

Town of Windham

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MEMO

DATE: April 7, 2017

TO: Windham Planning Board
FROM: Ben Smith, Planning Director *BWS*
Cc: Dustin Roma, P.E. DM
Development Review Team

RE: 17-04 MS Hancock Subdivision, 3rd Amendment
Planning Board Meeting – April 10, 2017

Overview –

The MS Hancock Subdivision was approved by the Planning Board in 1984. The Plan has been amended in 1987 to accommodate a site plan for Vacationland Vettes, and again in 2016 as part of the Little Mountain site plan review.

This application is to amend the subdivision so that the existing building at the front of the property will be on its own 21,965 square foot lot, labeled as Parcel A in the submission dated April 3, 2017. There is an existing building on this lot. This Parcel A is to be transferred to the abutting property owner Double A Properties, LLC. The remaining 2.1 acres are planned to be conveyed to the abutting property of Big Mountain, LLC, at Tax Map 21, Map 2A-2.

The original subdivision plan and the 2016 plan are included for your reference.

Tax Map: 21; Lot 2-A Zoning District: Commercial 1 (C-1).

SUBDIVISION REVIEW

Staff Comments:

1. Waivers: None
2. Complete Application: N/A with Amended Subdivision Plan.

~~**MOTION:** The application for project 17-01 Majestic Woods Phase II 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 has not been scheduled for this amendment. Public hearings are not required for amended subdivision applications, but may be scheduled at the Board's discretion.
4. Site Walk: A site walk has not been scheduled for this application.

Findings of Fact and conclusions for the

Windham Planning Board,

MOTION: The Final Subdivision application for 17-04 MS Hancock Subdivision, 3rd Amendment Tax Map: 21, Lot: 2-A is to be (**approved with conditions/denied**) with the following findings of fact and conclusions.

FINDINGS OF FACT

A. POLLUTION

-) This application is for the division of the property only. As such there is no impact on stormwater or groundwater resources.

B. WATER

-) This amendment request will not have an impact on the demand for water supply for domestic or fire suppression needs.

C. SOIL EROSION

-) No new development is proposed as part of this application, so there is no anticipated soil disturbance or impacts on soil erosion or sediment leaving the subdivision boundaries.

D. TRAFFIC

-) Parcel A is meant to be combined with the abutting property owned by Double A Properties, LLC.
-) There is a 40-foot driveway easement over both the Double A and Parcel A lots. The applicant should clarify whether or not the Survey, Inc. plan, dated March 2017, should be updated based on the wording of the Partial Termination of Reciprocal Access Easements document included in the submission dated April 3.

E. SEWERAGE

-) This application does not include a new private subsurface wastewater disposal (septic) system.

F. SOLID WASTE

-) No new buildings or uses are proposed that would impact the disposal of garbage.

G. AESTHETICS

-) This application will have no impact on aesthetics of the site.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

-) Comprehensive Plan:
 -) The plan does meet the goals of the 2003 Comprehensive Plan.
-) Land Use Ordinances:
 -) The Big Mountain, LLC property, shown as Map 21, Lot 2A-2, is a Nonconforming lot of record, as it only has about 50-feet of frontage on Route 302. The remaining 2.1 acres of land, labeled on the plan as Property of Little Mountain, LLC, is proposed to be combined with the Big Mountain property. This arrangement is allowed as it would not increase the degree of nonconformity, meaning it does not further reduce the frontage of the property.
 -) The Property of Little Mountain should be shown on this plan as being combined with the Big Mountain property. As currently shown this 2.1 acre lot is a property with no frontage.
-) Subdivision Ordinance
 -) The post-construction tree cover line must be shown on the Preliminary Plan, along with a note stating that there will be no clearing of trees 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 (§911.E).
 -) The Tax Map and Lot numbers provided by the Tax Assessor must be shown on the Final Plan.
 -) Subdivision plan data compatible with the Town GIS must be submitted as part of the Final Plan submission.
-) Others:

I. FINANCIAL AND TECHNICAL CAPACITY

- J The subdivision amendment will not require site work or the installation of new roads or utilities.

J. RIVER, STREAM OR BROOK IMPACTS

- J No impacts are anticipated as a result of the creation of the lot labeled as Parcel A.

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/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 March 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 Subdivision Ordinance.