

Town of Windham

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MEMO

DATE: April 19, 2017

TO: Planning Board
FROM: Ben Smith, Planning Director *BWS*
Cc: Dustin Roma, P.E., DM Roma Consulting Engineers
Jon Earle, P.E., Town Engineer
Development Review Team
RE: 17-11 Majestic Woods Phase III - Sketch Plan
Planning Board meeting – April 24, 2017

Overview –

The applicant is proposing twenty-two (22) residential lots as cluster subdivision on Lot 13 in the Majestic Woods Subdivision. Lot 13 is a 39 acre property retained by the developers of the Majestic Woods Subdivision, which was originally approved by the Planning Board in January 27, 2014, as a 13 lot subdivision. These 13 lots included 12 residential lots developed along Chute Road and Swett Road and the oversized Lot 13 which is the subject of this application.

Tax Map: 6; Lot: 63-13. Zoning District: Farm (F).

SUBDIVISION REVIEW

Staff Comments:

1. Waivers:
 - a) Section
2. Complete Application: N/A with Sketch Plan.

MOTION: The application for project 17-11 Majestic Woods Phase III 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. A public hearing should be scheduled for this project.
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 17-11 Majestic Woods Phase III on Tax Map: 6, Lot: 63-13 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. No disturbance or new buildings are proposed within the 100 year floodplain.
-] This subdivision is not located over a significant sand and gravel aquifer.
-] The new residential lots will not result in undue air or water pollution.

B. WATER

-] All lots are proposed to be served by private water for domestic use.
-] The closest fire hydrant is located on at the intersection of Pope and Chute Roads. This is about 5,000 feet from the new subdivision street's intersection with Swett Road.
-] A condition of approval from the original subdivision approval states that all homes in the subdivision must have sprinkler systems installed that meet NFPA standards. This condition has been included below.

C. SOIL EROSION

-] A surface drainage plan must be submitted as part of the Preliminary Plan.
-] A soil erosion and sediment control plan must be submitted as part of the Preliminary Plan.
-] This project will require a Site Location of Development permit from Maine Department of Environmental Protection (DEP).
-] A portion of 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.

D. TRAFFIC

-] The subdivision lots will have frontage on a new subdivision street which intersects with Swett Road, which is a gravel surfaced public road. Improvements to Swett Road from the intersection with Chute Road to the vicinity of where the new street is proposed as part of the requirements for building permits for Swett Road homes in the original subdivision approval.
-] The new road will be built to a Major Public Street standard.
-] Based on the distance to uses that would generate pedestrian trips, sidewalks are not required on the subdivision street.

E. SEWERAGE

-] Lots will be served by private subsurface wastewater disposal (septic) systems.
-] Soil test pit analysis must be included with the Preliminary Plan submission. All lots must have at least one passing test pit. Test pit locations must be shown on the Preliminary 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 predominately wooded with some forested wetland areas shown on the plan.
-] Vernal pool survey information should be included in the Preliminary Plan submission. The large wetland in the center of Lot 13 was identified from aerial images as a Potential Vernal Pool by Stantec in 2008. The Town does not have regulations pertaining to vernal pools, but an vernal pools that are deemed "significant" are regulated as significant wildlife habitat by the Department of Environmental Protection.
-] There are no documented rare botanical features or significant wildlife habitat documented on the site.
-] A landscape plan is required for the preliminary plan submission. Street trees are required at least every fifty (50) feet.

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 must exceed the minimum lot size of 30,000 square feet for cluster lots in the F zoning district.

- J Lots must meet the lot frontage requirements for the F zoning district, which for cluster subdivision lots is 100 feet, or 50 feet when on a cul-de-sac.
 - J Clarifications to the net residential density calculations must be provided on the Preliminary Plan submission. The current calculations only show calculations for Lot 13 of the original subdivision, but they should include all of the land area within the subdivision as approved in 2014.
 - J Subdivision Ordinance
 - J The Tax Map and Lot numbers provided by the Tax Assessor must be shown on the Final Plan.
 - J Subdivision plan data compatible with the Town GIS must be submitted as part of the Final Plan submission.
 - J Others:
- I. FINANCIAL AND TECHNICAL CAPACITY
- J Evidence of financial capacity must be provided as part of the Preliminary Plan submission.
 - J Evidence of technical capacity must be provided as part of the Preliminary Plan submission.
- J. RIVER, STREAM OR BROOK IMPACTS
- J 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 April 3, 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.
2. All new homes in the subdivision shall have residential sprinkler systems that meet NFPA standards.