



## PLANNING BOARD MEMO • AFTER-THE-FACT MINOR SUBDIVISION • FINAL PLAN REVIEW

DATE: August 22, 2024

TO: Windham Planning Board  
FROM: Evan O'Connor, Town Planner

Cc: Shawn Frank P.E., Sebago Technics, Inc.  
Anita Lampron, Applicant  
Steve Puleo, Planning Director

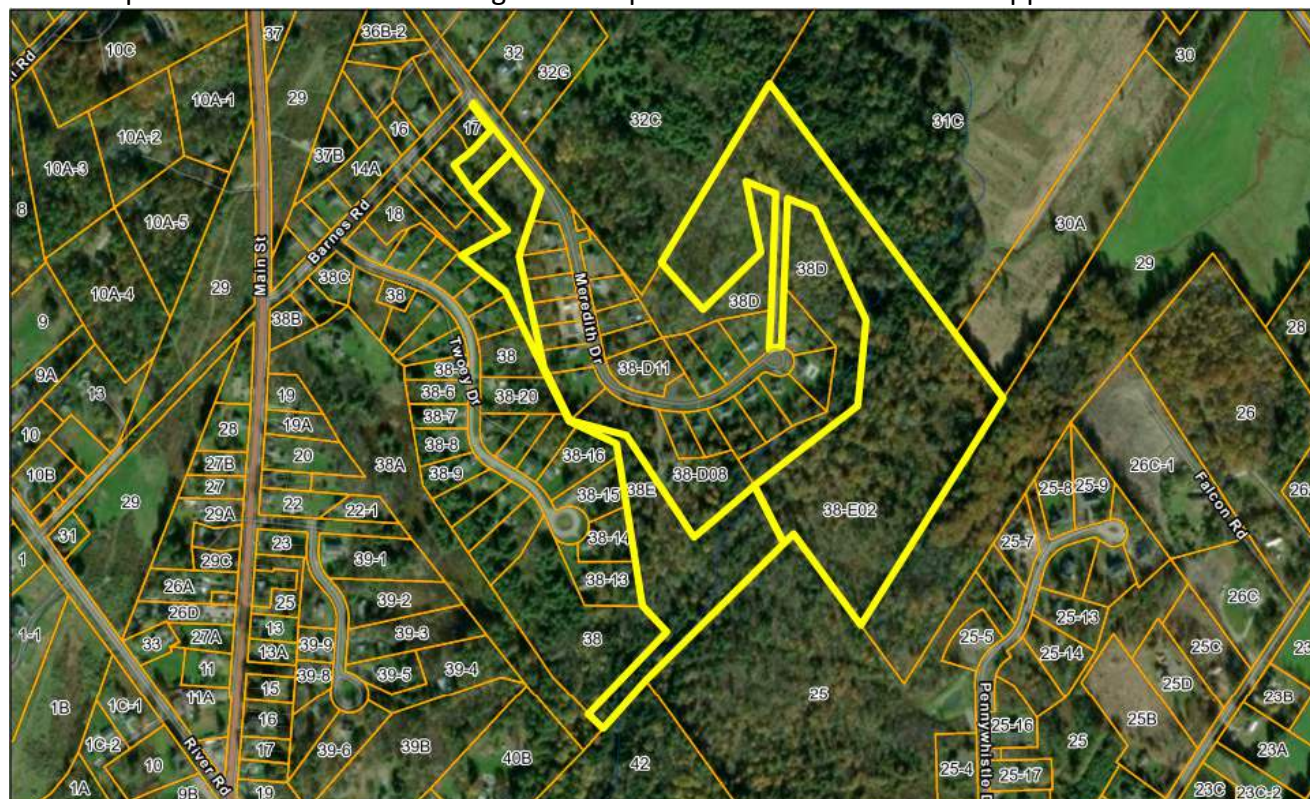
RE: #24-20 – After-the-Fact Minor Subdivision – Lampron Subdivision – Barnes Rd./Meredith Dr. – Final Plan Review – Lampron

Planning Board Meeting: August 26, 2024

### Overview –

The application is to pursue an after-the-fact approval for the subdivision of the approximately 34.9 acre parcel into three separate lots. The property owner conveyed three deeded lots withing a five (5) year period. Prior to the issuing a building permit for Lots 2 (6/38E) and Lot 3 (6/38-E02). Tax Map: 6; Lot: 38E, 38-E01, 38-E02; Zone: Farm (F), Medium-Residential (RM), and Stream Protection (SP) zoning districts and located in the Black Brook watershed.

A Development Review Team meeting is not required for minor subdivision application review.



*Figure 1. Aerial view of the subject parcel relative to surrounding properties and street network.*

### **MINOR SUBDIVISION REVIEW**

PLEASE NOTE: The staff memo is a reference guidance document, and suggested topics for board discussion are listed; ~~the strikethrough text is items for the final review;~~ ***bold and italic text represent unaddressed existing and/or new staff comments;*** or plain underlined text are items that have been addressed by the applicant; and *italic text is for information or previously reviewed and/or approved items.*

Staff Comments:

1. Complete Application:

**MOTION:** [I move] the after-the-fact minor subdivision application for project #24-20 Lampron Subdivision 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. Waivers:

**No waivers have been requested.**

3. Public Hearing: The Planning Board will hold a public hearing on 8/26/24

4. Site Walk: The Planning Board will determine if a site walk is necessary.

### **Findings of Fact, Conclusions, and Conditions of Approval for the Windham Planning Board:**

**MOTION:** [I move] the after-the-fact minor subdivision application for the #24-20 Lampron Subdivision identified on Tax Map: 6; Lot: 38E, 38-E01, 38-E02; Zone: Farm (F), Medium-Residential (RM), and Stream Protection (SP) zoning districts and located in the Black Brook watershed is to be **(approved or denied)** with the following Findings of Fact, Conclusions, and Conditions of Approval.

### **FINDINGS OF FACT**

**Jurisdiction:** The Lampron Subdivision project is classified as a Minor Subdivision, which the Planning Board is authorized to review of the 34.9 acre parcel and act on by [§120-903A](#) of the Town of Windham Land Use Ordinance.

**Title, Right, or Interest:** The applicant has submitted a copy of a Warranty Deed from Dana Lampron to Anita Lampron, dated January 31, 2015, and recorded on January 31, 2015, at the Cumberland County Registry of Deeds in Book 32067 and Page 271. A Warranty Deed from Dana Lampron to Darryl Hawkes, dated March 21, 2022, and on March 21, 2022, at the Cumberland County Registry of Deeds in Book 40036 and Page 238.

#### **ARTICLE 4 ZONING DISTRICTS**

- As shown on the Town of Windham [Land Use Map](#) approved by the Town Council, dated April 9, 2024, Tax Map: 6; Lot: 38E, 38-E01, 38-E02; Zone: Farm (F), Medium-Residential (RM), and Stream Protection (SP) zoning districts and located in the Black Brook watershed.
- The detached single-family residences are permitted use in the (F) District [§120-406B](#) and [§120-409B](#).

#### **ARTICLE 5 PERFORMANCE STANDARDS**

##### **§120-541 – Net residential area of acreage**

- B. The applicant has provided for the final plan review the net residential area or acreage of a lot proposed for subdivision, as defined, shall be calculated by subtracting the eight (8) items listed in the subsection from the gross acreage of a lot and dividing the resulting net residential area of the parcel by the net residential density standard of the appropriate zoning district (see [Article 4](#), Zoning Districts). The eight (8) deductions shall be subtracted from the gross acreage of the lot.

##### **§120-911 - SUBDIVISION PERFORMANCE STANDARDS**

##### **§120-911A – Basic Subdivision layout**

- (1) The property has a total size of 34.94 acres (1,521,832 SF), split between Lot 1 (35,283.6 SF), Lot 2 (456,508.8 SF), and Lot 3 (1,029,758.4 SF), each exceeding the minimum lot size in their respective zoning districts, per [§120-409E](#) & [§120-406E\(1\)](#).
  - (a) The calculations of density have not been provided.
  - (b) The parcel side lot lines for all three lots are perpendicular to Meredith Drive.
- (2) The applicant has indicated where the existing utilities are in Lot 1. No further utilities are being proposed at this time.
- (3) The applicant showed the location of the subdivision monuments on the sketch plan review sheet 1, meeting the LUO requirements.

##### **§120-911B – Sufficient water; water supply.**

- (3) At the time of building permit issuance, the applicant shall show the private drinking well location on Lot 1. No more wells are being proposed at this time.
  - Per [§120-911B\(3\)\(a\)\(3\)](#), “[W]ells shall not be constructed within 100 feet of the traveled way of any street if located downhill from the street, or within 50 feet of the traveled way of any street if located uphill of the street. This restriction shall be included as a deed restriction to the affected lots.”

##### **§120-911C - Erosion Control and sedimentation control**

- The applicant is not proposing any site work or preparation. The future property owners or builders will be required to receive a Soil and Erosion Control permit at the time of applying for a building permit.

##### **§120-911D – Sewage disposal**

- (2) A private sewage system exists in Lot 1, and no further sewer systems are being proposed at this time. The applicant has included the initial approval of the SSWW disposal system as well as inspection invoices.

**§120-911E – Impact Natural Beauty, Aesthetics, Historic Sites, Wildlife Habit, Rare Natural Areas, or Public Access to the Shoreline**

- (1) With the exception of the proposed hammerhead, no further development of the lots is being proposed at this time.
- (a) Prior to building permit issuance, the applicant shall provide a note not allowing the clearing of trees where tree cover is depicted on the plan for at least five years. Mandatory buffer for stormwater or other reasons shown on the plan shall not be cleared of vegetation unless the Planning Board grants an amendment to the subdivision or maintenance that does not alter the purpose for which the buffer was required.

**§120-911F – Conformance with Land Use Ordinances**

Comprehensive Plan:

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

Land Use Ordinance:

- There is a net residential density of 60,000 SF in the Farm (F) zoning district and 15,000 SF in the Medium-Residential (RM) zoning district.

Subdivision Ordinance:

- Standard notes, the standard conditions of approval, and approved waivers must be shown on the plans.
- A digital transfer of the subdivision plan data has been submitted for inclusion with the Town's GIS.

**§120-911G – Financial and Technical Capacity**

- (1) The applicant will fund the registration of plans; all other expenses will be handled at the code enforcement level.

**§120-911H – Impact on Ground Water Quality or Quantity**

- (2) The applicant does not anticipate the development will result in contamination of groundwater table from two additional single-family homes.

**§120-911I – Floodplain Management**

- The plan shall meet the requirements of [Chapter 82](#), Floodplain Management.

**§120-911J – Stormwater**

- The applicant is not proposing any site work or preparation. The future property owners or builders will be required to receive a Soil and Erosion Control permit from the Code Department and will address the stormwater needs at the time of applying for a building permit.



- MeDEP does not require the construction of a single-family home to apply for a Stormwater Management permit.

#### **§120-911M – Traffic Conditions and Street**

- A substantial change to traffic conditions is not expected for the after-the-fact subdivision approval as no further development is being proposed at this time.
- According to the Institute of Transportation Engineers Common Trip Generation Rates (PM Peak Hour) this subdivision will add approximately 1.5 trips.
- Lot 1 has a Meredith Drive address, Lot 2 fronts along Meredith Drive but has a deed access right-of way across 29 Meredith Drive (the property owner has requested an amended subdivision approval of the Mystic Woods Subdivision to depict the location of the access easement), and Lot 3 has a deed easement to access the parcel from the end of Meredith Drive (see above).
- The access easement to Lot 3 between 40 and 42 Meredith Drive shall meet private road standards
- The Address Officer in the Assessor's Department will provide a road name for the private road.

#### **§120-911N – Maintenance of common elements.**

- The applicant's request for "After-the-Fact" minor subdivision approval does not include the construction of a street for road frontage, a stormwater management system, open space, or common land, all of which require the formation of a Homeowners Association.

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

1. The development plan **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 subdivision **has** sufficient water available for the reasonably foreseeable needs of the subdivision.
5. 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.
6. The proposed use and layout **will** 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 subdivision **will** provide adequate sewage waste disposal.
8. The proposed subdivision **conforms** to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan.
9. The developer **has provided** the adequate financial capacity to meet the standards of this section.

10. The proposed subdivision **will** alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
11. The proposed subdivision **will** provide for adequate stormwater 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.
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. 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 **has/do not have** a lot depth to shore frontage ratio greater than 5 to 1.~~
- ~~17. 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.~~
- ~~18. 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.~~
19. The 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 (Final Plan Review)

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated August 19, 2024 as supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board. Any variation from such plans, proposals, supporting documents, and representations is subject to review and approval by the Planning Board or the Town Planner in accordance with or [§120-912](#) of the Land Use Ordinance.
2. The signed subdivision recording plan shall be recorded three years from the date of the final approval at the Cumberland County Registry of Deeds (CCRD), per [§120-915B\(1\)](#) and [\(2\)](#), completed before any further parcel conveyances.
3. [Recreation Impact Fee](#), [Open Space Impact Fee](#), [Public Safety Impact Fee](#); and [Municipal Office Impact Fee](#). All fees will be determined and collected for any building, or any other permits necessary for the development, [§120-1201C](#).