

Town of Windham

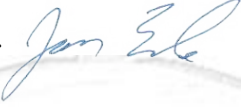
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MEMO

DATE: March 22, 2017

TO: Planning Board
FROM: Jon Earle, P.E., Town Engineer 
Cc: Ben Smith, Planning Director
Laurence Clark
Matthew Sukeforth, Maine Boundary Consultants
RE: 17-09 – Clark Farm II - Minor Subdivision, Sketch Plan
Planning Board Meeting: March 27, 2017

Overview –

The applicant is proposing to divide a 174 +/- acre property located between Swett Road and Webb road into a three (3) lot subdivision. Access to the proposed lots will be provided by Swett Road and Webb Road.

Tax Map: 6; Lot 51. Zoning District: Farm (F).

SUBDIVISION REVIEW

Staff Comments:

1. Waivers Requested:

- a) 911.A.1.(a) – Calculation of Density
- b) 911.C – Erosion and Sedimentation Impact on Water Bodies
- c) 911.E.1 – Preservation of Natural Beauty and Aesthetics
- d) 911.E.2 - Reservation or Dedication and Maintenance of Open Space and Common Land
- e) 911.J – Stormwater Management

2. Complete Application: N/A with Sketch Plan.

MOTION: ~~The application for project 17-09 Clark Farm II 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: No public hearing has been scheduled for this project. The Planning Board must determine whether to hold a public hearing on the application.
4. Site Walk: A site walk has not been scheduled for this project.

Findings of Fact and conclusions for the

Windham Planning Board,

~~**MOTION:** The Subdivision application for 17-09 Clark Farm II on Tax Map: 6, Lot: 51 is to be (approved with conditions/denied) with the following findings of fact and conclusions:~~

FINDINGS OF FACT

A. POLLUTION

- A portion of the proposed 142.6 +/- acre conveyance to Maine Farmland Trust is located within the mapped 100 year flood plain.
- 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

- All lots will be served by individual private wells.

C. SOIL EROSION & SEDIMENTATION CONTROL & STORMWATER MANAGEMENT

- The applicant has requested a waiver from 911.J (Stormwater). This waiver as requested would include a waiver from all provisions from Chapter 500 including the Basic Standards, General Standards, & Flood Control. A waiver from the flooding standard could be reasonably granted given the minor increase in impervious surface (Lot 3) relative to the entire parcel. However, an erosion and sedimentation control plan (Basic Standards) and provisions for water quality treatment (General Standards) should be included as part of the Preliminary Plan for any proposed soil disturbance on Lot 3.
- If a DEP Stormwater permit is required for this project the permit must be submitted as part of the Final Plan.

D. TRAFFIC

- The subdivision lots will have access from either Swett Road or Webb Road.
- Based on the distance to uses that would generate pedestrian trips, sidewalks are not required.

- Driveway location for Lot 3 and site distances should be shown on the plan.

E. SEWERAGE

- The proposed lots will be served private septic systems.
- Soil test pit analysis for Lot 3 should be provided 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

- A waiver has been requested from Section 911.E.1 of the Subdivision Ordinance. If granted, the waiver would relieve the applicant from providing:
 - Landscaping plan.
 - Requirement of street trees every 50'.
 - Tree clearing limits.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
 - The plan does meet the goals of the 2003 Comprehensive Plan.
- Land Use Ordinances:
 - The three lots exceed the minimum lot size require in the Farm (F) zone (60,000 SF).
 - Net residential density calculations are not shown on the plan and a waiver is being requested from this requirement.
- Subdivision Ordinance
 - 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.

I. FINANCIAL AND TECHNICAL CAPACITY

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

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.

CONCLUSIONS (N/A)

1. ~~The proposed subdivision will/will not result in undue water or air pollution.~~
2. ~~The proposed subdivision has/does not have sufficient water available for the reasonably foreseeable needs of the site plan.~~
3. ~~The proposed subdivision will/will not cause an unreasonable burden on an existing water supply.~~
4. ~~The proposed subdivision will/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/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/will not provide for adequate sewage waste disposal.~~
7. ~~The proposed subdivision will/will not cause an unreasonable burden on the municipality's ability to dispose of solid waste.~~
8. ~~The proposed subdivision will/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/does not conform with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.~~
10. ~~The developer has/does not have adequate financial and technical capacity to meet the standards of this section.~~
11. ~~The proposed subdivision is/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/will not alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.~~
13. ~~The proposed subdivision is/is not situated entirely or partially within a floodplain.~~
14. ~~All freshwater wetlands within the proposed subdivision have/have not been identified on the plan.~~
15. ~~Any river, stream, or brook within or abutting the subdivision has/has not 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 have/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/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.~~
20. ~~Timber on the parcel being subdivided has/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 21, 2017, as amended _____, 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.