

Town of Windham

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MEMO

DATE: September 20, 2016

TO: Planning Board
FROM: Amanda Lessard, Planner *AL*
Cc: Ben Smith, Planning Director
Jeff Amos, P.E., Terradyn Consultants, LLC
Development Review Team
RE: 16-32 Green Acres Major Subdivision – Amended Subdivision Plan
Planning Board meeting – September 26, 2016

Overview –

This application is for a change to the road section of Hazel Drive to change the previously approved ditch on the west site of the road to curb with underdrain.

The Green Acres Subdivision, an 11-lot subdivision of the 23.9 acre parcel at 170 Windham Center Road was approved by the Planning Board on May 23, 2016 (plan included in your packet).

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, page 9-68).

New comments from the staff memo dated May 18, 2016, appear as underlined text below

Tax Map: 12; Lot 21. Zoning District: Farm Residential (FR) and Resource Protection (RP).

SUBDIVISION REVIEW

Staff Comments:

1. Waivers:

- a) §910.C.1.c.1 – High Intensity Soils Survey, Submission requirement.
Granted – April 11, 2016

2. Complete Application: Not applicable for Amended Subdivision Plan review.

MOTION: ~~The final plan application for project 16-32 Green Acres Subdivision 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: A public hearing was held at the Planning Board meeting on April 11, 2016.
4. Site Walk: A site walk was held on Saturday April 9, 2016 at 7am.

Findings of Fact and conclusions for the

Windham Planning Board,

MOTION: The Subdivision application for 16-32 Green Acres Subdivision Amendment on Tax Map: 12, Lot: 21 is to be **(approved with conditions/denied)** with the following findings of fact and conclusions.

FINDINGS OF FACT

A. POLLUTION

- A portion of this subdivision is within the mapped 100 year floodplain. This should be shown on the plan. The floodplain is located in the Resource Protection District where no development is proposed.
- Any development within a special flood hazard area must obtain a Flood Hazard Development Permit.
- The new residential lots will not result in undue air or water pollution.
- The Amendment to the plan to replace a ditch with curbing would not have an impact on pollution standards.

B. WATER

- All lots will be served by public water for domestic use.
- A written statement from the Portland Water District indicating that there is adequate water supply to service the subdivision must be submitted with the Preliminary Plan.
- At the Development Team meeting on March 1, 2016, Public Works Director Doug Fortier stated that Windham Center Road was paved in 2013 and there is a moratorium on road opening permits for 5 years.

- The closest fire hydrant is located on Windham Center Road, approximately 500 feet from the proposed subdivision road. The existing hydrant location is shown on the plan.
- At the Development Team meeting on March 1, 2016, Deputy Fire Chief John Wescott recommended a new hydrant located at Lot #10.
- Hydrants and water main locations and details are shown as part of the Preliminary Plan on Sheets 4 and 6.
- A detail for the cross section of the excavation and trench repair of Windham Center Road in accordance with Chapter 120 Streets & Sidewalks Section 210-14.B should be added to the Final Plan.
- Pavement restoration on Windham Center Road is noted on the Utility Plan Sheet 4 of 7 dated May13, 2016.
- In an email dated May 18, 2016, Larry Bastian, P.E., of Gorrill-Palmer Consulting Engineers, stated that the extent of the milling and pavement overlay appear to meet the ordinance requirement but requested that the depth of the milling and overlay be noted.
- On May 19, 2016 the applicant submitted a section of the utility plan showing a revision to the milling note.
- The Amendment to the plan to replace a ditch with curbing would not have an impact on water supplies.

C. SOIL EROSION

- An Erosion and Sedimentation Control Plan prepared by Terradyn Consultants dated March 18, 2016 on Sheet 5 has been submitted as part of the preliminary plan submission.
- In an email dated March 29, 2016, Larry Bastian, P.E., of Gorrill-Palmer Consulting Engineers, stated that the application appears to satisfy the ordinance requirements for erosion control but also recommended that the plan include a typical erosion control plan for lot development within the subdivision.
- The applicant must submit a stormwater management plan that meets the water quality and quantity standards as well as the flooding standard of Section 3 DEP Chapter 500 Stormwater Management.
- This project exceeds 1 acre of total disturbed area and requires a Maine Department of Environmental Protection (DEP) Chapter 500 Stormwater Permit by Rule. The permit must be submitted as part of the Final Plan.
- A stormwater management plan that treats stormwater from the lots as well as the street has been included with the March 21, 2016, Preliminary Plan submission.
- At the Development Team meeting on March 1, 2016, Public Works Director Doug Fortier noted that this project is in the NPDES (National Pollutant Discharge Elimination System) MS4 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.
- In an email dated March 29, 2016, Larry Bastian, P.E., of Gorrill-Palmer Consulting Engineers, asked for clarification or more information in comments #27-33. Comments

requested revisions to the level lip spreader and buffer calculations to conform to MDEP requirements.

- In the May 2, 2016 submission the applicant responded to peer review comments and submitted revised stormwater calculations. Buffers not associated with level lip spreaders have been removed from the plan. In addition to treatment of stormwater through the use of buffers, roof drain filter strips and rain gardens are proposed on several lots, and the amount of disturbance on each lot is proposed to be limited to 15,000 square feet.
- In an email dated May 11, 2016, Larry Bastian, P.E., of Gorrill-Palmer Consulting Engineers, had comments related to level spreader #1 and buffers on Lot 7 and requested additional information on rain gardens proposed.
- In a letter dated May 13, 2016 Jeff Amos, P.E. responded to the peer review comments and stated that the level spreader was sized correctly and revised the lot treatment table. The revised table was submitted on May 19, 2016.
- In an email dated May 18, 2016, Larry Bastian, P.E., of Gorrill-Palmer Consulting Engineers, recommended that a table listing the dimensions of the underdrained bioretention cells (rain gardens) be included in the plans or the Board require designs be submitted with the building permit application for each lot. See recommended Condition of Approval #4.
- The Amendment to the plan to replace a ditch with curbing would not have an impact on the assumptions made in the approved stormwater plan calculations. Underdrain will be installed on both sides of the street as shown on Plan & Profile Sheet 3 of 7 with a revision date of September 12, 2016.
- In an email dated September 20, 2016, Will Haskell, P.E., of Gorrill-Palmer Consulting Engineers, noted that catch basins have already been installed and will need to be cored to accept the new underdrain pipe.

D. TRAFFIC

- The subdivision lots will have frontage on a dead-end private street. Streets constructed within a cluster subdivision must meet a public standard, the Minor Local Street standard.
- The proposed street is 700 feet to the center of the cul-de-sac.
- Section 911.M.3.d requires streetlights at intersections with existing public streets. A streetlight is shown on Sheet 4 of the preliminary plan to be installed on the existing pole located on Windham Center Road approximately 50' from the proposed right-of-way intersection. On the Final Plan, a streetlight is shown on a new decorative pole at the intersection of Hazel Drive and Windham Center Road.
- The driveway to the existing house will be relocated to the new subdivision road.
- At the Development Team on March 1, 2016, Public Works Director Doug Fortier requested that the site distance for the proposed road at Windham Center Road be shown on the plan.
- Sidewalks are required in the subdivision. This subdivision is less than 1,000 linear feet from an existing convenience store or public building (Windham Hill United Church of Christ and the Town Public Works Garage).
- A road plan and profile, prepared by Terradyn Consultants LLC, dated March 18, 2016, shown on Sheet 3 of 6, was submitted as part of the Preliminary Plan.

- In an email dated March 29, 2016, Larry Bastian P.E., of Gorrill-Palmer Consulting Engineers, recommends that the proposed sidewalk have a tipdown and accessible ramp connecting to Windham Center Road and a single driveway be provided to the existing house lot.
- A 50' wide future right-of-way is shown through the common open space to Lot 44A. The applicant should provide a plan for relocating level lip spreader # 2 in the event that the roadway is extended at this location in the future.
- See recommended Condition of Approval #3 to address relocation of stormwater management facilities should the future right-of-way be developed.
- The Amendment to the plan to replace a ditch with curbing is shown on as shown on Plan & Profile Sheet 3 of 7 with a revision date of September 12, 2016.

E. SEWERAGE

- Lots will be served by private subsurface wastewater disposal (septic) systems.
- Soil test pit logs dated March 18, 2016, prepared by Mark Cenci Geologic, Inc were provided in the March 21, 2016, submission. All lots have at least one passing test pit.
- Test pit locations are shown on the Preliminary Plan Sheet 1.
- The Amendment to the plan to replace a ditch with curbing would not have an impact on wastewater disposal.

F. SOLID WASTE

- Private residences in this subdivision will participate in the Town trash bag 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

- There is currently a residence and several accessory structures on the site. The remainder of the site is predominately wooded.
- This existing parcel has frontage on the Pleasant River. The frontage on the river is proposed to be included in the common open space.
- There are no documented rare botanical features or significant wildlife habitat documented on the site.
- The applicant proposes maintaining existing trees along the proposed road to meet the requirement for street trees as part of the subdivision (§911.E). Note #12 on the plan states, "One tree (minimum 2" diameter) will be preserved within the road rights of way to be constructed every 50 feet of the road. Where it is not possible to find or preserve a suitable tree, one will be planted." Approximate street tree locations are shown on Sheet 3.
- In an email dated March 29, 2016, Larry Bastian, P.E., of Gorrill-Palmer Consulting Engineers, asked that the clearing limits be shown on the plan.
- In an email dated May 11, 2016, Larry Bastian, P.E., of Gorrill-Palmer Consulting Engineers, recommended that easements be included on the plans to protect any designated street trees

that are located outside the right-of-way, whether new planted trees or existing preserved trees.

- A tree maintenance easement around the entirety of the right-of-way is shown on plans dated May 13, 2016.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
 - The plan does meet the goals of the 2003 Comprehensive Plan.
- Land Use Ordinances:
 - All lots fall within the minimum and maximum lot sizes of 20,000-35,000 square feet (one lot 45,000 sf max) for cluster lots in the FR 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.
 - At least 50% of the land suitable for development shall be included in the common open space. This calculation is shown on the plan.
- Subdivision Ordinance
 - A landscaping plan must be submitted with the Preliminary Plan. Street trees are shown on the plan.
 - Standard notes and the standard condition of approval must be shown on the plans.
 - Homeowner association documents have been supplied in the Preliminary Plan submission dated March 21, 2016. The association will be responsible for maintaining the subdivision stormwater infrastructure until such time as these are accepted by the Town. The Green Acres Homeowners Association documents must specify the rights and responsibilities of each lot owner with respect to the maintenance, repair, and plowing of the subdivision streets should it not be accepted by the Town Council.
 - The Tax Map and Lot numbers provided by the Tax Assessor are shown on the Final Plan.
 - Digital transfer of the subdivision plan data for inclusion with the Town's GIS was provided with Final Plan submission.
- Others:
 - Chapter 221 Street Naming and Addressing: The street name approved by the Addressing Officer, Hazel Drive, is shown on Final Plan.
 - Chapter 199 Shoreland Zoning: A portion of the property is zoned Resource Protection. No development is proposed in the Resource Protection District.
 - Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 area. See Condition of Approval #2.

I. FINANCIAL AND TECHNICAL CAPACITY

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

- The Preliminary Plan application dated March 21, 2016 includes a cost estimate for the project.
- The applicant has provided information on the licensed professionals working on this project as evidence of technical capacity.

J. RIVER, STREAM OR BROOK IMPACTS

- The 250 foot Resource Protection District boundary around Pleasant River is shown on the plan.
- 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** 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** 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 dependant upon, and limited to, the proposals and plans contained in the application dated February 22, 2016, as amended September 14, 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.
3. A level spreader and wooded buffer shall be located within the 50' future right of way as depicted on this plan. At such time as the developer proposes to construct a road within this right of way, the developer shall apply to the Planning Board for approval to construct a replacement stormwater management system or device(s). The level spreader and wooded buffer may not be removed or rendered inoperable, and no road may be constructed within this right of way, until the Planning Board has reviewed the proposed replacement stormwater management system or device(s) and concluded that the proposal will adequately provide for stormwater management.
4. Rain gardens designed by a licensed Professional Engineer shall be submitted with the building permit application for Lots 1, 5, 6, 7, and 10.