

# Town of Windham

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## MEMO

DATE: September 5, 2018

TO: Planning Board  
FROM: Amanda Lessard, Planner *AL*  
Cc: Dustin Roma, P.E., DM Roma Consulting Engineers  
Development Review Team

RE: 16-12 Basin Road Major Subdivision - Sketch Plan  
Planning Board meeting – September 10, 2016

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### Overview –

The applicant is proposing a six (6) lot subdivision on 19 acres on property with frontage on Basin Road and Tandberg Trail (Route 35). A 1.2 acre portion of the parcel is proposed to be transferred to an abutter. The sketch plan shows a traditional subdivision layout with lots to be accessed by the existing roads.



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

A Development Team meeting was held on August 28, 2018. Staff comments from that meeting are incorporated into the memo below.

Tax Map: 18A; Lot: 48 and Map: 72: Lot: 48-1. Zoning District: Farm Residential (FR), Commercial 2 (C2).

### SUBDIVISION REVIEW

Staff Comments:

1. Waivers: None
2. Complete Application: N/A with Sketch Plan.

**MOTION:** ~~The application for project 18-25 Basin Road Subdivision 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.~~

3. Public Hearing: No public hearing has been scheduled for this project. A public hearing should be scheduled for this project.
4. Site Walk: A site walk has not been scheduled for this project.

Findings of Fact and conclusions for the

**Windham Planning Board,**

**MOTION:** ~~The Subdivision application for 18-25 Basin Road Subdivision on Tax Map: 18A; Lot: 48 and Map: 72: Lot: 48-1 is to be (approved with conditions/denied) with the following findings of fact and conclusions.~~

### FINDINGS OF FACT

#### A. POLLUTION

- 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.
- The new residential lots will not result in undue air or water pollution.

#### B. WATER

- 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. There is an existing seasonal water main in Basin Road that should be upgraded

to a year-round service to serve Lots 1-5. The water main is not proposed to be extended in Tandberg Trail to service the commercial lot as no development is proposed for this property.

- A written statement from the Portland Water District indicating that there is adequate water supply and pressure for the subdivision must be submitted with the Preliminary Plan.
- The closest fire hydrant is located on Basin Road approximately 350 feet from Tandberg Trail. Existing and proposed hydrant locations must be shown on the plan.

C. SOIL EROSION

- A soil erosion and sediment control plan must be submitted as part of the Preliminary Plan.
- 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.
- This project is partially located in the NPDES (National Pollutant Discharge Elimination System) urbanized area as designated by the Environmental Protection Agency for the Town of Windham. This means that for projects with more than one acre of disturbed area there are additional permitting and inspection requirements, and ongoing annual requirements for reporting of stormwater infrastructure maintenance.

D. TRAFFIC

- The subdivision lots will have frontage on Basin Road and Tandberg Trail.
- A shared driveway for Lots 4 and 5 is proposed to be located in an access easement across Lots 3 within the Center Maine Power transmission line easement area.
- The public section of Basin Road from Tandberg Trail is a paved width of 20 feet that ends approximately 550 feet before the subject parcel. The private portion of Basin Road then narrows to a paved width of 12 feet as it passes through the subdivision.
- The Board should make a determination if the existing private roads are adequate in terms of traffic, capacity, pedestrian safety and actual construction to serve as an appropriate access road to the subdivision.
- Sidewalks on the new subdivision streets are not required, as the subdivision is more than 1,000 feet from neighborhood businesses, schools, community facilities, or other pedestrian traffic generators.

E. SEWERAGE

- Lots will be served by private subsurface wastewater disposal (septic) systems.
- Soil test pit analysis must be included with the Preliminary Plan submission. All lots must have at least one passing test pit. Test pit locations must be shown on the Preliminary Plan.

F. SOLID WASTE

- Private residences in this subdivision will participate in the Town trash bag 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

- A single family home is currently under construction on the property and is shown on proposed Lot 3. The remainder of the site is lightly wooded and undeveloped.
- A Central Maine Power transmission line runs across the eastern edge of the property and divides the proposed commercial lot from the residential development. Windham Drifters maintains a snowmobile trail in the easement.
- A drainage easement related to the outlet for a stormwater basin on the adjacent parcel runs across the property.
- Sappi maintains a gated access road through the property to the Eel Weir Dam. The applicant proposes relocating the S.D. Warran's access easement as part of this project.
- There are no documented rare botanical features or significant wildlife habitat documented on the site.
- A landscaping plan must be submitted with the Preliminary Plan. 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.

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

- Comprehensive Plan:
  - The plan does meet the goals of the 2017 Comprehensive Plan.
- Land Use Ordinances:
  - All lots exceed the minimum lot size of 50,000 square feet for standard lots in the FR zoning district, and the minimum 40,000 square feet for lots in the C2 district. The zoning district boundary is shown on the plan.
  - Lots meet the lot frontage requirement of 150 feet for the FR and C2 Zones.
  - Net residential density calculations must be provided on the Preliminary Plan submission.
- Subdivision Ordinance
  - 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 must be submitted as part of the Final Plan submission.
  - Homeowner association documents should 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.

- A 1.2 acres parcel of land is shown on the sketch plan to be transferred to the abutter. This conveyance should be completed prior to the final plan submission. If this real estate is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot subject to subdivision review.
- Others:
- Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 urbanized area.

#### I. FINANCIAL AND TECHNICAL CAPACITY

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

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

- This project is located within the Presumpscot River watershed.
- The applicant should demonstrate that the project will not adversely impact any river, stream, or brook.

#### CONCLUSIONS (N/A)

1. ~~The proposed subdivision **will/will not** result in undue water or air pollution.~~
2. ~~The proposed subdivision **has/does not have** sufficient water available for the reasonably foreseeable needs of the site plan.~~
3. ~~The proposed subdivision **will/will not** cause an unreasonable burden on an existing water supply.~~
4. ~~The proposed subdivision **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.~~
5. ~~The proposed subdivision **will/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/will not** provide for adequate sewage waste disposal.~~
7. ~~The proposed subdivision **will/will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.~~
8. ~~The proposed subdivision **will/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/does not conform** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.~~
10. ~~The developer **has/does not have** adequate financial and technical capacity to meet the standards of this section.~~

11. ~~The proposed subdivision **is/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/will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.~~
13. ~~The proposed subdivision **is/is not** situated entirely or partially within a floodplain.~~
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 August 20, 2018, as 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 Planning Board or the Town Planner in accordance with Section 913 of the Subdivision Ordinance.