

# Town of Windham

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## MEMO

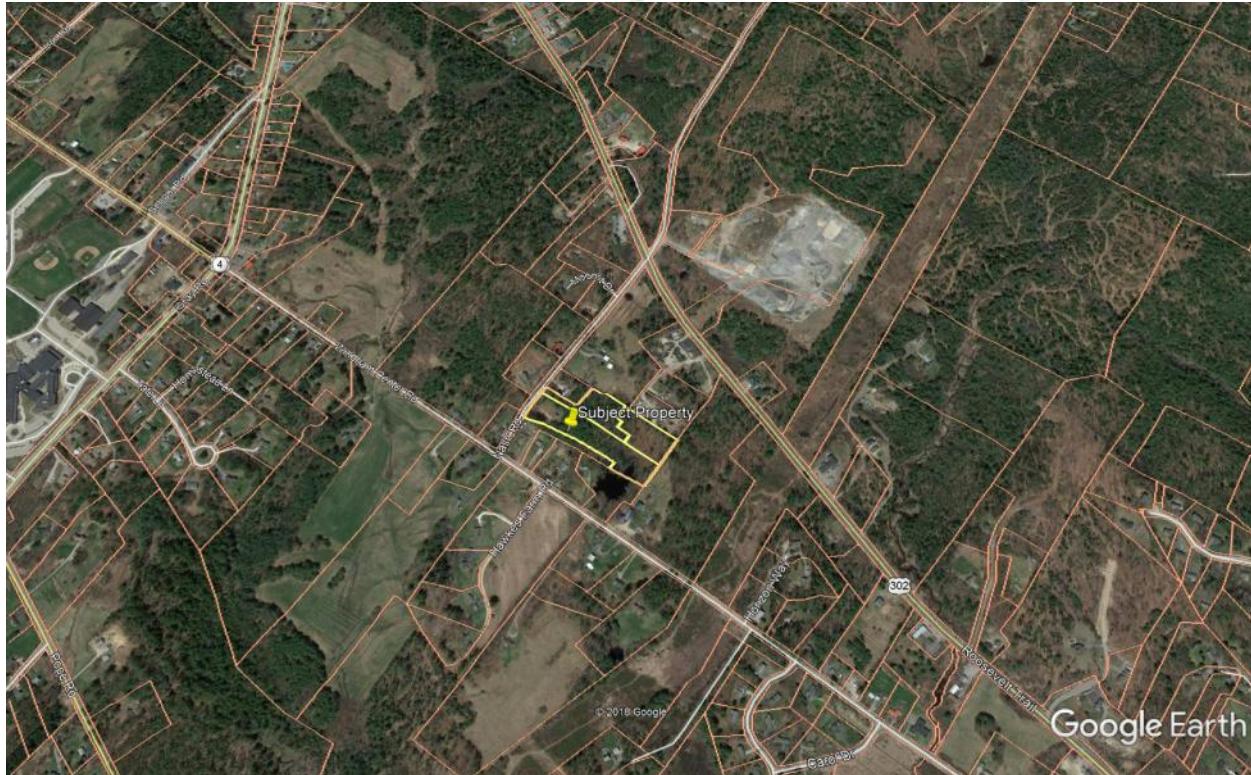
DATE: January 23, 2019

TO: Windham Planning Board  
FROM: Amanda Lessard, Planner *ALL*  
Cc: Dustin Roma, P.E., DM Roma Consulting Engineers  
Development Review Team  
  
RE: 18-28 Nash Road – Minor Subdivision, Sketch Plan  
Planning Board Meeting: January 28, 2019

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### Overview –

The applicant is proposing a 3 lot subdivision on a 6 acre property on Nash Road. The applicant intends to swap land with the abutting lot with the existing single family home at 3 Nash Road. A new 360 foot long public road is proposed to serve the development.



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

This project appeared as a Sketch Plan at the Board meeting on September 24, 2018 as a 4 lot cluster subdivision on 7.8 acres. At that meeting the Board heard comments from the public about clear cutting on the property and erosion impacts on the wetlands and abutting pond. The Board also discussed a waiver request for a hammerhead and a water main extension. Since that meeting the applicant has submitted a revised sketch plan to reduce the number of lots from 4 to 3, reconfigure the lots to a traditional layout from a cluster, and reducing the length of the proposed road.

New comments from the staff memo dated September 19, 2018 appear as underlined text below.

Tax Map 9; Lots 34, 34-B1, and 34-B2, Zone: Farm (F).

### SUBDIVISION REVIEW

Staff Comments:

1. Waivers: None included in the application, but staff notes the following. The applicant must submit written waiver request that address the waiver criteria of Section 908. The Planning Board cannot act on waivers or potential waiver requests at the Sketch/Preapplication review phase. It is appropriate to discuss potential waiver requests to give the applicant guidance.
  - a) §911.M.5.b.5.ii – Public Dead-end Street performance standard.  
*Section 911.K.3.f requires that streets constructed within a cluster subdivision meet a public street standard. Public dead-end streets shall be constructed to provide a cul-de-sac turn-around. This waiver would allow the road to be constructed with a hammerhead turn-around.*
  - b) Section 911.M.5 - Road Standards performance standards  
*This Section references the specifications contained in Table 3 in Appendix B. The applicant is requesting a waiver from the 180' roadway centerline radius, and minimum 100' tangent between reverse curves on the road centerline. Meeting this standard is not possible due to the lack of sight distance in any other location besides what is proposed.*
2. Complete Application: N/A with Sketch Plan

**MOTION:** ~~The application for project 18-28 Nash Road 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: At the September 24, 2018 meeting, the Planning Board voted to hold a public hearing on the application. A public hearing will be scheduled following the preliminary plan submission.
4. Site Walk: A site walk was held on Saturday November 17, 2018 at 7:30am.

Findings of Fact and conclusions for the

**Windham Planning Board,**

**MOTION:** The Subdivision application for 18-28 Nash Road on Tax Map: 9, Lots: 34, 34-B1 and 34-B2 is to be (~~approved with conditions/denied~~) with the following findings of fact and conclusions.

**FINDINGS OF FACT**

**A. POLLUTION**

- No portion of this subdivision is within the mapped 100 year floodplain.
- This subdivision is located over a significant sand and gravel aquifer.

**B. WATER**

- The existing single family home is served by a private well. The subdivision is proposed to be served by private wells.
- The ordinance requires that the subdivision must be served by public water if the closest water main is within a distance equal to 100 feet multiplied by the number of lots in the subdivision. The existing public water main terminates at the intersection of Windham Center Road and Nash Road, a distance of less than 400 feet. On the revised sketch plan, the proposed 3 lot subdivision does not require a water main extension.
- The closest existing fire hydrant is located on Windham Center Road at Hawkes Farm Road, approximately 875 feet from the proposed development.

**C. SOIL EROSION**

- A surface drainage plan must be submitted as part of the Preliminary Plan.
- A soil erosion and sediment control plan must be submitted as part of the Preliminary Plan.

**D. TRAFFIC**

- The subdivision lots will have frontage on a new 500 360 foot long subdivision street which intersects with Nash Road, a paved public road.
- Section 550.C requires new streets with connections to existing public streets to be built to the Minor Local Street standard.
- The sketch plan shows a hammerhead turnaround at end of the proposed street. The Minor Local Street Standard requires a cul-de-sac. A written waiver request should be submitted.
- Sight distance for the new subdivision street should be shown for both directions along Nash Road on the Final Plan.
- The January 7, 2019 sketch plan narrative also indicates that the applicant intends to request waivers from the Minor Local Street standard roadway centerline radius and tangent distance between reverse curves. A written waiver request should be submitted.
- In an email dated January 17, 2018 Town Engineer Jon Earle asked for clarification about the minimum tangent distance and commented that the proposed roadway slope through the

55' radius is 2% and though a significant reduction for a minimum centerline radius from 180' to 55', having the road at just 2% slope along with a minimal amount of traffic makes the waiver request reasonable.

**E. SEWERAGE**

- The development will be served by one common private subsurface wastewater disposal systems.
- Soil test pit analysis must be included with the Final Plan submission. All lots must have at least one passing test pit. Test pit locations must be shown on the Final 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 home currently exists on the property. A portion of the property was recently cleared of trees. The parcel general slopes away from Nash Road toward a wetland area at the rear of the property.
- There are no documented rare botanical features or significant wildlife habitat documented on the site.
- A landscape plan is required for the preliminary plan submission. Street trees are required at least every fifty (50) feet (§ 911.E.1.b). Limits of tree clearing should be shown on the plan. A note should be added to the plan stating 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.
- Land Use Ordinance:
  - All lots meet ~~fall within the minimum and maximum lot sizes of 80,000 square feet 30,000-50,000 square feet (one lot 60,000 sf max) and 200 feet of frontage (100 feet or 50 feet on cul-de-sac) for cluster lots in the F zoning district.~~
  - Net residential density calculations are shown on the Plan.
  - ~~No more than 30% of the lots have direct vehicular access onto an existing public road.~~
  - ~~The total area of reserved open space equals or exceeds 50% of the gross land area of the property to be subdivided and is contiguous.~~
  - ~~The open space reserved includes 50% of the land suitable for development.~~

- Subdivision Ordinance
  - 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.
  - Homeowners 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.
  - Lot A, a 1.85 acre parcel of land, is shown on the sketch plan and includes land to be transferred to the abutter. This conveyance should be completed prior to the final plan submission. If this real estate is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot subject to subdivision review.
- Others:
  - Chapter 221 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.

#### I. FINANCIAL AND TECHNICAL CAPACITY

- Evidence of financial capacity must be provided as part of the Final Plan submission.
- Evidence of technical capacity must be provided as part of the Final Plan submission.

#### J. RIVER, STREAM OR BROOK IMPACTS

- A small portion of the property closest to Nash Road is located in the Black Brook watershed, and the remainder of property is located in the Colley Wright Brook watershed.
- The applicant should demonstrate that the project will not adversely impact any river, stream, or brook.

#### CONCLUSIONS (N/A)

1. The proposed subdivision ~~will/will not~~ result in undue water or air pollution.
2. The proposed subdivision ~~has/does not have~~ sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed subdivision ~~will/will not~~ cause an unreasonable burden on an existing water supply.
4. The proposed subdivision ~~will/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/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/will not~~ provide for adequate sewage waste disposal.

7. The proposed subdivision ~~will/will not~~ cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed subdivision ~~will/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/does not conform~~ with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer ~~has/does not have~~ adequate financial and technical capacity to meet the standards of this section.
11. The proposed subdivision ~~is/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/will not~~ alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed subdivision ~~is/is not~~ situated entirely or partially within a floodplain.
14. All freshwater wetlands within the proposed subdivision ~~have/have not~~ been identified on the plan.
15. Any river, stream, or brook within or abutting the subdivision ~~has/has not~~ been identified on any maps submitted as part of the application.
16. The proposed subdivision ~~will/will not~~ 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.
18. 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.
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.
20. Timber on the parcel being subdivided ~~has/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 4, 2018, as amended January 7, 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.