

# Town of Windham

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## MEMO

DATE: June 20, 2017

TO: Planning Board

FROM: Amanda Lessard, Planner *AL*

Cc: Ben Smith, Planning Director  
David Moore

RE: 17-03 – Craig Road Subdivision - Minor Subdivision, Final Plan  
Planning Board Meeting & Public Hearing: June 26, 2017

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### Overview –

The applicant is proposing to divide a 42.75 acre property located at 15 Craig Road into three (3) lots. One of the lots will encompass the existing single family home. Access to the proposed lots will be provided on Craig Road.

This application appeared on the Planning Board's agenda on March 13, 2017. At that meeting there was discussion of staff comments on stormwater and erosion control plans. The applicant has submitted waiver requests for those submission requirements.

New comments from the staff memo dated March 7, 2017, appear as underlined text below.

Tax Map: 4; Lot 31. Zoning District: Farm (F)

### SUBDIVISION REVIEW

#### Staff Comments:

##### 1. Waivers:

- a) §910.B.1.c.3 – A surface drainage plan, Submission requirement.  
*As there is no infrastructure and little disturbance proposed, this submission requirement could reasonably be waived.*
- b) §910.b.1.c.4 – Soil erosion and sediment control plan, Submission requirement.

*This submission could reasonably be waived as no infrastructure is proposed and the building permit applications for the new lots will require the submission of a soil and erosion control plan.*

2. Complete Application:

**MOTION:** The application for project 17-03 – Craig Road 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 is schedule for the Planning Board meeting on Monday June 26, 2017.

4. Site Walk: A site walk is scheduled for Monday June 26, 2017 at 5:00pm.

Findings of Fact and conclusions for the

**Windham Planning Board,**

**MOTION:** The Subdivision application for 17-03 – Craig Road Subdivision on Tax Map: 4, Lot: 31 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.
- 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.

B. WATER

- All lots will be served by individual private wells.
- The closest fire hydrant is located in Westbrook at the corner of Hardy Road and Small Hardy Road, approximately 1,100 feet from the Craig Road intersection.
- Fire Chief Brent Libby is comfortable utilizing the existing hydrant as the water supply for fire protection for this proposed subdivision. If additional lots are proposed in the future on Craig Road this determination will need to be revisited.

C. SOIL EROSION

- A surface drainage plan must be submitted as part of the Final Plan.

- Town Engineer Jon Earle provided comment on February 15, 2017 that a waiver of stormwater quantity analysis would seem appropriate given the amount of disturbance and lack of road construction and noted that a plan with topography will be needed to review treatment BMPs along with an overlay of hydrologic soils groups and culvert types. He also noted that there is an existing culvert north of Lot 2 (probably discharges across the corner of Lot 3 onto Lot 2 and the existing wetland).
- The applicant is requesting a waiver from the requirement for a stormwater management plan (see Waivers Requested, above).
- A soil erosion and sediment control plan must be submitted as part of the Final Plan. Staff recommends an erosion and sediment control plan for the individual lot development. Construction entrances should also be shown to prevent tracking or sediment onto public roads (Craig and Anderson).
- The applicant is requesting a waiver from the requirement for a soil erosion and sediment control plan (see Waivers Requested, above).

D. TRAFFIC

- All lots have frontage on Craig Road, a gravel surface public dead-end road. Lot 1 also has frontage on Anderson Road. Access to all lots will be provided on Craig Road.
- Driveway locations are shown on the plan. Entrance permits must be obtained from Public Works prior to construction.
- Based on the distance to uses that would generate pedestrian trips, sidewalks are not required.

E. SEWERAGE

- The proposed lots will be served private septic systems.
- Soil test pit analysis prepared by James Logan, of Albert Frick Associates, Inc dated March 18, 2016 show that each lot has adequate soils to support a private septic system.
- The test pit locations are shown on the sketch plan. The test pit location for Lot 2 is shown in the side setback. The applicant should clarify if a septic system in this location will require an easement on Lot 3.
- In an email dated June 20, 2016 Town Engineer Jon Earle, PE notes that there while the soils are acceptable for a septic system, the disposal field will need to be sized as extra-large based on the presence of Profile 9 soils (silt loam, and silt clay loam shallow to groundwater).

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 single family residence on the site. The remainder of the site is an open maintained field with wooded vegetated buffers along a stream that bisects the property and also at the rear of the lot.
- A Portland Pipeline Easement and a Portland Natural Gas Easement bisects the lot.
- There are no documented rare botanical features for significant wildlife habitat documented on the site, as confirmed in a letter dated May 30, 2017 from John Perry of the Department of Inland Fisheries & Wildlife.
- Street trees are required at least every fifty (50) feet.
- Limits of tree clearing should be shown on the 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 exceed the minimum lot size (80,000 sf) and minimum frontage (200 feet) requirements for standard lots in the F zone.
  - Net residential density calculations are not shown on the plan however Lots 2 and 3 do list the total and net lot areas where the net area exceeds the minimum lot size. Any additional lots created from Lot 3 will require an amendment to the subdivision plan that provides a net residential density calculation.
- Subdivision Ordinance
  - Standard notes and the standard condition of approval are shown on the final plan.
  - The Tax Map and Lot numbers provided by the Tax Assessor are shown on the Final Plan.
  - Digital transfer of the subdivision plan data must be submitted with the Final Plan submission for inclusion with the Town's GIS.
- Others:
  - None

#### I. FINANCIAL AND TECHNICAL CAPACITY

- Demonstration of the applicant's financial capacity is not applicable as there is no new infrastructure proposed as part of this application.
- The applicant has retained the services of a Maine licensed Professional Land Surveyor to assist with the application.

#### J. RIVER, STREAM OR BROOK IMPACTS

- 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 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** 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 February 8, 2017, as amended June 14, 2017, 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.