

Town of Windham

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MEMO

DATE: September 7, 2016

TO: Windham Planning Board
FROM: Amanda Lessard, Planner *AL*
Cc: Ben Smith, Planning Director
Dustin Roma, P.E., DM Roma Consulting Engineers
Development Review Team

RE: 15-02 – Abby Commons – Final Subdivision & Site Plan
Planning Board Meeting: September 12, 2016

Overview –

The applicant is proposing to develop a 22-unit retirement community in 11 buildings on Sandbar Road in North Windham. The Sandbar Road right of way transects the 4.85 acre property. Excepting Fairpoint Communications' easement for a utility building, the site is undeveloped.

This project appeared as a Preliminary Subdivision at the Board meeting on March 14, 2016. At that meeting, the Board granted Preliminary Subdivision Approval. Since that meeting the applicant has worked with the Public Works Director and proposes a reconfiguration of the Abby Road intersection, and has provided Final Subdivision and Site Plan applications, and copies of approved DEP Stormwater and DHHS Subsurface Wastewater Disposal Permits.

This application will be reviewed under the Town's Subdivision Review and Site Plan Review ordinances. Each section will be listed separately below, though references from the Site Plan review section to the Subdivision Review section will be made for overlapping review criteria.

New comments in the Findings of Facts from the previous staff memo of March 9, 2016, will appear as underlined text.

Tax Map: 18; Lot 31C. Zoning District: Commercial 1 (C-1) and Retirement Community and Care Facility Overlay (RCCFO).

SUBDIVISION REVIEW

Staff Comments:

1. Waivers:

- a) §910.C.1.c.1 – High Intensity Soils Survey, Submission requirement.
Granted – June 22, 2015
- b) §910.C.1.c.5 – Traffic Impact Analysis, Submission requirement.
At the meeting on June 22, 2015 the motion to grant the waiver was tied, so the waiver was not approved.
- c) §910.C.1.c.6 – Stormwater Phosphorous Plan, Submission requirement.
Granted – June 22, 2015

2. Complete Application:

MOTION: The Final Subdivision and Site Plan application for project 15-02 – Abby Commons Subdivision and Site Plan 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 was held at the meeting on June 22, 2015.
4. Site Walk: At the meeting on February 9, 2015 the Board determined that a site walk was not necessary for this project.

Findings of Fact and conclusions for the

Windham Planning Board,

MOTION: The Final Subdivision and Site Plan application for 15-02 – Abby Commons Subdivision and Site Plan on Tax Map: 18, Lot: 31C 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. A hydrogeologic assessment must be submitted as part of the Preliminary Plan

B. WATER

- All dwelling units will be served by public water for domestic use.
- A fire hydrant located on the property within the Sandbar Road right of way is shown on the plan.

- A written statement dated May 27, 2015 from Rico Glissen Havu, E.I., at the Portland Water District indicates there is adequate water supply and pressure for the development.
- Written approval from the Portland Water District for the water main extension details must be obtained prior to the submission of a Final Plan application.
- An email dated August 31, 2016 from Gordon Johnson at the Portland Water District states that PWD has reviewed and approved the water service configuration presented in plans dated 4/22/16 by DM Roma Consulting Engineers.

C. SOIL EROSION

- An Erosion and Sedimentation Control Plan prepared by Milone & MacBroom, dated June 1, 2015, shown on Drawing D-1, Sheet 7 of 8, has been submitted as part of the preliminary plan submission.
- A DEP Stormwater permit is required for this project. The permit must be submitted as part of the Final Plan.
- At the Development Team meeting on January 26, 2015, Public Works Director Doug Fortier noted that this project is in the NPDES (National Pollutant Discharge Elimination System) area as designated by the Environmental Protection Agency for the Town of Windham. This may mean there are additional permitting requirements, and ongoing requirements for reporting of stormwater infrastructure maintenance if the area of development is greater than one (1) acre. See recommended Condition of Approval #2.
- A stormwater management plan, prepared by Milone & MacBroom has been submitted as part of the Preliminary Plan.
- Will Haskell P.E., of Gorrill-Palmer Consulting Engineers, has reviewed the stormwater plan on behalf of the Town. In an email dated June 9, 2015, Mr. Haskell had several comments related to test pits for the two stormwater infiltration basins and requested additional detail related to the topography/grading for infiltration basin 1 and erosion control BMPs.
- In response to Mr. Haskell's comments, the applicant submitted revised plans dated January 19, 2016 prepared by DM Roma Consulting Engineers.
- In an email dated January 29, 2016, Will Haskell P.E., of Gorrill-Palmer Consulting Engineers, stated that it appears that the stormwater plan has changed but new calculations were not provided. He also requested additional spot grades in critical locations for positive drainage.
- The applicant submitted revised subdivision plans and a stormwater management report on February 22, 2016.
- In an email dated March 1, 2016, Will Haskell P.E., of Gorrill-Palmer Consulting Engineers, noted that the Stormwater Management Report notes that the MaineDEP Flooding standard is not applicable, but the subdivision ordinance requires that the standard be met. It should not be an issue given that stormwater is being infiltrated. He also requested that a stormwater maintenance plan should be submitted.
- A stormwater inspection, maintenance, and housekeeping plan was included in the MaineDEP Stormwater Permit application dated February 18, 2016 prepared by DM Roma Consulting Engineers.

- Maine DEP Stormwater Permit #L-26961-NJ-A-N dated August 17, 2016 has been submitted as part of the Final Plan.
- In an email dated August 29, 2016, Will Haskell P.E., of Gorrill-Palmer Consulting Engineers, notes that the DEP permit requires that the applicant retain the Design Engineer to oversee the construction of the stormwater infiltration basins.

D. TRAFFIC

- The preliminary plan submission states that the project will produce 82 average daily vehicle trips. The projected peak hours are 7 AM and 8 PM. The January 19, 2016 submission estimates that 4-5 vehicles would travel to the Sandbar Road intersection with Tandberg Trail (Route 115) and 3-4 vehicles would travel down Abby Lane to the service plazas in North Windham.
- The traffic generated by the development of these 22 dwelling units will not create roadway congestion on Sandbar Road.
- Two 22 foot wide entrances are proposed to be constructed to the Minor Local Street standard.
- At the Development Team meeting on January 26, 2015, Deputy Fire Chief John Wescott stated that the roundabout and hammerheads proposed could accommodate emergency vehicles.
- The access drives for the development must meet the “Local Street” design and construction standards in Appendix B, per §912.M.5.a.6. (page 9-58).
- 33 parking spaces are required for a 22 unit retirement community development (1.5 spaces per 2 bedroom dwelling unit). 44 spaces are shown on the plan. 30% of these spaces must measure 10'x20'.
- Five (5) foot wide sidewalks are proposed along each new access drive and along Sandbar Road outside of the right of way.
- In an email dated June 9, 2015, Will Haskell P.E., of Gorrill-Palmer Consulting Engineers, requested that site distance be shown on the plan, the turnarounds and driveway widths be dimensioned, and the alignment of the entrance with the Abby Road/Sandbar Road intersection be evaluated.
- The applicant responded to peer review comments and submitted revised plans dated January 19, 2016. The revised plans note the site distances and show that the access road for Units 1-10 will be a loop road with two access points on Sandbar Road. The applicant also states that aligning the intersection of the Units 11-22 access road with Abby Road would be best practice; it is not achievable as there is not adequate space to do so without eliminating units.
- In an email dated January 29, 2016, Will Haskell P.E., of Gorrill-Palmer Consulting Engineers, requested stop signs be added to each access road intersection with Sandbar Road. He also requested detail for the repair of Sandbar Road where the proposed sewer force mains will cross.
- A response to peer review comments was submitted on February 22, 2016. In an email dated March 1, 2016, Will Haskell P.E., of Gorrill-Palmer Consulting Engineers, stated that prior comments had been addressed.

- The final plan set submission dated August 22, 2016 shows a reconfiguration of Abby Road, to align it with intersection of the proposed Matinicus Way and Sandbar Road.

E. SEWERAGE

- The development will be served by four private subsurface wastewater disposal (septic) systems.
- Soil test pit analysis prepared by Paul W. Lawrence, SE, dated March 13, 2006 show that the property has adequate soils to support a private septic system. Test pit locations must be shown on the plan.
- The January 19, 2016 submission revised the design of the septic system to utilize one shared engineer system. Two private pump stations will connect to the leach fields located on the portion of the lot across Sandbar Road. Details are show on the Utility Plan sheet UT-1.
- In an email dated January 29, 2016, Will Haskell P.E., of Gorrill-Palmer Consulting Engineers, had numerous comments related to the proposed sewer system.
- A response to peer review comments was submitted on February 22, 2016. In an email dated March 1, 2016, Will Haskell P.E., of Gorrill-Palmer Consulting Engineers, stated that prior comments had been addressed but noted that an interpretation from the Department of Health and Human Services regarding separation distance between subsurface disposal system and stormwater infiltration basins, and a copy of the application for the engineered onsite sewage disposal system & associated operation and maintenance information must be submitted with the final plan.
- A letter dated July 8, 2016 from James Jacobsen of the Subsurface Wastewater Unit DHHS granted approval of the engineered subsurface wastewater disposal system on the HHE-200 Form dated 06-19-2016 prepared by Albert Frick, SE. and designed by DM Roma Consulting.
- In an email dated August 29, 2016, Will Haskell P.E., of Gorrill-Palmer Consulting Engineers, notes that the DHS permit requires that the applicant retain the Design Engineer to oversee the construction of the engineered septic system.

F. SOLID WASTE

- Residents of the buildings will participate in the Town's pay-per-bag garbage program. A concrete pad intended for trash pick-up located the end of each access drive is shown on the plan.

G. AESTHETICS

- A Fairpoint Communications utility building is located on the site. The remainder of the lot is undeveloped and is generally level and cleared of vegetation.
- There are no documented rare botanical features or significant wildlife habitat documented on the site.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
 - The plan does meet the goals of the 2003 Comprehensive Plan.
- Land Use Ordinance:
 - The proposal meets the net residential density requirements and the setback requirements of the RCCFO district.
 - District Standards, Section 407.E. The project must meet the standards of the RCCFO zoning district.
- Subdivision Ordinance
 - A landscaping plan has been submitted as part of the Preliminary Plan as Sheet LA-1, dated January 19, 2016.
 - Standard notes and the standard condition of approval must be 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.
- Others:
 - Street Naming and Addressing: Approved road names for both access drives (Tarkill Way and Matinicus Way) must be shown on the Final Plan.

I. FINANCIAL AND TECHNICAL CAPACITY

- An estimated cost of development is included in the Preliminary Plan submission.
- Evidence of financial capacity must be provided as part of the Final Plan submission.
- The applicant has provided information on the licensed professionals working on this project as evidence of technical capacity.

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 ordinance.
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 January 19, 2015, as amended August 22, 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 Subdivision Ordinance.
2. Approval is subject to the requirements of the Post-Construction Stormwater Ordinance, Chapter 144. Any person owning, operating, leasing or having control over stormwater management facilities required by the post-construction stormwater management plan must annually engage the services of a qualified third-party inspector who must certify compliance with the post-construction stormwater management plan on or by May 1st of each year.

SITE PLAN REVIEW

FINDINGS OF FACT

Utilization of the Site

- See Subdivision Review.

Vehicular and Pedestrian Traffic

- See Subdivision Review.

Sewage Disposal and Groundwater Impacts

- See Subdivision Review.

Stormwater Management

- See Subdivision Review.

Erosion Control

- See Subdivision Review.

Utilities

- A Utility Plan, prepared by Milone & MacBroom, dated June 1, 2015, shown on Drawing UT-1, Sheet 5 of 8, has been submitted as part of the preliminary plan submission.
- A written statement dated May 27, 2015 from Rico Glissen Havu, E.I., at the Portland Water District indicates there is adequate water supply and pressure for the development.
- Department of Health and Human Services approval of the engineered onsite sewage disposal system must be submitted as part of the Final Plan submission.
- A letter dated July 8, 2016 from James Jacobsen of the Subsurface Wastewater Unit DHHS granted approval of the engineered subsurface wastewater disposal system on the HHE-200

Form dated 06-19-2016 prepared by Albert Frick, SE. and designed by DM Roma Consulting.

- Electrical, telephone, and cable service to the development shall be provided by underground service.

Financial Capacity

- See Subdivision Review.

Landscape Plan

- A landscaping plan has been submitted as part of the Preliminary Plan as Sheet LA-1, dated January 19, 2016.

Conformity with Local Plans and Ordinances

1. Land Use
 - See Subdivision Review.
2. Comprehensive Plan
 - This project meets the goals and objectives of the 2003 Comprehensive Plan.
3. Others:
 - Design Standards, Section 813. The project must meet the design standards of the C-1 zoning district.

Impacts to Adjacent/Neighboring Properties

- No site lighting is proposed. There will be building-mounted lights as required by building code at each of the front, side and rear entry doors.

CONCLUSIONS

1. The plan for development **reflects** the natural capacities of the site to support development.
2. Buildings, lots, and support facilities **will** be clustered in those portions of the site that have the most suitable conditions for development.
3. Environmentally sensitive areas, including but not limited to, wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and, sand and gravel aquifers **will** be maintained and protected to the maximum extent.
4. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.

5. The proposed site plan **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.
6. The proposed use and layout **will not** be of such a nature that it will make vehicular or pedestrian traffic more hazardous than is normal for the area involved.
7. The proposed site plan **will** provide for adequate sewage waste disposal.
8. The proposed site plan **conforms** to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use ordinance.
9. The developer **has/does not have** adequate financial capacity to meet the standards of this section.
10. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
11. The proposed site plan **will** provide for adequate storm water management.
12. The proposed location and height of buildings or structure walls and fences, parking, loading and landscaping shall be such that it **will not** interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value.
13. On-site landscaping **does** provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.

CONDITIONS OF APPROVAL

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated January 19, 2015 as amended August 22, 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 814.G. of the Land Use Ordinance.