

# Town of Windham

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## MEMO

DATE: February 7, 2018

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

RE: 17-24 519 Roosevelt Trail Condos – Preliminary Subdivision Plan  
Planning Board Meeting & Public Hearing: February 12, 2018

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### Overview –

The applicant is proposing a 5 unit single family condominium development on a 2.16 acre property located at 519 Roosevelt Trail. The property has frontage on the impoundment of Ditch Brook. A single family dwelling and accessory structures were recently demolished.

This project appeared as a Sketch Plan at the Board meeting on December 11, 2017. At that meeting the Board discussed the proximity of the development to Ditch Brook and traffic safety and lighting on Route 302.

New comments from the staff memo dated December 6, 2017 appear as underlined text below.

Tax Map: 48, Lot: 30A, Zone: Medium Density Residential (RM) and Stream Protection (SP)

### SUBDIVISION REVIEW

#### Staff Comments:

##### 1. Waivers:

- a) §910.C.1.c.1 – High Intensity Soils Survey, Submission requirement.  
*Based on the information shown on the medium intensity soils map and the preliminary septic system investigations, this submission requirement could reasonably be waived.*
- b) §910.C.1.c.3 – Hydrogeologic Assessment, Submission requirement.  
*Based on the information shown on the medium intensity soils map and the preliminary septic system investigations/distance from Ditch Brook and abutting properties served by public water, this submission requirement could reasonably be waived.*

- c) §911.J.6 – Stormwater Flooding. Performance standard  
*The ordinance allows for a waiver based on treatment through the use of buffers of more than 75% of the impervious and developed areas. A calculation showing that the project's BMPs are treating more than 75% should be provided.*

2. Complete Application: *Staff has found the application complete*

**MOTION:** The Preliminary Plan application for project 17-24– 519 Roosevelt Trail Condos 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 has been scheduled for the Planning Board meeting on February 12, 2018.
4. Site Walk: At the Planning Board meeting on December 11, 2017 the Board determined that a site walk was not necessary.

Findings of Fact and conclusions for the

**Windham Planning Board,**

**MOTION:** The Subdivision application for 17-24 519 Roosevelt Trail Condos on Tax Map: 48, Lot: 30A is to be (approved with conditions/denied) with the following findings of fact and conclusions.

**FINDINGS OF FACT**

**A. POLLUTION**

- A portion of the proposed 2.16 acre property is located within the mapped 100 year flood plain. This flood plain area is located within the common area of the condo association.
- This subdivision is not located over a significant sand and gravel aquifer.
- A hydrogeologic assessment must be submitted as part of the Preliminary Plan as 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. The applicant has requested a waiver from this submission requirement.

**B. WATER**

- All dwelling units will be served by public water from an existing main in Roosevelt Trail. A written statement from the Portland Water District indicating that there is adequate water supply to service the subdivision must be submitted with the Preliminary Plan. An Ability to Serve letter from the Portland Water District must be submitted with Final Plan.

- An email dated January 23, 2018 from Robert Bartels, PE, of the Portland Water District includes comments for a new service to the property. The existing service is to be retired.
- The closed existing fire hydrant is located on Roosevelt Trail to the south of the proposed subdivision at the intersection with Varney Mill Road. Existing hydrant locations are less than 1,000 feet from the development.

C. SOIL EROSION

- An erosion and sedimentation plan, prepared by DM Roma Consulting Engineers, dated January 25, 2018, has been submitted as part of the Preliminary Plan. Notes and details are shown on Drawing D-1.
- This project may require a Maine Department of Environmental Protection (DEP) Chapter 500 Stormwater Permit. The applicant must submit 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.
- This project is in the NPDES (National Pollutant Discharge Elimination System) area as designated by the Environmental Protection Agency for the Town of Windham. As a result, there will be additional construction inspection requirements and ongoing requirements for reporting of stormwater infrastructure maintenance if the area of development is greater than one (1) acre.
- A stormwater management plan has been submitted as part of the January 25, 2018 Preliminary Plan submission. The project proposes to treat the new 40,415 square feet (0.93 acres) of new developed area with a stone berm level spreaders discharging to a forested buffer, a rain garden, and roof drip edges on each condo building.
- A note should be added to the plan that the stormwater buffer will be permanently marked prior to the start of construction.
- A note should be added to the plan that all buildings will require the installation of a roofline drip edge.
- The raingarden location should be shown on the subdivision plan and a design for the rain garden should be submitted with the Final Plan.
- In an email dated February 2, 2018, Town Engineer Jon Earle P.E., confirmed that the project meets the Chapter 500 standards for water quality and noted that the applicant is requesting a waiver from the stormwater flooding standard, as more than 75% of the impervious and developed areas are treated through the use of wooded buffers, but a calculation showing the percentage of treatment by buffers was not provided.

D. TRAFFIC

- 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).
- The site is accessed off of Roosevelt Trail, a paved public street. Sight distance for the new subdivision street should be shown for both directions along Roosevelt Trail on the Preliminary Plan.
- At the Development Team meeting on December 1, 2017, Public Works Director Doug Fortier stated that the proposed entrance is located outside of the urban compact line and

the Town will issue an entrance permit. He asked that the culvert be sized and shown on the plan.

- At the Development Team meeting on December 1, 2017, Police Captain William Andrew recommended a streetlight at the proposed intersection where there would be increased traffic. Section 911.M.3.d states that streetlights may be required at intersections with existing public streets. There are existing streetlights to the north on Roosevelt Trail at the intersection with Provost Drive and to the south at the intersection with Danielle Drive.
- The February 1, 2018 preliminary plan submission states that the based on the ITE Trip Generation Manual the proposed 5 residential condos are expected to generate 3 peak hour trip-ends and 30 daily vehicle trips.
- The road plan and profile (Sheet CU-1) and details (Sheet D-1) dated January 25, 2018 propose constructing the condo access road with a 22 foot wide paved travel way with 1 foot gravel shoulders.
- In an email dated February 2, 2018, Town Engineer Jon Earle P.E., commented that the culvert sizing calculations for the new culvert at the driveway entrance should be provided, the site distances should be shown on the plan, and the depth of gravel shown in the cross section needs to be increased to meet the major private road standard.

#### E. SEWERAGE

- The development will be served by one common private subsurface wastewater disposal systems.
- Soil test pit analysis prepared by James Logan, LSE dated February 1, 2018 show that the lot has adequate soils to support a private septic system. Test pit locations must be shown on the Preliminary Plan.

#### F. SOLID WASTE

- Residents of the single 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

- A single family dwelling on the site was recently demolished. The site is lightly wooded and the majority is relatively flat. The rear of the property slopes towards Ditch Brook.
- There are no documented rare botanical features or significant wildlife habitat documented on the site.
- Street trees are required at least every fifty (50) feet (§ 911.E.1.b) and are shown on the preliminary plan.
- Limits of tree clearing are shown on the preliminary plan. A note should be added to the plan stating that clearing of tress 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 Ordinance:
  - The lot meeting the dimensional standards of the Medium Density Residential (RM) District (minimum 20,000 square feet on public water and 100 feet of road frontage).
  - Net residential density calculations are shown on the plan.
- Subdivision Ordinance
  - Proposed landscaping is shown on the Preliminary Plan.
  - Standard notes and the standard condition of approval must be shown on the plans.
  - Subdivision plan data compatible with the Town GIS must be submitted as part of the Final Plan submission.
  - Condominium association documents should be 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.
- Others:
  - Street Naming and Addressing: Following consultation with the Assessing Department, a proposed road name for the subdivision road must be shown on the Final Plan.
  - Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 area. The subdivision's new development is less than one (1) acre.

#### I. FINANCIAL AND TECHNICAL CAPACITY

- A letter dated January 25, 2018 from Jane Watson, Assistant Manager at Norway Savings Bank 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

- The applicant should demonstrate that the project will not adversely impact any river, stream, or brook.
- The property abuts Ditch Brook. There is a 100-foot Stream Protection Zone on either side of this brook. The SP District boundary is shown on the plan. No development is proposed within the shoreland zone.

#### 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** 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 dependant upon, and limited to, the proposals and plans contained in the application dated November 20, 2017, as amended January 25, 2018, 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.