

# Town of Windham

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## MEMO

DATE: September 5, 2017

TO: Planning Board  
FROM: Amanda Lessard, Planner *AL*  
Cc: Ben Smith, Planning Director  
Eric Williams, P.E., Vantage Point, LLC  
Development Review Team  
  
RE: 17-19 Vantage Point Major Subdivision – Amended Plan  
Planning Board meeting – September 11, 2017

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### Overview –

The Vantage Point Subdivision, a six (6) lot residential subdivision on a 7.43 acre parcel on Pope Road, was approved by the Planning Board on January 25, 2016 (included in packet). This application amends the approved plan by revising the location of the driveway on Lot 5. The new location creates less fill, grading and disturbance while still meeting the ordinance sight distance standards.

The subdivision ordinance states that revisions to approved subdivision plans that do not involve the creation of additional lots or dwelling units, the procedures for Final Plan approval shall be followed (§913.B.2, page 9-69). As with all applications for amendments, the Planning Board should limit the scope of the review to the criteria impacted by the proposed amendment.

New comments from the staff memo dated January 19, 2016, appear as underlined text below.

Tax Map: 12; Lot: 34. Zoning District: Farm Residential (FR).

### SUBDIVISION REVIEW

#### Staff Comments:

##### 1. Waivers:

- a) §910.C.1.c.1 – High Intensity Soils Survey, Submission requirement.  
*Granted – October 26, 2015*
- b) §910.C.1.c.2 – Landscape Plan, Submission requirement.

*Granted – October 26, 2015*

- c) §910.C.1.c.3 – Hydrogeologic Assessment. Submission requirement.

*Granted – October 26, 2015*

- d) §911.J.6 – Stormwater Flooding Standard, 2-Year Storm Event, Performance standard.

*Granted – January 25, 2016*

2. Complete Application: *N/A for Amended Subdivision. Section 913 requires that the application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of Section 900 and the criteria of the State statute.*

**MOTION:** ~~The Final Plan application for project 17-19 Vantage Point Amended 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: A public hearing was held at the meeting on October 26, 2015.
4. Site Walk: A site walk has held on Saturday October 24, 2015 at 7:30 am.

Findings of Fact and conclusions for the

**Windham Planning Board,**

**MOTION:** The Subdivision application for 17-19 Vantage Point Amended Subdivision on Tax Map: 12, Lot: 34 is to be (approved with conditions/denied) with the following findings of fact and conclusions.

**FINDINGS OF FACT**

**A. POLLUTION**

- No portion of this subdivision is within the mapped 100 year floodplain.
- A portion of this subdivision is located over a significant sand and gravel aquifer.
- The new residential lots will not result in undue air or water pollution.

**B. WATER**

- All lots will be served by public water for domestic use.
- A letter from the Portland Water District dated July 31, 2015 indicates that there is adequate water supply and pressure for the subdivision.
- The closest fire hydrants are located on Pope Road north of the Park Road intersection and on Wild Flower Lane at the Pope Road intersection. Hydrant locations are shown on the Preliminary Plan.

C. SOIL EROSION

- This project does not require a Maine Department of Environmental Protection (DEP) Chapter 500 Stormwater Permit, however the applicant must submit a stormwater plan that meets the water quality and quantity standards as well as the flooding standard of Section 3, DEP Chapter 500.
- An erosion and sedimentation plan, prepared by Vantage Point LLC, dated December 7, 2015, has been submitted as part of the Preliminary Plan. Notes and details are shown on Sheet 4.
- A stormwater management plan, prepared by Eric G. Williams, P.E, has been submitted as part of the October 5, 2015 Preliminary Plan submission. The plan demonstrates compliance with the required MDEP standard by utilizing a forested buffer.
- At the Development Team meeting on July 6, 2015, Public Works Director Doug Fortier noted that this project is in the NPDES (National Pollutant Discharge Elimination System) area as designated by the Environmental Protection Agency for the Town of Windham. This may mean there are additional permitting requirements, and ongoing requirements for reporting of stormwater infrastructure maintenance.
- Doug Reynolds, P.E., of Gorrill-Palmer Consulting Engineers, has reviewed the stormwater plan on behalf of the Town. In a letter dated October 16, 2015, Mr. Reynolds had several comments related to the proposed use of a 50 foot buffer area on the adjacent Moses Little Subdivision, and requested development envelopes shown on the plan.
- A response to peer review comments was submitted on October 21, 2015, with information on the Moses Little conservation easement.
- In an email dated October 22, 2015, Will Haskell, P.E., of Gorrill-Palmer Consulting Engineers, requested right, title or interest for the Moses Little Subdivision conservation easement.
- In an email dated October 29, 2015, Town Attorney Natalie Burns, Esq. of Jensen Baird Gardner & Henry provided an opinion that while the applicant does benefit from the Moses Little Subdivision buffer, the easement does not include the right to use it for stormwater purposes.
- A revised stormwater management plan, prepared by Eric G. Williams, P.E, dated December 2015 has been submitted as part of the December 8, 2015 Preliminary Plan submission.
- In an email dated December 28, 2015, Will Haskell, P.E., of Gorrill-Palmer Consulting Engineers, stated that the erosion control plan appears to comply with the town requirements and requested additional information on road drainage and wood buffer impacts, and stormwater quantity calculations. Drainage features must meet the setback requirements to septic systems.
- A response to peer review comments and a waiver request for stormwater flooding standards was submitted on January 4, 2015.
- In an email dated January 11, 2016, Mr. Haskell expressed concern about the increases in the peak flows for the 2 and 10 year storms.
- A revised stormwater management plan, prepared by Eric G. Williams, P.E, dated January 2016 was submitted on January 15, 2016. The revised calculations show a minor increase for the peak rate for the 2-year storm and decreases for the 10 and 25 year storms.

- The amended subdivision plan application includes a revised grading plan for Lot 5 dated August 18, 2017.

D. TRAFFIC

- The subdivision lots will have frontage on Pope Road, an existing public street. Lot 1 also has frontage on Wildflower Lane, an existing public street.
- At the Development Team on July 6, 2015, Public Works Director Doug Fortier requested that driveway locations and site distances be shown on the plan. He also recommended that in order to maintain access management shared driveways be considered.
- Based on the distance to uses that would generate pedestrian trips, sidewalks are not required. However, due to the proximity to the Moses Little Subdivision which does have sidewalks, at the Development Team meeting on July 6, 2015 staff discussed the need for pedestrian connectivity and the option of construction a four (4) foot paved shoulder on Pope Road from Wild Flower Lane to Windham Center Road. The Planning Board may require sidewalks on existing roads on which the property being subdivided fronts if a connection to an existing sidewalk can be made.
- Note 11 on Preliminary Plan states that Lot 1 shall have one driveway curb cut onto Wildflower Lane. Lots 2-6 shall have one driveway onto Pope Road. Driveway locations are not shown on the plan.
- Site distances shown on the plan are measured from the center of road frontage for each lot. Note 14 states that all undergrowth less than 2-inches in diameter located within 20 feet of the easterly edge of Pope Road pavement shall be trimmed to ground level to provide clear site lines.
- Peer review comments from Doug Reynolds, P.E., of Gorrill-Palmer Consulting Engineers, were provided in a letter dated October 16, 2015. Three (3) shared driveway on Pope Road were recommended.
- A response to peer review comments was submitted on October 21, 2015, with information on driveway grades and site distances.
- In an email dated October 22, 2015, Will Haskell, P.E., of Gorrill-Palmer Consulting Engineers, stated individual driveway curb cuts is not a preferred or recommended practice and requested other shared access alternatives.
- Revised plans dated December 7, 2015 shown individual driveway locations on each lot and proposed improvements to Pope Road for the addition of a 4-foot paved shoulder.
- In an email dated December 28, 2015, Will Haskell, P.E., of Gorrill-Palmer Consulting Engineers, requested that individual driveway designs for the first 50 feet of each driveway be submitted to ensure that reasonable slopes can be achieved at the intersection with Pope Road. He also noted that driveway culverts will be necessary where driveways cross the roadside ditch (Lots 2, 3 and 6) and the drainage easement from the town road drainage (Lots 4 and 5).
- In the January 4, 2016 response to comments the applicant provided driveway grading plans. The first 20 feet are graded at 20%. An alternate plan with shared driveway for Lots 3-5 is also proposed.

- In an email dated January 11, 2016, Mr. Haskell commented that the revised 3:1 embankment grading along Pope Road extends over the ROW in several areas and the shared driveway should be constructed the minor private road standards.
- The applicant submitted a revised plan dated January 15, 2015 that removes the shared driveway and provides grading maintenance easements on Lots 3-6 for the extension of fill slope associated with a 4-foot paved shoulder on Pope Road. All lots will be served by individual driveways.
- The amended subdivision plan dated August 21, 2017 show a revised driveway location on Lot 5. The sight distance table shown on the plan is also updated.
- The amended subdivision plan application includes a revised grading plan for Lot 5 dated August 18, 2017.
- In an email dated August 31, 2017, Town Engineer Jon Earle PE concurred with the sight distance shown on the plan and that the sight distances are adequate for the posted speed limit on Pope Road.

E. SEWERAGE

- Lots will be served by private subsurface wastewater disposal (septic) systems.
- Soil test pit analysis prepared by Mark Hampton, CSS, LSE, dated September 28, 2015 show that the property has adequate soils to support a private septic system. Two test pit locations on each proposed lot are shown on the 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

- There is currently a single family residence on the site. The remainder of the site is predominately an open maintained hay field with a wooded vegetated buffer along the road.
- A letter from the Department of Inland Fisheries & Wildlife dated June 30, 2015 indicates that there are no documented rare botanical features or significant wildlife habitat documented on the site.
- In a letter dated July 6, 2015, the Maine Historic Preservation Commission indicates that there are no historic properties affected by this development.
- The applicant is requesting a waiver from the requirement of a landscape plan. The waiver was granted on October 26, 2015. Street trees are required at least every fifty (50) feet. Note 13 on the Plan limits clearing in the existing forested buffer adjacent to Pope Road to one driveway opening per lot and clearing as necessary for utility services. No trees greater than 3-inches diameter may be cut except for trees that are windblown, damaged, or pose a safety hazard.

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

- Comprehensive Plan:
  - The plan does meet the goals of the 2003 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.
  - Lots meet the lot width requirement of 150 feet for the Farm Residential Zone.
  - Net residential density calculations are shown on the plan.
- Subdivision Ordinance
  - The Tax Map and Lot numbers provided by the Tax Assessor are shown on the Final Plan.
  - Subdivision plan data compatible with the Town GIS has been submitted as part of the Final Plan submission.
- Others:

#### I. FINANCIAL AND TECHNICAL CAPACITY

- The Preliminary Plan application dated October 5, 2015 includes a cost estimate for the project. Evidence of financial capacity has been provided in the form of a letter dated October 1, 2015, from Iva A Carroll, Vice President & Manager at Norway Savings Bank.
- The applicant has provided information on the licensed professionals working on this project as evidence of technical capacity.

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

- This project will not adversely impact any river, stream, or brook.

#### CONCLUSIONS

1. The proposed subdivision **will not** result in undue water or air pollution.
2. The proposed subdivision **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed subdivision **will not** cause an unreasonable burden on an existing water supply.
4. The proposed subdivision **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed subdivision **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.

6. The proposed subdivision **will** provide for adequate sewage waste disposal.
7. The proposed subdivision **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed subdivision **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed subdivision **conforms** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed subdivision **is not** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed subdivision **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed subdivision **is not** situated entirely or partially within a floodplain.
14. All freshwater wetlands within the proposed subdivision **have** been identified on the plan.
15. Any river, stream, or brook within or abutting the subdivision **has** been identified on any maps submitted as part of the application.
16. The proposed subdivision **will** provide for adequate storm water management.
- ~~17. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have/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 dependant upon, and limited to, the proposals and plans contained in the application dated June 19, 2015, as amended August 21 2017, 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.