

# Town of Windham

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## MEMO

DATE: October 19, 2016

TO: Planning Board  
FROM: Amanda Lessard, Planner *AL*  
Cc: Ben Smith, Planning Director  
Dustin Roma, P.E., DM Roma Consulting Engineers  
Development Review Team  
  
RE: 16-31 – Alweber Subdivision - Major Subdivision, Preliminary Plan  
Planning Board Meeting & Public Hearing: October 24, 2016

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### Overview –

The applicant is proposing to divide a 10.2 acre property located on the northern corner of the intersection of Alweber Road and River Road into a six (6) lot cluster subdivision. Access to the proposed lots will be provided by two proposed private roads off of Alweber Road. Public access to the open space will be provided.

This project appeared as a Sketch Plan at the Board meeting on September 12, 2016. At that meeting the Board discussed the Fire Chief's recommendation that homes in the subdivision have sprinklers and the requirement that roads in cluster subdivision must comply with the public road standards. The applicant is requesting a waiver from the public street standard. The applicant has submitted a Preliminary and a Final Plan application and would like the Board to vote on both the Preliminary and Final Plans in the same meeting. While staff has found that the applicant has submitted all the requirements for Preliminary and Final, there are several outstanding peer review comments that have not yet been addressed so staff recommends that the Board only consider the Preliminary Plan application.

New comments from the staff memo dated September 6, 2016, appear as underlined text below

Tax Map: 3; Lot 31. Zoning District: Farm (F).

### SUBDIVISION REVIEW

Staff Comments:

1. Waivers:

- a) §910.C.1.c.1 – High Intensity Soils Survey, Submission requirement.  
*Based on the information shown on the medium intensity soils map and the preliminary septic system investigations, this submission requirement could reasonably be waived.*
- c) §911.A.3.a.1 – Street Line Monumentation. Submission requirement.  
*All street line monuments shall be granite. The applicant is proposing one side of the roadways to be granite and one side to be capped rebar.*
- b) §911.K.3.f – Cluster subdivision public street performance standard.  
*This waiver would allow the road to be constructed to a modified public standard – an 18 foot wide paved travel way with 2 foot gravel shoulders with hammerheads. The subdivision is accessed from an existing Town paved road.*
- c) §911.J.6 – Stormwater Flooding. Performance standard  
*The ordinance allows for a waiver based on treatment through the use of buffers of more than 75% of the impervious and developed areas. The buffers currently shown on the plans do not conform to MDEP requirements. Following peer review comments, the applicant has submitted calculations that show increases in the post-development runoff. A written waiver request should be submitted.*

2. Complete Application:

**MOTION:** The Preliminary Subdivision application for project 16-31 – Alweber 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 Planning Board meeting on October 24, 2016.
- 4. Site Walk: A site walk is scheduled for Saturday October 22, 2016 at 7:30am.

Findings of Fact and conclusions for the

**Windham Planning Board,**

*Staff recommends not taking action on this motion until peer review comments have been adequately addressed*

**MOTION:** The Preliminary Subdivision application for 16-31 – Alweber Subdivision on Tax Map: 3, Lot: 31 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.
- The new residential lot will not result in undue air or water pollution.

B. WATER

- All lots will be served by individual private wells.
- At the Development Team meeting on August 31, 2016, Fire Chief Brent Libby recommended that all homes in this subdivision include sprinkler systems that meet NFPA standards.
- Note 9 on the subdivision plan dated October 3, 2016 states that that all new homes shall be equipped with sprinkler systems.

C. SOIL EROSION

- An erosion and sedimentation plan, prepared by DM Roma Consulting Engineers, dated October 3, 2016, has been submitted as part of the Preliminary Plan. Notes and details are shown on Drawing D-1.
- 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.
- If a DEP Stormwater permit is required for this project the permit must be submitted as part of the Final Plan.
- A stormwater management plan, has been submitted as part of the October 3, 2016 Preliminary Plan submission.
- A DEP Stormwater permit is not required for this project as the land disturbance to construct the roadways and associated stormwater infrastructure is less than 1 acre.
- In an email dated October 6, 2016, Will Haskell P.E., of Gorrill-Palmer Consulting Engineers, noted that the applicant is requesting a waiver from the stormwater flooding standards, but only about 32% of the impervious and developed areas are treated through the wooded buffer. He also requested several changes to the specifications shown on Drawing D-1.
- The applicant responded to peer review comments on October 17, 2016. A revised Stormwater Management Report shows increases in the post-development runoff.

D. TRAFFIC

- The subdivision lots will have access from two dead-end private streets. Streets constructed within a cluster subdivision must meet a public street standard.
- Road A and Road B on the subdivision plan are shown to terminate in a hammerhead turnaround. The hammerheads should be included in the road right-of-way if they are to provide frontage for lots. The public street standard requires roads to terminate in a cul-de-sac.

- Based on the distance to uses that would generate pedestrian trips, sidewalks are not required.
- A road plan and profile, prepared by DM Roma Consulting Engineers, dated October 3, 2016, shown on Sheet PP-1, was submitted as part of the Preliminary Plan.
- The road plan and profile (Sheet PP-1) and details (Sheet D-1) dated October 3, 2016 propose constructing the road with an 18 foot wide paved travel way with 2 foot gravel shoulders. See waiver request, above. The standard private road note is shown on the plan.
- In an email dated October 6, 2016, Will Haskell P.E., of Gorrill-Palmer Consulting Engineers, requested stop signs at each road intersection with Alweber Road and dimensions for the curb radii.
- The applicant responded to peer review comments on October 17, 2016.

E. SEWERAGE

- The proposed lots will be served private septic systems.
- Soil test pit analysis prepared by Richard A. Sweet, LSE of Sweet Associations dated June 16, 2016 show that each lot has adequate soils to support a private septic system. Test pit locations are shown on the plan.

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

- The site is undeveloped, mostly wooded and includes wetlands and three (3) streams.
- There are no documented rare botanical features for significant wildlife habitat documented on the site.
- A landscaping plan must be submitted with the Preliminary Plan. The preliminary plan checklist submitted by the applicant indicates that a waiver is requested from this submission requirement. No written waiver request was submitted.
- Street trees are required at least every fifty (50) feet.
- Limits of tree clearing are shown on the preliminary 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 2003 Comprehensive Plan.
- Land Use Ordinances:

- All lots fall within the minimum and maximum lot sizes of 30,000-50,000 square feet (one lot 60,000 sf max) and minimum frontage (100 feet) 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. Note 8 on the preliminary plan states that no lots shall have direct driveway access from River Road or Alweber Road.
- The open space reserved exceeds 50% of the land suitable for development.
- One principal access point having a minimum width of twenty (20) feet shall be provided for access to the open space from the road network within the cluster subdivision. This access is provided at the end of Pioneer Drive.
- The subdivision is utilizing the 20% density bonus to gain an additional lot. In order to be eligible, the open space must be open for general public use, not just homeowners within the subdivision. Access easement for the open space must be recorded in the registry prior to the issuance of building permits. See suggested condition of approval.
- Subdivision Ordinance
  - Standard notes and the standard condition of approval are shown on the plans.
  - The Tax Map and Lot numbers provided by the Tax Assessor are shown on the plan
  - Digital transfer of the subdivision plan data for inclusion with the Town's GIS has been must be submitted.
- Others:
  - Chapter 221 Street Naming and Addressing: The street names approved by the Addressing Officer, Pioneer Drive and Lionel Lane, are shown on Final Plan.

#### I. FINANCIAL AND TECHNICAL CAPACITY

- The Preliminary Plan application dated October 3, 2016 includes a cost estimate for the project. A letter dated August 8, 2016 from Kim Lefrancois, Senior Complex Risk Officer at Morgan Stanley, was submitted as evidence of financial capacity.
- 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 proposed layout of the subdivision avoids stream crossings. This project will not adversely impact any river, stream, or brook.
- The project requires a DEP Natural Resources Protection Act permit by rule for land disturbance within 75 feet of the streams. A NRPA permit by rule was submitted to the DEP on September 29, 2016.

#### 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** 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/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 **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 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 August 22, 2016, as amended October 17, 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.
2. Access easement for public use of the open space must be recorded in the Cumberland County Registry of Deeds prior to the issuance of building permits.