the apartment building.
- The applicant must show on the final plan for review a connection, within the Androscoggin Street ROW, to the Mountain Division Trail.

812.E. - Stormwater Management; 812.F. - Erosion Control

- Per Section 812.E., the stormwater plan needs to be submitted that meets the standards DEP Chapter 500 Stormwater Management for the final plan review.
- Per Section 812.F.1., the applicant will minimize impacts to the site to the fullest extent possible. The proposed site improvements will preserve the natural vegetation as much as possible.
- The applicant will meet the Basic Standards per Section 4(A) of the MeDEP Chapter 500 Stormwater Rules as outlined for Erosion and Sedimentation Control practices during the site improvement construction activities, per Section 812.F.2. and 2(a).

812.G. - Water Supply Provisions; 812.H. - Sewage Disposal Provisions

- The redevelopment proposal will utilize domestic and sewer services of the Portland Water District (PWD).
- The Deputy Chief stated that the nearest fire hydrant is 1,000-feet from the site within the High Street ROW. The location of the nearest hydrant shall be shown on the final plan for review.
- Per the Fire Department requirements, the building will have a fire suppression system installed. The applicant will be providing an “Ability to Serve” letter is required for the final review, per Section 807.F.1.(e).

812.I. - Utilities

- The proposed residential multi-family building will be connected via underground utility lines (electrical, telephone, and telecommunication services).
- The project will be served by domestic water and sewer service.
- The project will require a road opening permit from the Town where the public right of way connection of the underground utility service, a final connection plan will be provided for the final review.

812.J. - Groundwater Impacts; 812.K - Water Quality Protection

- The project will be served by Portland Water District sanitary disposal system therefore, the proposal is not anticipated to have negative impacts on the groundwater. "Ability to Serve" letter from PWD will be provided in the final plan review.
- The site is not located in a "water body of most at risk" watershed as designated by MeDEP.

812.L. – Hazardous, Special and Radioactive Materials

- The proposed residential will not handle, store or use any material identified by the federal or state as hazardous, special, or radioactive.

812.M. – Shoreland Relationship

- The proposed residential is not located in a shoreland zoning district.

812.N. - Technical and Financial Capacity

- Evidence of financial capacity must be provided as part of the final submission
- Evidence of technical capacity must be provided as part of the final submission.

812.O. – Solid Waste Management; 812. P. – Historical and Archaeological Resources;

812.Q. - Floodplain Management

- The construction debris is anticipated to include clean wood, material packaging, cardboard, etc. The applicant will provide the final construction material plan for final plan review.
- The minor site disturbance is not anticipated to impact any known historic and archaeological resources onsite.
- The proposed building is not in the mapped FEMA floodplain zone.

812.R. – Exterior Lighting; 812.S. - Noise

- During the Development Review Team meeting, the Planning Director requested a 12-foot tall pole-mounted lighting fixture installed at the end of the parking area, adjacent to the Androscoggin Street ROW. The remainder of the site will be lit by building-mounted wall pack fixtures.
- A Photometric Plan will be provided in the final plan set, and details of fixtures cut sheets are in the application.
- The proposed residential use will not exceed 55 dB between 7:00 AM to 10:00 PM and 55 dB between 10:01 PM to 6:59 AM.

812.T. – Storage of Materials and Screening (Landscape Plan)

- The final submission should include a landscape plan and planting schedule.
- The snow storage area must be identified on the final plan.

813 Commercial District Design Standards for the Village Commercial (VC)

813.A. - Architecture/Building (standards to be addressed for the final plan review)

- Per Section 813.A.1.a. for building style.
- Per Section 813.A.2.a. for the materials.

Per Section 813.B.2.b. for awnings and canopies.

- Per Section 813.A.3.a. for Façade colors.
- Per Section 813.A.4.b. for non-traditional roof forms.
- Per Section 813.A.4.c. for flat roofs.
- Per Section 813.A.4.d. for parapets use.
- Per Section 813.A.4.e. for Roofing materials will not include high gloss roofing materials.
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- Per Section 813.A.4.f. for Rooftop equipment will include new mechanical units and screening from view.
- Per Section 813.A.5.a. for facades that face public streets.
- Per Section 813.A.5.b. for retail and foodservice facades, no blank facades facing the public roads or abutting properties are permitted.
- Per Section 813.A.5.c. for site plans and architectural elevations, the applicant is not proposing any exterior vending machines.
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- Per Section 813.A.5.d. for windows, doors, ventilation fixtures, and other building openings will be trimmed to match the existing building openings.
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- Per Section 813.A.5.e. for horizontal facades.
- Per Section 813.A.6.a. for phasing plans.
- Per Section 813.A.6.b. for freestanding structures.
- Per Section 813.A.7.a. for renovated buildings over 20,000 SF, the building entrance shall be clearly defined and highly visible.
- Per Section 813.A.7.b. for linear commercial building.
- Per Section 813.A.8.a. for Architectural detailing and trim, the proposed new details on the facades of the building are in proportion to the existing structure.

813.B. - Site/Parking (standards to be addressed for the final plan review)

- Per Section 813.B.6.a. for Screening, Utility, and Service Areas.

813.C. – Landscaping/Lighting (standards to be addressed for the final plan review)

- Per Section 813.C.3.a. for lighting coordinating with landscaping
- Per Section 813.C.5.a. for designated snow storage areas.

813.D. – Bicycle/Pedestrian (standards to be addressed for the final plan review)

- Per Section 813.D.2.a. for links to the community.
- Per Section 813.D.2.b. for internal pedestrian connections with abutting properties and within the parking lot.
- Per Section 813.D.6.a. for bicycle parking and racks.

(In addition to meeting all the Design Standard in the VC zoning, the applicant must comply with a minimum of eight (8) other Design Standards.)

Conformity with Local Plans and Ordinances

1. Land Use

- The proposed multi-family building is permitted in the Village Commercial District (VC),
- This project meets the minimum lot size requirements and minimum lot frontage requirements of the Village Commercial District (VC).

2. Comprehensive Plan

- This project meets the goals and objectives of the 2017 Comprehensive Plan. The proposed project is in the South Windham Growth Area.

3. Others:

- The Planning Staff shall verify, before the signing of the site plan by the Planning Board, all approved waivers, and conditions of approvals, on the final plan before the Planning Board signs the recording plan.
- Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 urbanized area.
- Per Section 1203. C., Recreational impact fee will need to be assessed for the final plan review.

Impacts on 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 the 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.

911. - MAJOR SUBDIVISION REVIEW

911.A. – Basic Subdivision layout

- The site has 10,940 SF of steep slopes (> 25%). The net residential area is 28,328 SF and the required net area is 2,500 SF per dwelling unit allowing a maximum number of dwelling units of 11.
- The applicant is proposing to divide the lot into two parcels. Lot 1 will remain a single-family dwelling and Lot 2 will be an 8-unit residential apartment.
- Maine Subdivision Law §4402.6 exempts the division of new or existing structures into 3 or more dwelling units... where the project is subject to municipal site plan review.

- The splitting of the parcel into two lots requires a major subdivision review and the development of the apartment is subjected to a major site plan review.
- The new residential building will not result in undue air or water pollution.
- The applicant shall provide monuments at the boundaries of Lot 1 and 2 along the street boundaries.
- During the Development Review Team meeting, Fire Department would be involved with lot number for E-911 with the Addressing Officer.
- At the Development Review Team meeting, the applicant stated all utilities will be located underground, per Section 911.A.2(a).

911.B. – Sufficient Water

- The applicant will coordinate with the Portland Water District to connect the residential apartment to domestic and fire suppression water supply lines and sanitary sewage discharge.
- The closest fire hydrant is located over 1,000 feet from the proposed development.

911.C. - Erosion Control and Impact on Water Bodies

- A surface drainage plan or stormwater management plan must be submitted as part of the Final Plan.
- A soil erosion and sediment control plan must be submitted as part of the Final Plan.

911.D. – Sewage Disposal

- The proposed residential building will be connected to the Portland Water District sewer located in the Androscoggin Street ROW.

911.E. – Impact Natural Beauty, Aesthetics, Historic Sites, Wildlife Habit, Rare Natural Areas or Public Access to the Shoreline

- The applicant will provide more information relating to the natural resource impacts for the final review.
- The property does not have shoreline frontage.
- The limits of tree clearing should be shown on the plan. A note should be added to the plan stating 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.

911.F. – Conformance with Land Use Ordinances

Comprehensive Plan:

- The plan does meet the goals of the 2017 Comprehensive Plan.

Land Use Ordinances:

- The minimum lot size of 5,000 SF for standard lots in the VC zoning district.
- Lots meet the lot frontage requirement of 50 feet for the VC Zone.
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- The net residential density requirement is 2,500 SF.
- The net residential density calculations must be shown on the plan.

Subdivision Ordinance

- The Tax Map and Lot numbers provided by the Tax Assessor must be shown on the final plan.

- The subdivision plan data compatible with the Town GIS must be submitted as part of the final plan submission.
- If a Homeowner Association is required, the applicant shall include association documents 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 subdivision plan shows the entire parcel including all contiguous land in common ownership within the last five years, as required by 30-A MRSA Section 4401.

911.G. – Financial and Technical Capacity

- Evidence of financial capacity must be provided as part of the Final Plan submission.
- Evidence of technical capacity must be provided as part of the Final Plan submission.

911.H. – Impact on Ground Water Quality or Quantity

- No impacts on groundwater are expected.

911.I. – Floodplain Management

- The subject property is not in a mapped FEMA Floodplain boundary.

911. J. – Stormwater

- The stormwater management plan shall comply with Chapter 500 Stormwater Rules and shall include a maintenance plan. The applicant shall provide a management plan for the final review.

911.K. – Conservation Subdivision

- The project is not located in Farm or Farm Residential zoning Districts.

911. L. – Compliance with Timber Harvesting Rules

- The applicant stated the subdivision will not involve timber harvesting activity. All being tree removed will be limited in scope and clearing will be minimized to the greatest extent practical.

911.M. – Traffic Conditions and Street

- For the final plan review, the applicant will provide a traffic study showing that the placement of the driveway will not adversely impact vehicular movement on Androscoggin Street.
- The driveway curb cut will require a driveway opening permit from Public Works Department.
- Road extension design for the hammerhead turnaround will be for final plan review.

CONCLUSIONS (N/A)

1. ~~The plan for development reflects/does not reflect the natural capacities of the site to support development.~~
2. ~~Buildings, lots, and support facilities will/will not 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/will not** be maintained and protected to the maximum extent.~~
4. ~~The proposed site plan **has/does not have** sufficient water available for the reasonably foreseeable needs of the site plan.~~
 5. ~~The proposed site plan **will/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/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/will not** provide for adequate sewage waste disposal.~~
 8. ~~The proposed site plan **conforms/does not conform** to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.~~
 9. ~~The developer **has/does not have** adequate financial capacity to meet the standards of this section.~~
 10. ~~The proposed site plan **will/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/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/does not** provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.~~
 14. ~~All freshwater wetlands within the proposed subdivision **have/have not** been identified on the plan.~~
 15. ~~Any river, stream, or brook within or abutting the subdivision **has/has not** been identified on any maps submitted as part of the application.~~
 16. ~~The proposed subdivision **will/will not** 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.~~
 18. ~~The long term cumulative effects of the proposed subdivision **will/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.~~
 20. ~~Timber on the parcel being subdivided **has/has not** been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.~~

CONDITIONS OF APPROVAL

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated July 19, 2021, amended _____, 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 Staff Review Committee or the Town Planner in accordance with Section 814.G. and 913 in the Land Use Ordinance.

2. [Other or unique conditions]