

Town of Windham

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MEMO

DATE: May 17, 2017

TO: Planning Board
FROM: Ben Smith, Planning Director *BWS*
Cc: Jon Earle, P.E., Town Engineer
Laurence Clark
Matthew Sukeforth, Maine Boundary Consultants

RE: 17-09 – Clark Farm II - Minor Subdivision, Final Plan
Planning Board Meeting: May 22, 2017

Overview –

The applicant is proposing to divide a 174 +/- acre property located between Swett Road and Webb road, which would create two (2) lots subject to subdivision review. These lots are the green-colored lots on the plan dated May 1, 2017. The larger 142 acre property labeled as Lot 2 is to be transferred to the Maine Farmland Trust and a 21 acre property labeled as Lot 1 is to be retained by the applicant. No development is proposed for either of these lots as part of this application.

This application appeared on the Planning Board's agenda for March 27, 2017. At that meeting there was discussion on the multiple waivers of subdivision performance standards requested by the applicant. Upon further review of the application, staff has determined that waivers from performance standards are not required for this application, though there are several waivers from submission standards that will require Board action (see below). This situation addresses the Board's concern from the March meeting regarding the implications of waiver requests on any potential future subdivision for the land shown as Lot 1 on the plan.

Tax Map: 6; Lot 51. Zoning District: Farm (F).

SUBDIVISION REVIEW

Staff Comments:

1. Waivers Requested from submission requirements:

- a) 910.B.1.b.11 – Location of important or unique natural and site features, including wetlands and others. This submission could reasonably be waived as no development is proposed for either of the new lots that would impact important or unique features.
- b) 910.B.1.b.13 – Medium Intensity Soils mapping. This submission could reasonably be waived as no development is proposed for either of the new lots that would require subsurface wastewater systems reliant on the drainage characteristics of soils on site.
- c) 910.B.1.c.2 – Disposal of stumps and demolition debris. This submission could reasonably be waived as no development is proposed for either of the new lots.
- d) 910.B.1.c.3 – Surface drainage plan or stormwater management plan. This submission could reasonably be waived as no development is proposed for either of the new lots that would alter existing stormwater flows.
- e) 910.b.1.c.4 – Soil erosion and sediment control plan. This submission could reasonably be waived as no development is proposed for either of the new lots that would cause disturbance to soils or increase the risk of soil erosion.

2. Complete Application: N/A with Sketch Plan.

MOTION: The application for project 17-09 Clark Farm II 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. The Planning Board must determine whether to hold a public hearing on the application.

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 17-09 Clark Farm II on Tax Map: 6, Lot: 51 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 142.6 +/- acre conveyance to Maine Farmland Trust is located within the mapped 100 year flood plain.
- ✓ This subdivision is not located over a significant sand and gravel aquifer.
- ✓ The new lots will not result in undue air or water pollution.

B. WATER

- _) All lots will be served by individual private wells.

C. SOIL EROSION & SEDIMENTATION CONTROL & STORMWATER MANAGEMENT

- _) No development is proposed for the two lots subject to review. As such there will be no change in the quantity or quality of stormwater runoff, or disturbance of soils that might be subject to erosion.

D. TRAFFIC

- _) The subdivision lots will have access from either Swett Road or Webb Road.
- _) Based on the distance to uses that would generate pedestrian trips, sidewalks are not required.

E. SEWERAGE

- _) No new subsurface wastewater disposal systems (septic systems) are proposed as there is no development proposed for either of the lots subject to subdivision review.

F. SOLID WASTE

- _) This subdivision should not produce an undue burden on the Town's ability to collect and dispose of solid waste.

G. AESTHETICS

- _) No new development, either new streets or new house lots, are proposed as part of this application.
- _) The large 142 acre lot is anticipated to be transferred to the Maine Farmland Trust. It is possible that new agricultural buildings may be constructed in the future.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- _) Comprehensive Plan:
 - _) The plan does meet the goals of the 2003 Comprehensive Plan.
- _) Land Use Ordinances:
 - _) These lots exceed the minimum lot size require in the Farm (F) zone (60,000 SF).
 - _) Net residential density calculations are not shown as such a calculation is not applicable to this application.
- _) Subdivision Ordinance
 - _) Standard notes and the standard condition of approval are shown on the plans.

- ✓ Digital transfer of the subdivision plan data must be submitted with the Final Plan submission for inclusion with the Town's GIS.

I. FINANCIAL AND TECHNICAL CAPACITY

- ✓ Demonstration of the applicant's financial capacity is not applicable as there is no new infrastructure or buildings proposed as part of this application.
- ✓ The applicant has retained the services of a Maine licensed Professional Land Surveyor to assist with the application.

J. RIVER, STREAM OR BROOK IMPACTS

- ✓ The proposed layout of the subdivision avoids stream crossings. 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 not** 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 February 21, 2017, as amended May 1, 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 Land Use Ordinance.