

Town of Windham

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MEMO

DATE: August 2, 2016

TO: Planning Board
FROM: Amanda Lessard, Planner *AL*
Cc: Ben Smith, Planning Director
Tom Farmer, P.L.A., Wright-Pierce

RE: 16-20 – Odd Fellows Subdivision - Minor Subdivision, Final Plan
Planning Board Meeting & Public Hearing – August 8, 2016

Overview –

The applicant is proposing to divide a 50,235 square foot lot located at 529 Roosevelt Trail at the corner of Provost Drive. This property was split from the original 1.06 acre Odd Fellows Hall parcel on July 5, 2015. The proposed new lot requires subdivision review. A single family home is currently under construction on the property. The applicant proposes to construct a duplex on the new lot that will obtain access on Provost Drive.

This project appeared as a Sketch Plan at the Board meeting on July 25, 2016. Since that meeting the applicant has revised the plan to show the house under construction and submitted an erosion control plan and a proposal to comply with the street tree requirements.

New comments from the staff memo dated July 19, 2016, appear as underlined text below

Tax Map: 48; Lot 28-1. Zoning District: Medium-Density Residential (RM).

SUBDIVISION REVIEW

Staff Comments:

1. Waivers: None requested.
2. Complete Application:

MOTION: The application for project 16-20 – Odd Fellows 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: A public hearing has been scheduled for the August 8, 2016 meeting
4. Site Walk: A site walk has been scheduled for Saturday August 6, 2016 at 7:00 am.

Findings of Fact and conclusions for the

Windham Planning Board,

MOTION: The Subdivision application for 15-11 Gilman Subdivision on Tax Map: 19, Lot: 61 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 not located over a significant sand and gravel aquifer.
- The new residential lot will not result in undue air or water pollution.

B. WATER

- A 12-inch water main runs past this subdivision along Provost Drive.
- Lot 2 is proposed to be served by public water, and would connect to the main in Provost Drive.
- A written statement from the Portland Water District indicating that there is adequate water supply and pressure for the subdivision must be submitted with the Preliminary Plan.
- The closest fire hydrant is located on Roosevelt Trail at Provost Drive. The hydrant location should be shown on the plan.

C. SOIL EROSION

- A surface drainage plan must be submitted as part of the Final Plan.
- In the July 18, 2016 the applicant states that “stormwater flow will be minimal and can be handled on-site if necessary”.
- This development is within the NPDES MS4 area. Relative to the applicability of Chapter 144 – Post-Construction Stormwater Ordinance, the proposed development on the 2 lots will not result in an acre or more of disturbed area.

- A soil erosion and sediment control plan has been submitted as part of final plan set. It takes the form of printed best management practices plan rather than on-the-ground designation of erosion control measures.

D. TRAFFIC

- Lot 1 has frontage on Roosevelt Trail, a public street. The applicant has submitted an easement deed to provide access to Lot 2 on Provost Drive, a private road.
- The driveway serving the proposed new lot should be shown on the plan.

E. SEWERAGE

- The proposed lot will be served by a private septic system.
- Test pit results prepared by James Mancini, S.E., dated March 16, 2016, show that the property has adequate soils to support a private septic system.
- The test pit location is shown on the plan.

F. SOLID WASTE

- Private residences in this subdivision will participate in the Town trash bag program.
- The creation of a new house lot will not produce an undue burden on the Town's ability to collect and dispose of solid waste.

G. AESTHETICS

- There is a single family home under construction on Lot 28-1.
- There is an existing tree line along the Provost Drive property line. Street trees are required every fifty (50) feet on Lot 1 and Lot 2.
- There are no documented rare botanical features for significant wildlife habitat documented on the site.
- In a letter dated July 26, 2016 Tom Farmer, P.L.A of Wright-Pierce stated that on tree will be planted every 50' on the frontage of Lot 1 and the existing tree line on Provost Drive provides the required street trees for Lot 2.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
 - The plan does meet the goals of the 2003 Comprehensive Plan.
- Land Use Ordinances:
 - Each of the lots exceeds the 20,000 square foot minimum lot size for a lot served by public water in the RM District. The lots also meet or exceed the minimum lot width of 100 feet.

- The subdivision meets the net residential density requirements. The total area of the subdivision is 86,535 square feet (1.06 acres). There are no wetland areas. The net residential density allows for 5 dwelling units ($86,535 \text{ s.f.} / 15,000 \text{ s.f.} = 5.769$ lots).
- Subdivision Ordinance
 - None.
- Others:

I. FINANCIAL AND TECHNICAL CAPACITY

- There is no public infrastructure or improvements proposed as part of this application. Coast associated with review of this project are privately finance by the applicant.
- The applicant, the landscape architect and the surveyor have demonstrated technical capacity for this project.

J. RIVER, STREAM OR BROOK IMPACTS

- 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** 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 July 5, 2016, as amended July 26, 2016, 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.