

# Town of Windham

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## MEMO

DATE: October 5, 2018

TO: Windham Planning Board  
FROM: Amanda Lessard, Planner *AL*  
Cc: Jimmy Courbron, PLS, Sebago Technics

RE: 18-30 – Washington View Farms, 2<sup>nd</sup> Amendment.  
Planning Board meeting: October 11, 2018

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### Overview –

This application is to amend an existing subdivision with a 1.1 acre land swap between Lot 5 and Lot 6 of the Washington View Farms Subdivision.



Aerial View of the subject parcel relative to surrounding properties and street network.

Washington View Farms, a 6 lot subdivision at Park Road, Pope Road, and Windham Center Road, was approved by the Planning Board in 1990. That plan is included with the application. The 1<sup>st</sup> Amendment, creating an additional lot in the subdivision by splitting Lot 4, was approved by the Planning Board in September 2005.

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).

Staff comments below relate to the 2<sup>nd</sup> Amendment of this subdivision only.

Tax Map: 11; Lots: 43-5 and 43-6 Zone: Farm Residential (FR)

### SUBDIVISION REVIEW

Staff Comments:

1. Waivers: None requested.
2. Complete Application: N/A with Amended Subdivision Plan. The ordinance requires the application to 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 application for project 18-30 Washington View Farms, 2<sup>nd</sup> Amendment 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 application for 18-30 Washington View Farms, 2<sup>nd</sup> Amendment on Tax Map: 11, Lots:43-5 and 43-6 is to be **(approved with conditions/denied)** with the following findings of fact and conclusions.

### FINDINGS OF FACT

A. POLLUTION

- No portion of the lots impacted by this amendment are within the mapped 100 year floodplain.
- No buildings or other impacts are proposed within the floodplain.

B. WATER

- The proposed land swap will not result in additional demand for water.

C. SOIL EROSION

- The proposed transfer of 48,000 square feet of land between Lots 5 and 6 will have no impact on soil erosion or change the current stormwater drainage.

D. TRAFFIC

- The proposed transfer of land will not have an impact on traffic, as there is no additional development proposed.

E. SEWERAGE

- The existing home on Lot 5 is served by a private septic system.
- Lot 6 is undeveloped and the test pit location from the original subdivision approval is shown on the plan. No additional soil tests are required.

F. SOLID WASTE

- The proposed transfer of land will not have an impact on the Town's ability to collect and dispose of household waste, as no new development is proposed.

G. AESTHETICS

- The portion of the property to be transferred is wooded.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
  - The plan does meet the goals of the 2017 Comprehensive Plan.
- Land Use Ordinances:
  - Both Lot 43-5 and Lot 43-6 meet the minimum lot size for lots in the Farm Residential Zone. Lot 43-5 does not meet the current minimum requirement for road frontage. The equal area land swap is permitted in accordance with Section 204.D Alternation of

Nonconforming Lots as the alteration of the lot lines does not increase or extend the degree of, or create any new, non-conformity with regard to any applicable dimensional standard.

- Subdivision Ordinance
  - None.
- Others:

I. FINANCIAL AND TECHNICAL CAPACITY

- Evidence of financial capacity and technical capacity are not required for this lot line adjustment.

J. RIVER, STREAM OR BROOK IMPACTS

- No river, stream or brook impacts are anticipated as a result of the proposed amendment.

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** 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 **do not have** a lot depth to shore frontage ratio greater than 5 to 1.
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 September 10, 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.