

Town of Windham

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MEMO

DATE: August 22, 2017

TO: Windham Planning Board
FROM: Amanda Lessard, Planner *AL*
Cc: Ben Smith, Planning Director
Jeff Amos, P.E., Terradyn Consultants, LLC
Development Review Team

RE: 16-25– Highland Views Manufactured Housing Park & Mixed Use Development –
Preliminary Subdivision & Site Plan Application
Planning Board Meeting: August 28, 2017

Overview –

The applicant is proposing to develop 24-unit manufactured home park and 10 unit mixed use development at 19 Roosevelt Trail just north of the Westbrook town line. The 10 apartments will be located above public warehousing units. An existing single family home is located on the 38.3 acre property. The property is the location of a former campground. The parcel was recently split at the Falmouth-Windham town line and remainder of the parcel located in Falmouth has frontage on Highland Lake.

This project was reviewed by the Board as a preliminary plan at a meeting on April 24, 2017, where a second public hearing was held. The Highland Lake Association had representatives present at the meeting and expressed general support for the project. The Association asked that the applicant add a gate that would control access to the lake from the proposed cul-de-sac, which was agreed to by the applicant, and is shown on the plan. Since that meeting, the applicant has submitted revised plans that identify additional freshwater wetlands and streams that had previously been considered man-made drainage channels. There are now eight areas of wetland alterations each varying from 466 square feet to 1,985 square feet. The cumulative wetland impact for the project as shown on the plans is 9,483 square feet. Revised plans have been submitted to DEP for the Stormwater permit as well as Natural Resource Protection Act applications for a permit-by-rule for stream crossings and a Tier 1 permit for wetland impacts. The revised plans also replace a community septic system for the manufactured home park with five smaller non-engineered systems. Your packet also includes correspondence from an abutter and the applicant.

This application will be reviewed under the Town's Subdivision Review and Site Plan Review ordinances. Each section will be listed separately below, though references from the Site Plan review section to the Subdivision Review section will be made for overlapping review criteria.

New comments from the staff memo dated April 19, 2017 appear as underlined text below.

Tax Map: 7; Lots 63 and 66. Zoning District: Commercial III (C-3) and Manufactured Housing Park Overlay (MHPO).

SUBDIVISION REVIEW

Staff Comments:

1. Waivers:

- a) §910.C.1.c.1 – High Intensity Soils Survey, Submission requirement.
Grated April 24, 2017

2. Complete Application: *Staff recommends that the preliminary subdivision application is found complete.*

MOTION: The Site Plan and Subdivision applications for project 16-25 – Highland Views Manufactured Home Park and Mixed Use Apartments 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 was scheduled for the Planning Board meeting on January 9, 2017. A second public hearing for the project was held on April 24, 2017.
- 4. Site Walk: A site walk was held on Saturday November 12, 2016 at 8:00 am.

Findings of Fact and conclusions for the

Windham Planning Board,

MOTION: The Preliminary Subdivision and Site Plan application for 16-25 – Highland Views Manufactured Home Park and Mixed Use Development on Tax Map: 7, Lots: 63 & 66 is to be **(approved with conditions/denied)** with the following findings of fact and conclusions.

FINDINGS OF FACT

A. POLLUTION

- No portion of this subdivision is within the mapped 100 year floodplain.
- This subdivision is not located over a significant sand and gravel aquifer.

- A hydrogeologic assessment dated December 16, 2016, prepared by Mark Cenci Geologic, Inc. was provided in the December 19, 2016, preliminary plan submission. All lots have at least one passing test pit. The 24 house lots will not increase any contaminant concentration in the ground water at any project boundary.
- In an email dated December 27, 2016, Town Engineer Jon Earle, P.E., noted that the wastewater generated from the 10 apartment units is not included in the analysis. The applicant should verify that inclusion of the 10 apartment units meets the ordinance requirements. He also required a site plan showing the reduction of the nitrate/nitrogen concentrations.
- An addendum to the hydrogeologic assessment dated February 8, 2017, prepared by Mark Cenci Geologic, Inc. was provided in the March 31, 2017 submission. The addendum includes an evaluation of the septic system serving the 10 apartment units. The 10 apartment units will not increase any contaminant concentration in the groundwater at any project boundary.
- Sheet 4.0 of the enclosed plans shows the nitrate plumes resulting from the 2 septic systems showing that nitrate levels at the property lines will remain below 10 mg/L.
- A hydrogeologic assessment dated August 7, 2017, prepared by Mark Cenci Geologic, Inc. was provided in the August 7, 2017 submission. The revised plan for 5 septic systems to serve 24 single family homes will not increase any contaminant concentration in the ground water at any project boundary.

B. WATER

- All dwelling units will be served by public water for domestic use.
- At the Development Team meeting on August 1, 2016, Deputy Fire Chief John Westcott recommended that a fire hydrant be located east of the intersection of the proposed new roads.
- The closest fire hydrant is located on Route 302 south on the intersection with the Land of Nod Road and shown on the plan.
- The applicant secured a written statement from the Portland Water district indicating the District as the ability to serve the project and the development will not result in an undue burden on the system.
- All water main installed after the proposed meter pit will remain private.
- A private fire hydrant is proposed to be installed near station 4+65 at the request of Deputy Fire Chief John Westcott. This hydrant is located within 1,000' of any structure to be built as part of the project.
- Hydrants and water main locations and details are shown on the plans on Sheets 4.0 and 7.3.

C. SOIL EROSION

- An Erosion and Sedimentation Control Plan prepared by Terradyn Consultants dated March 31, 2017 on sheet C-7.0 has been included as part of the submission.
- 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 stormwater permit application was submitted to the DEP on January 11, 2017. The approved permit must be submitted as part of the Final Plan.

- At the Development Team meeting on August 1, 2016, Will Haskell, P.E. of Gorrill-Palmer noted that 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 if there is more than one (1) acre of development. See recommended Condition of Approval #2.
- A Stormwater Management Plan has been submitted dated March 31, 2017 prepared by Terradyn Consultants, LLC. The report considers a total developed area of 8.04 acres. The total new impervious area is 2.98 acres. Stormwater will be managed with a series of BMPs – forested buffers, roof dripline filter beds, underdrained filter basin, and a gravel wetland. The maximum impervious surface coverage for each lot is 3,500 square feet.
- In an email dated December 27, 2016, Town Engineer Jon Earle, P.E., stated that pre-development and post-development watershed plans were not included in the submission so a review of the stormwater quantity calculation was not possible.
- In an email dated March 9, 2017, Town Engineer Jon Earle, P.E., provided review comments to the stormwater management plan that have since been addressed by Terradyn Consultants, LLC in a comment response letter dated March 31, 2017.
- Revised plans and a revised Stormwater Management Plan were submitted on August 8, 2017. The revised plan identifies streams that had previously been considered man-made drainage channels and identifies additional freshwater wetlands. This project requires a Maine Department of Environmental Protection (DEP) Natural Resources Protection Act (NRPA) Tier-1 permit to fill approximately 9,483 square feet of wetland and a Permit-By-Rule for two stream crossings. The permits must be submitted with the final plan application. Revised stormwater and phosphorous calculations are included in the report.
- In an email dated August 14, 2017, Town Engineer Jon Earle, P.E., stated that the quantity and phosphorus standards are being met but requested a plan to show the areas of the existing building and road for where the credit is utilized.
- Terradyn Consultants, LLC responded to the peer review comments on August 21, 2017 and submitted Sheet C-8.3 Untreated Existing Impervious Area Worksheet.
- In an email dated August 14, 2017, Town Engineer Jon Earle, P.E., stated the figure addressed the comment and correlates with the phosphorous export calculations submitted. The project meets the phosphorus standard without needing mitigation credit.

D. TRAFFIC

- One new road is proposed to the development from Route 302. This access will be aligned with Land of Nod Road.
- At the Development Team meeting on August 1, 2016, Deputy Fire Chief John Wescott noted that a sufficient radius at the 302 intersection for a 14 foot ladder truck should be

provided. An AutoTURN analysis has since been provided by Terradyn Consultants, LLC showing a ladder truck maneuvering the cul-de-sac.

- The access drives for the development must meet the “Major Private Road” design and construction standards in Appendix B, per §912.M.5.a.6. The right-of-way in the MHP may be reduced to twenty-three (23) feet, and the width of the pavement to twenty (20) feet.
- The preliminary plan dated December 19, 2016 shows twenty (20) parking spaces. The minimum parking spaces required by the ordinance are 22 parking spaces: 2 parking spaces (0.25 spaces per 1,000.s.f) for the public warehousing use, and 20 parking spaces (2 spaces per dwelling per multifamily 2+ bedrooms) for the apartments. 30% of these spaces must measure 10’x20’. The office/administrative space associated with the storage facilities will be located off-site. The parking requirements should be noted on the mixed use site plan Sheet C-2.1.
- The revised plan shows 10 parking spaces (1 per each unit) and 20 spaces for the apartments. 8 of the 20 dedicated spaces for the apartments measure 10’x20’, exceeding the 30% ordinance requirement. The parking requirements should be noted on Sheet 2.1.
- Five (5) foot wide sidewalks are proposed along each new access drive, outside of the ROW in the MHPO.
- A walking path to Highland Lake will be provided to the adjacent property located in Falmouth.
- A traffic impact study is required if the project will generate fifty (50) or more trips during the a.m. or p.m. peak hour.
- A traffic assessment dated December 3, 2016 (amended January 26, 2017) was prepared by William J. Bray, P.E. of Traffic Solutions, and included in the plan submission. The mini warehousing use will generate 2 peak hour trips, the single family homes will generate 24 peak hour trips, and the apartments will generate 6 peak hour trips, for a site total of 32 PM peak hour trips.
- The traffic assessment notes that a minimum unobstructed sightline of 580 feet is required and the sight distance from the proposed street entrance on Route 302 exceeds 640 feet in both directions. The site distance has been noted on the plan.

E. SEWERAGE

- The development will be served by a private subsurface wastewater disposal (septic) system.
- Soil test pit logs dated September 2, 2016, prepared by Mark Cenci Geologic, Inc. were provided in the December 19, 2016, preliminary plan submission. All lots have at least one passing test pit.
- Two septic systems will serve the apartment units. The 24 unit manufactured home park will be served by one community engineered septic system. Test pit locations have been shown on the plan.
- Approval of the engineered subsurface wastewater disposal system by the Subsurface Wastewater Unit at DHHS must be submitted with the Final Plan.
- The plan set submitted on August 7, 2017 revised the septic system layout for the 24 unit manufactured home park and instead of one community engineered septic system, the

development will be served by five (5) smaller non-engineered septic systems. The septic fields will be common elements of the entire project.

F. SOLID WASTE

- A dumpster is shown on the plan for use of apartment residents. Dumpster enclosure detail is shown on Sheet C-7.1 of the preliminary plan submission.
- In an email dated December 27, 2016, Town Engineer Jon Earle, P.E., questioned if the dumpster was intended to serve the 24 manufactured housing lots.
- The applicant intends to provide private curb side pickup for the 24 manufactured housing lots. On April 11, 2017 the applicant provided a contact with Albano Recycling and Waste Services, Inc for weekly curbside service for the development.
- Development of these lots should not produce an undue burden on the Town's ability to collect and dispose of solid waste.

G. AESTHETICS

- An existing single family home is located on site as well as the remaining road network and infrastructure of a long closed campground (electrical hookups and a bath house). The lot is generally wooded.
- There are no documented rare botanical features or significant wildlife habitat documented on the site.
- Street trees are required at least every fifty (50) feet and are shown on Sheet C-2.0 of the preliminary plan submission.
- Limits of tree clearing are shown on the preliminary 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 Ordinance:
 - The proposal meets the net residential density requirements and the setback requirements of the MHPO (20,000 sf/unit) and C-3 districts (60,000). The net residential area calculations are shown on the plan.
 - District Standards, Section 407.C. The project must meet the standards of the MHPO zoning district.
- 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.

- Homeowner association documents were included with the August 7, 2017 submission which includes language specifying the rights and responsibilities of each lot owner with respect to the maintenance, repair, and plowing of the subdivision streets, open space, septic and stormwater infrastructure.
- Others:
 - Chapter 221 Street Naming and Addressing: The street name shown on the Preliminary Plan (McDermott's Trail and Bailey's Way) has not been approved by the Town Addressing Officer. The street names approved by the Addressing Officer should be shown on Final Plan.
 - Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 area.

I. FINANCIAL AND TECHNICAL CAPACITY

- Evidence of financial capacity has been provided in the form of a letter dated January 17, 2017, from Michael J. Kelley, Executive Vice President at Machias Savings Bank, stating that the applicant has sufficient capacity to complete this project.
- The applicant has provided information on the licensed professionals working on this project as evidence of technical capacity.

J. RIVER, STREAM OR BROOK IMPACTS

- This project requires a Maine Department of Environmental Protection (DEP) Natural Resources Protection Act (NRPA) Permit-By-Rule for two stream crossings. The permit must be submitted with the final plan application.
- 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** 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, 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 July 18, 2016, as amended August 7, 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 Subdivision Ordinance.
2. Approval is subject to the requirements of the Post-Construction Stormwater Ordinance, Chapter 144. Any person owning, operating, leasing or having control over stormwater management facilities required by the post-construction stormwater management plan must annually engage the services of a qualified third-party inspector who must certify

compliance with the post-construction stormwater management plan on or by May 1st of each year.

SITE PLAN REVIEW

FINDINGS OF FACT

Utilization of the Site

- See Subdivision Review.

Vehicular and Pedestrian Traffic

- See Subdivision Review.

Sewage Disposal and Groundwater Impacts

- See Subdivision Review.

Stormwater Management

- See Subdivision Review.

Erosion Control

- See Subdivision Review.

Utilities

- A Utility Plan, prepared by Terradyn Consultants, LLC, dated March 31, 2017, shown on Sheet C-4.0 has been submitted as part of the preliminary plan submission.
- Electrical, telephone, and cable service to the development shall be provided by underground service.

Financial Capacity

- See Subdivision Review.

Landscape Plan

- A landscaping plan has been submitted as Sheet C-2.0 of the plan submission.

Conformity with Local Plans and Ordinances

1. Land Use

- See Subdivision Review.

2. Comprehensive Plan

- This project meets the goals and objectives of the 2003 Comprehensive Plan.

3. Others:

- Design Standards, Section 813. The project must meet the design standards of the C-3 zoning district.
 - The applicant has supplied a narrative in the December 19, 2016 preliminary plan submission addressing the Standards in Section 813.A.
 - Building elevations for the retail building and storage buildings have been provided with the preliminary plan submission.

Impacts to Adjacent/Neighboring Properties

- Site lighting must be shown on Final Plan, and details of fixtures must be included in the submission.

CONCLUSIONS

1. The plan for development **reflects** the natural capacities of the site to support development.
2. Buildings, lots, and support facilities **will** be clustered in those portions of the site that have the most suitable conditions for development.
3. Environmentally sensitive areas, including but not limited to, wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and, sand and gravel aquifers **will** be maintained and protected to the maximum extent.
4. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
5. The proposed site plan **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.
6. The proposed use and layout **will not** be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved.
7. The proposed site plan **will** provide for adequate sewage waste disposal.
8. The proposed site plan **conforms** to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
9. The developer **has** adequate financial capacity to meet the standards of this section.
10. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
11. The proposed site plan **will** provide for adequate storm water management.
12. The proposed location and height of buildings or structure walls and fences, parking, loading and landscaping shall be such that it **will not** interfere or discourage the

- appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value.
13. On-site landscaping **does** provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.

CONDITIONS OF APPROVAL

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated July 18, 2016 as amended August 7, 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 814.G. of the Land Use Ordinance.