

**Pineland**

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41 Campus Drive, Suite 101
New Gloucester, ME 04260

Portland

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Portland, ME 04101

20-65

November 16, 2021

Steve Puleo, Town Planner
Town of Windham
Planning Department
8 School Road
Windham, ME 04062

Response to Comments
Canada Hill Subdivision – Amended Major Subdivision Plan
Chase Custom Homes & Finance
Windham, ME.

Steve,

In follow-up to our meeting today dated November 16, 2021, please find below our responses to comments provided in your Memorandum to John Chase, Chase Custom Homes & Finance Canada Hill – Amended Major Subdivision Plan dated November 10, 2021. Our responses to comments are shown in *italics*.

Town Planner Comments:

1. The applicant description of the development is incorrect. The application is for the conservation subdivision of Lot 9-14, which was retained by the developer of the Canada Hill Subdivision, Chase Custom Homes & Finance, because the Town is considering subdivision of the lot as an amendment to the June 25, 2012 approval of Canada Hill Subdivision.

Response: *The applicant acknowledges that this application is an amendment to the June 25, 2012 approval of Canada Hill Subdivision and consists of the conservation subdivision of Lot 9-14, which was retained by Chase Custom Homes & Finance as part of the 2012 Canada Hill Subdivision.*

2. Please clarify the number of new subdivision residential lots, per Section 911.K.4.(d)(1), “The subdivider may retain ownership of the remaining land from which the subdivision lots area to be created provided the portion of the remaining land counted toward the subdivision Open Space is subject to permanent ownership of the Open Space to a 3rd party, per Section 911.E.2”.

Response: *Lot 9-14 consists of an approximately 51.0-acre parcel shown on Town of Windham Tax Map 4. The previously submitted Site Layout Concept Plan has been amended such that the approximately 51.0-acre parcel is proposed to consist of fourteen (14) single family residential lots greater than 30,000 SF to be offered for sale to the general public and open space common land consisting of approximately 37.64 acres for the Canada Hill Amended Major Subdivision Plan*

Per Section 911.E.2, the proposed approximately 37.64 acres of open space will be common property to be owned by the owners of the lots included within the Canada Hill Amended Major Subdivision by means of a lot owners' association.

3. Please explain the Sketch is only showing 12 residential lots when two lots are labelled "Retained by Owner". Are those lots part of the Open Space" calculations and are they proposed to be conveyed to a third and not developed?

Response: *As previously started, the Site Layout Concept Plan has been amended to include fourteen (14) single family residential lots to be offered for sale to the general public and approximately 37.64 acres of open space common land to be owned by the owners of the lots included within the Canada Hill Amended Major Subdivision by means of a lot owners' association.*

4. Is the Developer considering any other waivers than the stormwater?

Response: *The applicant does not anticipate any additional waivers at this time.*

5. The Town is considering a subdivision proposal as an amendment to Canada Hill Subdivision.

Response: *Comment acknowledged.*

6. Please explain the purpose of the easement area and is it part of the Open Space calculation?

Response: *The easement area has been removed from the Site Layout Concept Plan for the Canada Hill Amended Major Subdivision.*

7. Missing location and size of existing utilities on and adjacent to the land including utility poles and hydrants, etc.

Response: *The enclosed Site Layout Concept Plan has been amended based on available AutoCAD information to show the location and size of existing utilities on and adjacent to the land including utility poles and hydrants, etc.*

8. Please provide the technical capacity of the subdivider and the civil engineering firm.

Response: *Per Section 910.A. – Minor and Major Subdivisions, technical and financial capacity information is not included in the Sketch Plan submission requirements. Based on approval of the Sketch Plan submission application package, Chase Custom Homes & Finance and Terradyn Consultants can provide documentation to Planning staff to satisfy the requirements of Section 910.C. – Preliminary Plan for Financial and Technical Capacities prior to submission of the Preliminary Plan Submission package for Town review and approval.*

9. Please provide correspondence with MeDEP explaining why a Site Location of Development Act permit is not required.

Response: *The Site Layout Concept Plan has been amended to include fourteen (14) single family residential lots to be offered for sale to the general public and approximately 37.64 acres of open space common land to be owned by the owners of the lots included within the Canada Hill Amended Major Subdivision by means of a lot owners' association.*

Per MeDEP requirements, Site Layout Concept Plan includes two (2) open space lots consisting of approximately X acres, for a total of sixteen (16) proposed lots for the Canada Hill Amended Major Subdivision Plan.

Therefore, the Canada Hill Amended Major Subdivision Plan meets the definition of MeDEP Site Law requiring a Site Location of Development Act permit for the division of a parcel of land into 15 or more lots for single-family, detached, residential housing, common areas or open space to be offered for sale to the general public.

Town Engineer Comments:

1. The Sketch Plan submittal indicates that treatment of stormwater within the 50' road right-of-way will be accomplished using level spreaders flowing vegetated buffers. This may be acceptable assuming the buffers are designed in accordance with MEDEP Ch. 500 Appendix F and the forested buffers will be protected from alteration through the execution of deed restrictions

Response: *The project's Stormwater Management Plan will be prepared in accordance with the requirements of Chapter 500 of the MeDEP Stormwater Law and will include the forested buffers being protected from alteration through the execution of deed restrictions.*

2. The Sketch Plan submittal indicates that they will be asking for a waiver of the Stormwater Flooding Standard in Windham Subdivision Ordinance Section 911 based on the treatment of 75% of the impervious area and 50% of the developed area of the roadway using forested buffers. However, this is conditioned on the project not requiring a SLDA permit, which may not be the case. In any event, a stormwater management plan will need to be submitted that details how each portion of the site stormwater is treated to determine if it is in compliance with Windham's subdivision ordinance and applicable sections of CH. 500

Response: *The project's Stormwater Management Plan will be prepared in accordance with the requirements of the Town of Windham Subdivision Ordinance and Chapter 500 of the MeDEP Stormwater Law.*

The project's stormwater management plan provides that the proposed roadway qualifies for a linear portion of the project and the proposed lots are required to meet MeDEP General Standards for stormwater quality.

Water quality requirements will be achieved for the linear portion of the project by a roadside forested buffer and the construction of two (2) closed stormwater collection and conveyance systems with discharge to two (2) level lip spreaders that discharge via sheet flows to MeDEP forested stormwater treatment buffer BMPs and for the non-linear portions of the project site with MeDEP BMP forested buffers. The proposed stormwater design is not expected to cause flooding, erosion, or other significant adverse effects downstream of the development site.

3. The proposed subdivision will be using Canada Hill Road as a second access point. Canada Hill is in poor shape and additional traffic from the subdivision will not help the situation. The developer of the subdivision should be required to contribute to improving/upgrading Canada Hill Road to accept the new traffic flow without further degradation of Canada Hill Road.

Response: *The applicant/owner is proposing a connection to Canada Hill Road at the request of Town staff for Town emergency and Public Works personnel to satisfy street connectivity ingress/egress concerns.*

A review of 911.M.5.(7) – Street Connection Requirements, provides that the minimum number of required street connections for a residential subdivision street is one (1) connection to an existing public street based on the cumulative existing 13 lots and proposed 14 lots. Additionally, the connection to Canada Hill Road will satisfy the street connectivity requirements of 911.M.5.5 (b) – Streets Not Served By Public Water, for dead end streets with dwellings supplied with sprinkler systems and 1,000 LF hammerhead installations.

The planned traffic pattern for the Canada Hill Amended Major Subdivision is for lot owners and public users of Cairn Drive to utilize Highland Cliff Road for ingress and egress of Cairns Drive.

The applicant proposes Cairns Drive/Canada Hill Road intersection improvements for drainage, turning radii, sight distance, and adjacent roadway improvements for the ingress and egress of by public to Cairns Drive as part of the Canada Hill Amended Major Subdivision project.

4. The application says that a MeDEP NRPA Tier 1 Wetland Alteration Permit will be required; an Army Corps of Engineers (ACOE) Category 2 Maine General Permit will also be required for the proposed 9,359 SF of wetland impacts.

Response: *A MeDEP NRPA Tier 1 Wetland Alteration Permit and USACE General Permit will be required for the proposed alteration of 9,359 SF of wetlands.*

Public Works Director Comments:

1. The new road Cairn Drive comes out onto Canada Hill road and this is not a built road. This was an old dirt camp road a previous director paved and it has since fallen apart. As this appears to be the second access point to the subdivision it should be considered that Canada Hill road be built to town standards from Highland Cliff Road to Cairn Drive.

Response: *As previously stated, the applicant proposes Cairns Drive/Canada Hill Road intersection improvements for drainage, turning radii, sight distance, and adjacent roadway improvements for the ingress and egress of by public to Cairns Drive as part of the Canada Hill Amended Major Subdivision project.*

Fire Chief Comments:

1. There are no issues with this proposal. They are capturing fire suppression through residential sprinklers and meeting our access needs through the Major Private Road standard and ensuring adequate access by connecting with Canada Hill Road.

Response: *Comment acknowledged.*

We are hopeful that after review of these responses and amended application materials that the development project will be placed on the November 22, 2021 Planning Board agenda. Thank you for your consideration, and please call me if you have any questions as Planning staff reviews the enclosed information.

The following items are attached:

- Existing Resources Inventory Plan
- Amended Site Analysis and Open Space Plan
- Amended Site Layout Concept Plan & Boundary Survey

Sincerely,

TERRADYN CONSULTANTS, LLC



Tim Michaud
Project Engineer

Cc: Amanda Lessard, Town Planning Director
John Chase, Chase Custom Homes & Finance

OPEN SPACE REQUIREMENTS FOR CONSERVATION SUBDIVISIONS:

CONSERVATION SUBDIVISION OPEN SPACE AND NET RESIDENTIAL AREA CALCULATIONS

TOTAL AREA OF PARCEL.....	46.48 AC
TOTAL AREA USED FOR RIGHT-OF-WAY.....	(-) 1.75 AC
PORTIONS OF PARCEL WITH SLOPES >25%.....	(-) 1.14 AC
PORTIONS OF PARCEL WITHIN FEMA 100-YEAR FLOODPLAIN.....	(-) 11.51 AC
PORTIONS OF PARCEL WITHIN RESOURCE PROTECTION DISTRICT.....	(-) 0.00 AC
PORTIONS OF PARCEL UNSUITABLE FOR DEVELOPMENT DUE TO DRAINAGE OR SUBSOIL CONDITIONS.....	(-) 2.00 AC
A) WATER TABLE AT OR NEAR THE SURFACE FOR ALL OR PART OF THE YEAR (WETLANDS).....	(-) 0.00 AC
B) SOILS IDENTIFIED AS "VERY POORLY DRAINED," BY USDA SOIL SURVEY FOR CUMBERLAND COUNTY, MAINE.....	(-) 0.28 AC
PORTIONS OF THE PARCEL COVERED BY SURFACE WATER BODIES.....	(-) 0.00 AC
PORTIONS OF PARCEL CONTAINING SIGNIFICANT WILDLIFE HABITAT DETERMINED BY MEDIFW.....	(-) 0.00 AC
PORTIONS OF PARCEL CONTAINING ENDANGERED BOTANICAL RESOURCES DETERMINED BY MEDEC.....	(-) 0.00 AC
NET RESIDENTIAL AREA OF PARCEL.....	29.80 AC

NET RESIDENTIAL AREA OF LOT = NET RESIDENTIAL AREA OF PARCEL / FARM DISTRICT 60,000 SF NET RESIDENTIAL DENSITY
34.32 AC NET RESIDENTIAL AREA OF PARCEL X 43,560 SF/AC / 60,000 SF
NET RESIDENTIAL DENSITY..... 21 LOTS

PHASE II OF THE CANADA HILL SUBDIVISION IS PROPOSING..... 14 LOTS

OPEN SPACE REQUIREMENTS FOR CONSERVATION SUBDIVISIONS:

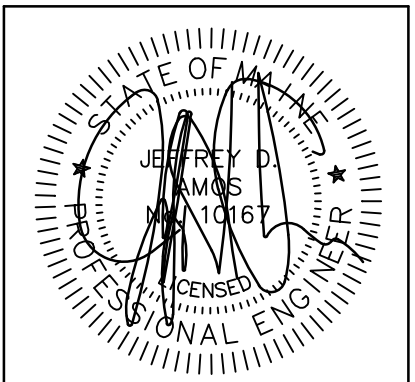
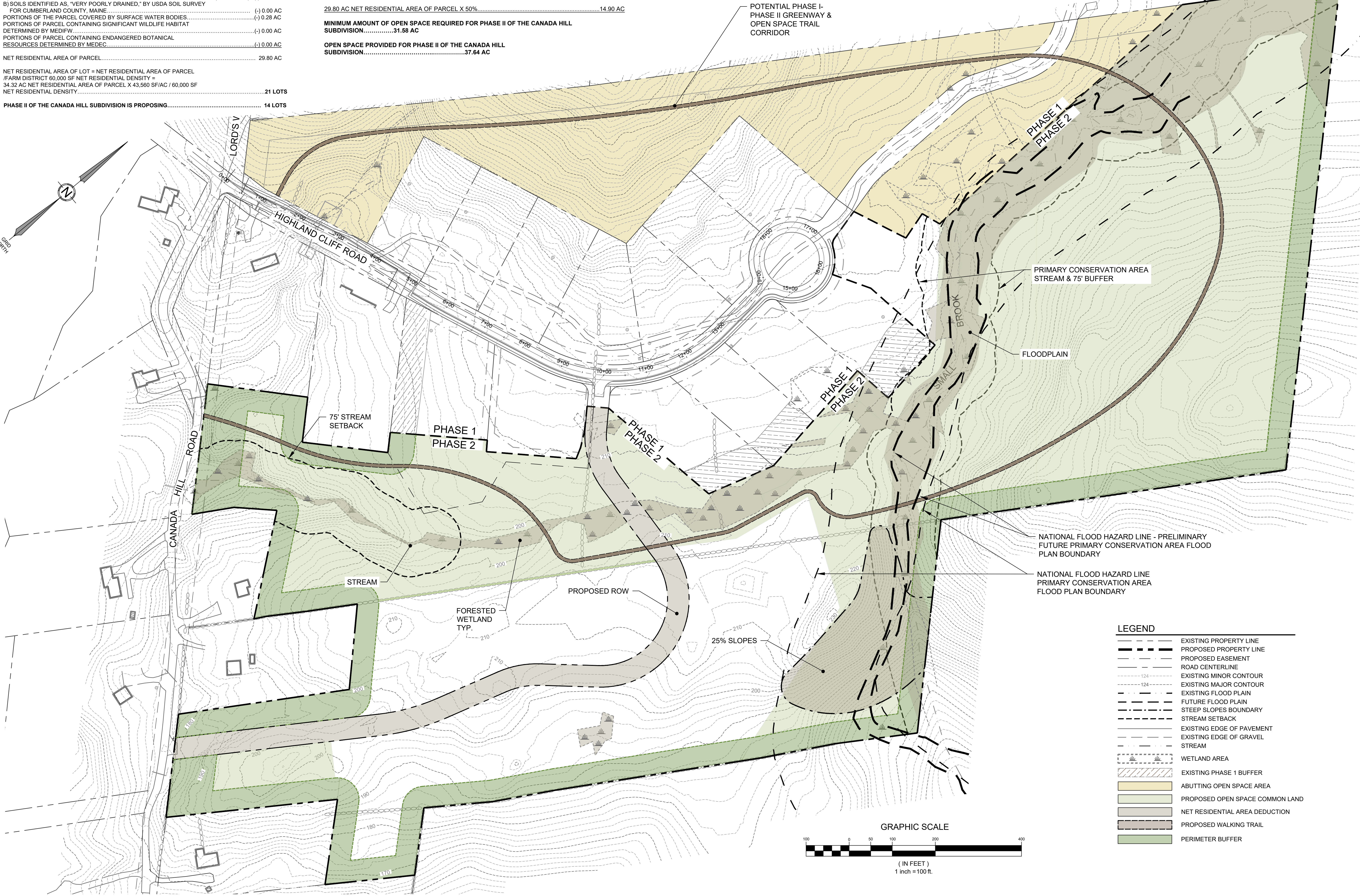
MINIMUM AMOUNT REQUIRED - THE AMOUNT OF OPEN SPACE PROVIDED WITHIN THE SUBDIVISION SHALL BE EQUAL TO OR GREATER THAN THE SUM OF ALL OF THE AREAS OF THE PARCEL THAT ARE DEDUCTED FROM THE GROSS AREA OF THE SITE TO DETERMINE THE NET RESIDENTIAL AREA AND AT LEAST FIFTY PERCENT (50%) OF THE REMAINING LAND THAT IS NOT DEDUCTED FROM THE CALCULATED NET RESIDENTIAL AREA.

46.48 AC TOTAL AREA OF PARCEL - 29.80 AC NET RESIDENTIAL AREA OF PARCEL..... 16.68 AC

29.80 AC NET RESIDENTIAL AREA OF PARCEL X 50%..... 14.90 AC

MINIMUM AMOUNT OF OPEN SPACE REQUIRED FOR PHASE II OF THE CANADA HILL SUBDIVISION..... 31.58 AC

OPEN SPACE PROVIDED FOR PHASE II OF THE CANADA HILL SUBDIVISION..... 37.64 AC



DATE: 10/20/2021
P.E.: 10167

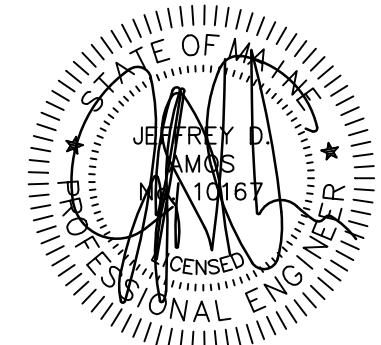
REVISED PER PLANNING BOARD COMMENTS	APP'D BY
1	11/15/2021
NO.	DATE

555 CONGRESS STREET
SUITE 201
PORTLAND, ME 04102
41 CAMPUS DRIVE
SUITE 101
NEW GLOUCESTER, ME 04260
OFFICE: (207) 926-5111 FAX: (207) 221-1317
www.terradynconsultants.com



PERMIT DRAWING
NOT FOR CONSTRUCTION

PROJECT: PHASE 2-CANADA HILL SUBDIVISION WINDHAM, MAINE	DATE: 10/20/2021
SHEET TITLE: NET RESIDENTIAL ACREAGE & OPEN SPACE PLAN	SCALE: 1"=100'
CLIENT: CHASE CUSTOM HOMES & FINANCE CO. 290 BRIDGTON ROAD WESTBROOK, MAINE 04092	DESIGNED:
	JOB NO.: 2065
	FILE: 2065 B INVENTORY 3
	SHEET C-1.1



DATE: 10/20/2021
P.E.: 10167

NO.	DATE	REVISIONS	BY
1	11/15/2021	REVISED PER PLANNING BOARD COMMENTS	APPD

41 CAMPUS DRIVE
SUITE 101
NEW GLOUCESTER, ME 04260
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www.terradynconsultants.com

565 CONGRESS STREET
SUITE 201
PORTLAND, ME 04102



Civil Engineering | Land Planning | Stormwater Design | Environmental Permitting

PERMIT DRAWING
NOT FOR CONSTRUCTION

PROJECT: PHASE 2-CANADA HILL SUBDIVISION
WINDHAM, MAINE
SHEET TITLE: SKETCH PLAN

CLIENT: CHASE CUSTOM HOMES & FINANCE CO.
290 BRIDGTON ROAD
WESTBROOK, MAINE 04092

DATE: 10/20/2021
SCALE: 1"=100'
DESIGNED:
JOB NO.: 2065
FILE: 2065 B INVENTORY
SHEET C-1.2



- LEGEND**
- EXISTING PROPERTY LINE
 - PROPOSED PROPERTY LINE
 - PROPOSED INTERIOR PROPERTY LINE
 - PROPOSED SETBACK LINE
 - PROPOSED EASEMENT
 - ROAD CENTERLINE
 - EXISTING MINOR CONTOUR
 - EXISTING MAJOR CONTOUR
 - EXISTING FLOOD PLAIN
 - FUTURE FLOOD PLAIN
 - STEEP SLOPES BOUNDARY
 - STREAM SETBACK
 - EXISTING EDGE OF GRAVEL
 - STREAM
 - WETLAND AREA
 - EXISTING PHASE 1 BUFFER
 - PERIMETER BUFFER
 - PROPOSED OPEN SPACE COMMON LAND
 - PROPOSED SEPTIC INCLUSION AREA
 - PROPOSED WELL INCLUSION AREA
 - PROPOSED WALKING TRAIL
 - MEDEP STORMWATER MANAGEMENT FOREST BUFFER