

Town of Windham

Planning Department
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Windham, ME 04062

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March 21, 2019

Weld, LLC
c/o Craig Holman
PO Box 1361
Windham, ME 04062

Dear Mr. Holman:

I am writing to confirm the Planning Board's approval of the application 18-21 Woodside Condominium Retirement Community for a 14 unit/7 duplex major subdivision. The property is located at Gray Road and Swett Road and identified on Tax Map: 9, Lots: 27K and 27E (portion), Zone: Farm Residential (FR) and Retirement Community and Care Facility Overlay (RCCFO).

For your records, the Planning Board voted 5 to 0 to approve the final application at the meeting on March 11, 2019. The motion was made by Nick Kalogerakis and seconded by Griffin Bourassa.

Enclosed, please find the findings of fact and conclusions and conditions of approval.

Be advised that in accordance with Sections 917.A of the Land Use Ordinance an appeal of any order, relief or denial made by the Board may be taken by any aggrieved party to the Superior Court within thirty (30) days pursuant to Maine Rules of Civil Procedure 80-B.

Section 912.G of the Land Use Ordinance states that no subdivision plan shall be released for recording at the Registry of Deeds until the required performance guarantee has been posted. If an approved plan is not recorded in the Registry of Deeds within three (3) years of the original approval, it shall become null and void. Additionally, Section 914.B.5 specifies that construction of improvements covered by any subdivision plan approval shall be completed within two (2) years of the date upon which the performance guarantee is accepted by the Town Manager.

Sincerely,



Amanda Lessard
Planning Director

Enclosure: Findings of Fact and Conclusions
Cc: Dustin Roma, P.E., DM Roma Consulting Engineers
Planning File

18-21 Woodside Condos Retirement Community, Major Subdivision

Findings of Fact & Conclusions

FINDINGS OF FACT

A. POLLUTION

- No portion of this subdivision is within the mapped 100 year floodplain.
- This subdivision is not located over a significant sand and gravel aquifer.
- A hydrogeologic assessment must be submitted as part of the Preliminary Plan when the subdivision is not served by public sewer and the subdivision has an average density of more than one dwelling unit per 100,000 square feet or where the site considerations of development design indicate greater potential of adverse impacts.
- The applicant agreed to provide a hydrogeologic assessment after receiving comments from abutters at the sketch plan meeting on July 23, 2018 that they had dug drinking water wells near the property line.
- A hydrogeologic assessment was not included in the July 23, 2018 or September 4, 2018 preliminary plan submissions.
- The November 19, 2018 submission includes a nitrate-nitrogen assessment dated November 16, 2018 prepared by Stephen Marcotte, CG, LSE of Summit Geoengineering Services that concludes that the proposed subsurface wastewater disposal systems B, C, D will not result in an increase of nitrate-nitrogen above 10 mg/L in groundwater at the property boundary. The proposed subsurface wastewater disposal system B will result in an increase of nitrate-nitrogen at the property boundary along Gray Road. The 10mg/L nitrate-nitrogen plume is shown on Plan of Wastewater Disposal Systems A&B. Given that public water is available to future development in the area of the plume from disposal field B and there is no known water supply wells near the plume, a waiver from this standard is requested.
- In an email dated December 3, 2018, Town Engineer Jon Earle P.E., stated that the drinking water standard could reasonably be waived based on the narrative as part of the conclusion to the nitrate study report.

B. WATER

- The development will be served by public water for domestic use.
- A written statement from the Portland Water District verifying that there is public water in proximity to the subdivision must be submitted with the Preliminary Plan.
- An Ability to Serve letter from the Portland Water District approving the public water service to the subdivision must be submitted with the Final Plan.
- Existing fire hydrants are located on Gray Road at the intersection of Pope Road and to the north in front of the Public Safety Building.
- At the Development Team Meeting on July 10, 2018 Fire Chief Brent Libby requested a new hydrant on the proposed street approximately 1,000 feet from the existing hydrants. Proposed hydrants should be shown on the plan.
- A new proposed fire hydrant is shown on Plan Sheet PP-2 of the September 4, 2018 preliminary plan set.
- An Ability to Serve Letter dated January 2, 2019 from Robert A. Bartels at the Portland Water District was included with the final plan submission.

C. SOIL EROSION

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Findings of Fact & Conclusions

- An erosion and sedimentation plan, prepared by DM Roma Consulting Engineers, dated September 4, 2018, has been submitted as part of the Preliminary Plan. Notes and details are shown on Drawing D-1.
- 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.
- Freshwater wetlands have been identified on the plan. No wetland impacts are proposed.
- A stormwater management plan has been submitted as part of the July 23, 2018 Preliminary Plan submission. The project proposes to treat the 122,356 square feet (2.81 acres) of new developed area with two (2) underdrained filter basins and roof drip edges on each building.
- The stormwater management plan states that a DEP permit is not required as the applicant will construct the roadway without developing the lots and the roadway will generate less than 1 acre of new impervious surface and less than 5 acres of total development. A DEP Stormwater Permit by Rule is required as the project will generate more than one (1) acre of land disturbance.
- Note 14 on the September 4, 2018 plan states that all buildings will require the installation of a roofline drip edge
- In an email dated August 17, 2018, Town Engineer Jon Earle P.E., noted a minor (0.03 cfs) increase in peak flow for the 2-year storm at Study Point #1 and the applicant should submit a written waiver request. He also requested ground topographic survey within the footprints of Filter Basins 1 & 2 prior to final approval.
- A revised stormwater management plan has been submitted as part of the November 19, 2018 Preliminary Plan submission. The project proposes to treat the 106,014 square feet (2.43 acres) of new developed area (43,494 square feet (0.99 acres) impervious area) with two (2) underdrained filter basins, one (1) bio-retention cell and roof drip edges on each building.
- In an email dated December 3, 2018, Town Engineer Jon Earle P.E., noted that the project meets the Chapter 500 Basic, General, and Flooding Standards. He notes that the impervious area is just slightly below the threshold for a stormwater permit (66 SF) so Code Enforcement should ensure that the building permits plans are identical to footprints on the subdivision plan.
- A Stormwater Permit by Rule and a Natural Resource Protection Act permit by Rule approved by the Maine DEP was included in the final plan submission.
- In an email dated February 15, 2019 Will Haskell, P.E. of Gorrill-Palmer questioned the ground topography in the stormwater management area, and requested temporary catch basin sediment barrier detail, the required setbacks from the drainage ditch and the roof drip strips to the subsurface disposal fields, and a detail for the roof drip strips.
- The applicant responded to comments in an email dated February 22, 2019 that the revised plans include a temporary catch basin sediment barrier detail and a roof drip edge detail and exhibit drawings from ground topography performed by Survey, Inc to demonstrate consistence with the LiDAR survey. The LSE confirmed he will address proximity to the ditch when the HHE forms are filed and if it becomes a concern the ditch would be lined.

D. TRAFFIC

- The development will have access from the new 750 foot subdivision street.
- Per Section 911.M.5.a.6 (pg 9-58) access drive standards for condominium subdivisions shall meet the major private road standard (right-of-way width is not applicable).

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Findings of Fact & Conclusions

- Sight distance in each direction for the proposed street on the existing public street should be shown on the Preliminary Plan.
- Section 911.M.3.d states that streetlights may be required at intersections with existing public streets. The Town of Windham Streetlight Policy, adopted June 25, 2013, states that streetlights should be at intersection with private roads that serve more than 10 lots.
- Based on the distance to uses that would generate pedestrian trips, sidewalks are required.
- A traffic impact analysis is required for subdivisions projected to generate more than 140 vehicle trips per day and should be submitted with the Preliminary Plan.
- The July 23, 2018 preliminary plan submission states that the based on the ITE Trip Generation Manual the proposed 12 residential lots are expected to generate 12 peak hour trip-ends and generate 120 daily vehicle trips.
- The July 23, 2018 preliminary plan submission states vehicle sight distance at the proposed driveway intersection with Route 202 looking right and left is over 700 feet.
- A road plan and profile, prepared by DM Roma Consulting Engineers, dated July 23, 2018, shown on Sheet PP-1, was submitted as part of the Preliminary Plan.
- The road plan and profile (Sheet PP-1) and details (Sheet D-1) dated July 23, 2018 propose constructing the road with 2-10' travel lanes, 2' paved shoulders on each side, and a 2' gravel should on the non-sidewalk side of the drive.
- In an email dated August 17, 2018, Town Engineer Jon Earle P.E., asked for clarification on the roadway cross section on Sheet D-1 and the detail shown on Sheet D-2, that the sight distance be shown on the plan and that the trip generation number are conservative and for single family home and could be reduced referencing the trip generation from senior housing or condo/townhouses.
- A revised roadway section shown on Sheet D-1 of the September 4, 2018 plan set meets the Major Private Road standard for travel lane and shoulder widths and materials. Note 13 on the plan states that the road shall remain private.
- A revised road plan and profile, prepared by DM Roma Consulting Engineers, dated November 19, 2018, shown on Sheet PP-1, was submitted as part of the Preliminary Plan.
- In an email dated December 3, 2018, Town Engineer Jon Earle P.E., asked for updated trip generation based on the two additional proposed dwelling units. He noted that total will remain below the Town's threshold for a traffic impact study. He also requested a stop sign location and detail.
- In an email dated February 15, 2019 Will Haskell, P.E. of Gorrill-Palmer requested updated trip generation, a stop sign, curb, curb tipdown and sidewalk ramp details, hammerhead dimensions and verification of the Route 202 culvert sizing.
- The applicant responded to comments in an email dated February 22, 2019 that the project is proposed to generate 4 PM Peak Hour vehicle trips, the revised plans include a stop sign detail, a slipform concrete curing detail, and note that the proposed 15" culvert under the new driveway replaces the existing driveway's 12" culvert.

E. SEWERAGE

- The development will be served by individual private subsurface wastewater disposal systems.
- Soil test pit analysis included in subsurface wastewater disposal system applications (HHE-200) prepared by Mark J. Hampton, LSE CSS of Mark Hampton Associates, Inc dated August 18, 2018 show that the property has adequate soils to support a private septic system.

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Findings of Fact & Conclusions

- Test pit/septic system locations are shown on the plan. A septic system to serve Units 1 and 2 is located off Route 202. A septic system to serve Units 3-12 is located behind Units 9/10 & 11/12.
- Soil test pit analysis was included in subsurface wastewater disposal system applications (HHE-200) prepared by Stephen Marcotte, CG, LSE of Summit Geoengineering Services dated November 12, 2018.
- Septic locations are shown on the plan. Septic system A to serve Units 1-4 is located off Route 202 and has advanced treatment. Septic system B to serve Units 5 and 6 is located near Route 202 across from the subdivision street from Units 3&4. Septic System C to serve Units 4-10 is located behind Units 9/10 & 11/12 and has advanced treatment. Septic System D to serve Units 11-14 is located at end of the street behind Units 13&14.

F. SOLID WASTE

- Residents of the two family dwellings will participate in the Town's pay-per-bag garbage 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

- The site is currently undeveloped and wooded.
- There are no documented rare botanical features or significant wildlife habitat documented on the site.
- Street trees are shown on the Plan and Profile Sheets PP-1 and PP-2 of the preliminary plan set.
- Limits of tree clearing are shown on the preliminary plan. Note 12 on the plan states 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. The property is located the Windham Center growth area.
- Land Use Ordinance:
 - All lots meet the minimum lot size (50,000 square feet) and frontage (150 feet) for lots in the FR zoning district.
 - Net residential density calculations are shown on the Plan.
 - The proposal meets the net residential density requirements and the setback requirements of the RCCFO district.
 - District Standards, Section 407.E. The project meets the standards of the RCCFO zoning district.
 - Buildings shall be designed that do not turn their back on the existing road.
 - Building elevations were included in the submission dated September 4, 2018.
 - Retirement Community dwellings shall be limited to 3 or fewer bedrooms per dwelling unit.

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Findings of Fact & Conclusions

- Submitted septic designs are for 2-bedroom units.
- Subdivision Ordinance
 - Standard notes and the standard condition of approval must be shown on the plans.
 - 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.
 - Condominium association documents were provided with the Final Plan submission and must specify the rights and responsibilities of each owner with respect to the maintenance, repair, and plowing of the subdivision streets, open space and stormwater infrastructure. Note 15 on the final plan states that the owner reserves the right to add additional dwelling units to this plan upon receiving amended subdivision approval from the Windham Planning Board.
- Others:
 - Chapter 221 Street Naming and Addressing: A street name approved by the Town Addressing Officer shall be shown on the Final Plan. The street name shown on the final plan, Conifer Drive, has been approved by the Town.

I. FINANCIAL AND TECHNICAL CAPACITY

- The expected construction costs to complete the required site improvements was included in the July 23, 2018 preliminary plan submission. A letter dated August 22, 2018 from Bruce J Cort, EA of Cort & Small LLC, was submitted as evidence of financial capacity.
- 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 is divided between the Pleasant River, the Town's priority watershed, and Black Brook watersheds.
- At the Planning Board meeting on September 24, 2018 the Board requested that the application obtain a field determination from Maine DEP related to questions about a stream located in the mapped wetland area.
- The revised plan dated November 19, 2018 relocates the road to show a forested buffer adjacent to the wetlands.
 - The final plan submission includes a DEP Field Determination dated December 18, 2018 that describes wetlands and a stream on the property.
 - The final subdivision plan dated February 21, 2019 labels the 60' stream segment. The applicable stream setback should also be shown on the plans.
- The 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.

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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** 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 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 dependent upon, and limited to, the proposals and plans contained in the application dated July 7, 2018, as amended February 22, 2019, 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.