

Town of Windham

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MEMO

DATE: July 17, 2017

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: 17-12 Babbidge Farm - Major Subdivision, Preliminary Plan
Planning Board Meeting & Public Hearing: July 24, 2017

Overview –

The applicant Sebago Heights, LLC, is proposing a 17-lot cluster subdivision on a 29.7 acre property located on Falmouth Road at the town line with Falmouth.

The property has recently been timber harvested, and is located on a hill that the property generally slopes from an elevation of about 300 feet on the west side of the property to an area of ponded water at the eastern side of the property, at an approximate elevation 230 feet.

This application appeared on the Planning Board's agenda on May 8, 2017 as a sketch plan. At that meeting the applicant described the need for waivers from the contiguous open space and hammerhead standards and a proposed wide shoulder on one side of the road in lieu of a sidewalk with esplanade and curbing. Since then the applicant has submitted a revised plan that still maintains a 27' paved surface, but shows a 3.5' paved shoulder on each side. Written waiver requests from these performance standards have not been submitted as of the date of this memo.

New comments from the staff memo dated April 27, 2017, appear as underlined text below.

Tax Map: 13; Lot 44. Zoning District: Farm (F).

SUBDIVISION REVIEW

Staff Comments:

1. Waivers Requested:

- a) §910.C.1.c.1 – High Intensity Soils Survey, Submission requirement.
Given that the medium intensity soils onsite are indicated to be in a combination of soil groups A,B,C, and D, staff recommends that a high intensity soil survey would add value to the stormwater modeling effort for the project.
- b) §911.C.1.c.2 – Landscape Plan. Submission requirement
The submission requirement is for a plan that shows the location and list of plant species and their size at maturity. The applicant has proposed a note on the plan requiring street trees at least every 50 feet and shown the tree line and added a note on the 5 year restriction on clearing.
- c) §910.C.1.c.3 – Hydrogeologic Assessment. Submission requirement.
The hydrogeologic assessment is to determine if the nitrate plume at the property line generated from the project's wastewater will exceed the drinking water standard. Given the number of dwelling units and proximity of McIntosh Brook and ultimately Highland Lake, a nitrate analysis for the project would be appropriate.
- c) Minor Street Road Standards, Sidewalks (Section 911.M.5.b.6.c, page 9-61).
The applicant is proposing additional paved shoulder width on both sides of the street while reducing the size of the gravel shoulder. The standards for Sidewalks or Shoulders, Major Local Streets and Minor Local Streets (page 9-61) state that sidewalks are not required if the subdivision is more than 1,000 feet from a "public building." It is more than 1,000 feet to the Little League field and playground on Falmouth Road from the proposed entrance. Therefore, if the applicant chooses not to build sidewalks on the subdivision street, an additional one foot of paved shoulders are required on each side. Note that if the Planning Board finds that "vehicular trips from the subdivision will create unsafe pedestrian conditions, sidewalks can be required. A written waiver request that address the waiver criteria of Section 908 should be submitted.
- d) Cluster Subdivision Open Space Standards (Section 911.K.4.g, page 9-48).
The standard calls for contiguous open space. The applicant is proposing two separate blocks of open space. This waiver could reasonably be granted, based on the locations of the wetlands on the property and the layout of the road. A written waiver request that address the waiver criteria of Section 908 should be submitted.
- e) Cluster Subdivision Open Space Standards (Section 911.K.4.b.2, page 9-48).
The standard calls for at least fifty percent (50%) of the land suitable for development to be included in the common open space. The subdivision plan shows that 9.77 acres is the minimum required net area in open space but only 9.72 acres is provided. A written waiver request that address the waiver criteria of Section 908 should be submitted.
- f) Street Design Standards, Dead End Streets (Section 911.K.4.g, page 9-59).
The standard calls for hammerhead turnarounds every 1,000 feet. The applicant is proposing a dead end street of approximately 1,500 feet to the start of the cul-de-sac. A written waiver request that address the waiver criteria of Section 908 should be submitted.

2. Complete Application:

MOTION: The Preliminary Plan application for project 17-12 Babbidge Farm 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 July 24, 2017.

4. Site Walk: A site walk has been scheduled for Monday July 24, 2017 at 5:00pm.

Findings of Fact and conclusions for the

Windham Planning Board,

MOTION: The Subdivision application for 17-12 Babbidge Farm Subdivision on Tax Map 13, Lot 44, 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 29.7 acre property is located within the mapped 100 year flood plain. This flood plain area is located within the common open space of the cluster subdivision.
- This subdivision is not located over a significant sand and gravel aquifer.
- A hydrogeologic assessment must be submitted as part of the Preliminary Plan as the subdivision is not served by public sewer and the subdivision has an average density of more than one dwelling unit per 100,000 square feet. The applicant has submitted a waiver request, above.
- In an email dated July 12, 2017, Town Engineer Jon Earle PE stated that given the number of dwelling units and proximity to McIntosh Brook and ultimately Highland Lake, a nitrate analysis for the project would be appropriate.

B. WATER

- All lots will be served by public water from an 8-inch water main extended up the new street from the existing water main in Falmouth Road.
- Robert A. Bartels, P.E. at the Portland Water District supplied an “Ability to Serve” letter dated June 21, 2017. The letter is included as Attachment D of the Preliminary Plan submission.
- Hydrants and water main locations and details are shown as part of the Preliminary Plan on Sheets 4, 5 and 6.

- A detail for the cross section of the excavation and trench repair of Falmouth Road in accordance with Chapter 120 Streets & Sidewalks Section 210-14.B should be added to the Final Plan.

C. SOIL EROSION & SEDIMENTATION CONTROL & STORMWATER MANAGEMENT

- An erosion and sedimentation plan, prepared by DM Roma Consulting Engineers, dated July 3, 2017, has been submitted as part of the Preliminary Plan. Notes and details are shown on Drawing D-1.
- The applicant must submit a stormwater plan that meets the water quality and quantity standards as well as the flooding standard of Section 3, DEP Chapter 500. The project is located in the Highland Lake watershed, which has been designated by DEP as a Watershed Most at Risk from New Development, so the plan must also meet the phosphorous standards of Chapter 500.
- A DEP Stormwater permit is required for this project, a copy of which must accompany the Final Plan submission.
- A stormwater management plan, has been submitted as part of the July 3, 2017 Preliminary Plan submission. The proposed development is estimated to generate a total of 2.11 acres of new impervious area. The plan also includes an inspection, maintenance and housekeeping plan. The owners are responsible for the maintenance of all stormwater management structures and related site components until such time that a homeowner's association is created.
- Stormwater buffers are shown on the preliminary plan. Note 9 states that stormwater buffers must be marked in the field prior to site disturbance and permanently marked after the lot is developed. Note 10 requires all buildings install roof drip edge filters and Note 13 requires bioretention cells (rain gardens) on Lots 1, 2, 3., 4 and 7.
- In an email dated July 12, 2017, Town Engineer Jon Earle P.E., agrees that the stormwater pre and post development quantity calculations meets the Chapter 500 flooding standard, but requested additional information regarding the acreage of wetlands used in the phosphorus budget calculations.

D. TRAFFIC

- The subdivision lots will have access from the new 1,500 foot subdivision street. This street will be built to the Minor Local Street standard. Streets constructed within a cluster subdivision must meet a public standard, the Minor Local Street standard.
- Sight distance for the new subdivision street should be shown for both directions along Falmouth Road on the Preliminary Plan.
- In the sketch plan submission, rather than constructing a sidewalk, the applicant is requesting to build a 5-foot shoulder on one side of the road to accommodate people who will walk on this new street.
- A road plan and profile, prepared by DM Roma Consulting Engineers, dated July 3, 2017, shown on Sheet 4, 5 and 6, was submitted as part of the Preliminary Plan.

- Section 911.M.3.d requires streetlights at intersections with existing public streets. An existing utility pole is shown on Sheet 4 of the preliminary plan at the intersection of the proposed street and Falmouth Road. The applicant should verify if there is an existing streetlight on this pole.
- In the standards for Sidewalks or Shoulders, Major Local Streets and Minor Local Streets (page 9-61) state that sidewalks are not required if the subdivision is more than 1,000 feet from a “public building.” It is more than 1,000 feet to the Little League field and playground on Falmouth Road from the proposed entrance. Therefore, if the applicant chooses not to build sidewalks on the subdivision street, additional 1 foot paved shoulders are required. Note that if the Planning Board finds that “vehicular trips from the generated by the subdivision will create unsafe pedestrian conditions, sidewalks can be required.
- On Sheet D-1 of the preliminary plan set the roadway section shows 3.5 ft paved shoulder, which is 1.5 feet greater than the required 2 foot paved shoulders. However, the minor local street standard requires 2 foot gravel shoulders and the section shows 1 foot gravel shoulders. The detail should be revised or the applicant should request a waiver.

E. SEWERAGE

- The proposed lots will be served private septic systems.
- Soil test pit analysis prepared by Longview Partners, LLC dated June 0, 2016 show that the property has adequate soils to support private septic systems. Test pit locations are shown on the preliminary subdivision 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

- Street trees must be planted at least every 50-feet along the length of the new subdivision street.
- Tree clearing limits and building envelopes must be shown on the Preliminary Plan submission.
- Note 11 on the preliminary plan states that street trees will be planted or preserved at intervals no less than one tree every 50 feet of roadway.
- Note 12 on the preliminary plan restricts clearing for five years after planning board approval beyond the tree line shown on the plan.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
 - The plan meets the goals of the 2017 Comprehensive Plan.

- Land Use Ordinances:
 - The lots meet minimum cluster lot size requirements in the Farm (F) zone (30,000 SF).
 - Net residential density calculations are shown on the Plan.
 - The Stream Protection District boundaries should be shown on the Plan.
- Subdivision Ordinance
 - Standard notes and the standard condition of approval must be shown on the plans.
 - The Tax Map and Lot numbers provided by the Tax Assessor must be 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.
 - No more than 30% of the lots have direct vehicular access onto an existing public road.
 - As noted above a waiver is being requested from the requirement to have the open space in a single contiguous block of land.
 - The open space reserved does not provide 50% of the land suitable for development.
 - 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.
- Others:
 - Chapter 221 Street Naming and Addressing: Following consultation with the Assessing Department, a proposed road name must be shown on the Final Plan.

I. FINANCIAL AND TECHNICAL CAPACITY

- The Preliminary Plan application includes a cost estimate for the project. A letter dated January 19, 2016 from Richard Flagg, Regional Vice President, Commercial Lending at Norway Savings Bank 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.
- McIntosh Brook runs over a portion of this property. McIntosh Brook starts as the outlet for Little Duck Pond and flows to Highland Lake. There is a 100-foot Stream Protection Zone on either side of this brook that should be shown on the plan.

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/does not conform** 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/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/do not have** a lot depth to shore frontage ratio greater than 5 to 1.-(N/A)~~
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.-(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 April 17, 2017, as amended July 3, 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.
2. An 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.