

Town of Windham

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MEMO

DATE: April 12, 2018

TO: Windham Planning Board
FROM: Amanda Lessard, Planner *AL*
Cc: Shawn Frank, P.E., Sebago Technics
Development Review Team

RE: 18-09– Mayberry Two Duplexes – Minor Subdivision, Sketch Plan
Planning Board Meeting: April 23, 2018

Overview –

The applicant is proposing to divide a 2.4 acre property at 29 Smith Road, at the intersection of Smith Road and Tandberg Trail (Route 115) and to construct a new duplex. A two-unit building constructed in late 2016 is currently located on the site.



Aerial View of the subject parcel relative to surrounding properties and street network.

A 5-Unit Multiplex Subdivision and Site Plan was approved by the Windham Planning Board on May 13, 2013, but the approval expired in May 2016.

Tax Map: 19, Lot: 94, Zone: Medium Density Residential (RM).

SUBDIVISION REVIEW

Staff Comments:

1. Waivers: None requested
2. Complete Application: *N/A with Sketch Plan*

MOTION: ~~The minor subdivision application for project 18-09 Mayberry Duplexes 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. The Planning Board must determine whether to hold a public hearing on the application.
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 Minor Subdivision application for 18-09 Mayberry Duplexes on Tax Map: 19, Lot: 94 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 located over a significant sand and gravel aquifer.

B. WATER

- The new duplex will be served by public water for domestic use.
- An Ability to Serve letter from Portland Water District must be submitted with the Final Plan.

There are two fire hydrants shown on the Sketch Plan submission. One is located on Route 115, approximately 45 feet from the Smith Road intersection, and the other is on Smith Road, approximately 150 feet from the proposed site entrance.

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.
- The sketch plan shows that the total wetland impact is 2,130 square feet.
- This project is in the NPDES (National Pollutant Discharge Elimination System) area as designated by the Environmental Protection Agency for the Town of Windham. As a result, there will be additional construction inspection requirements and ongoing requirements for reporting of stormwater infrastructure maintenance if the area of development is greater than one (1) acre. The final plan submission should specify the amount of developed area in the subdivision.
- In an email dated April 10, 2018 Town Engineer Jon Earle, PE asked for sizing information for the wetland crossing culvert.

D. TRAFFIC

- The traffic generated by the development of these dwelling units will not create roadway congestion or unsafe conditions on either Route 115 or Smith Road.
- Driveway locations are shown on the sketch plan.
- Sight distances should be shown on the final Plan.
- In an email dated April 10, 2018 Town Engineer Jon Earle, PE asked if a driveway culvert was proposed within Smith Road. If one is proposed, sizing calculation should be submitted. He also commented that the proposed driveway location meets the ordinance requirements for corner clearance from the Route 115 Smith Road intersection.

E. SEWERAGE

- The dwelling units will be served by a private septic system.
- Test pit locations, logs, and a statement regarding the suitability of soils on the site from a licensed site evaluator must be included with the Final Plan submission. Test pit locations must be shown on the Final Plan.

F. SOLID WASTE

- Residents of the dwellings will participate in the Town's pay-per-bag garbage 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

- A duplex is currently located on the property.
- There are no documented rare botanical features or significant wildlife habitat documented on the site.

- Limits of tree clearing are shown on the sketch plan. Note 13 states 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 2017 Comprehensive Plan.
- Land Use Ordinance:
 - Both lots meet the minimum lot size (20,000 square feet), frontage (100 feet), and setbacks for lots in the RM zoning district that have public water.
 - Net residential density calculations are shown on the Plan.
 - A piece of land 15,307 square feet is shown on the sketch plan to be transferred to the abutter. This transfer to the abutter should be completed prior to the final plan submission. If this real estate is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot subject to subdivision review.
- Subdivision Ordinance
 - A landscaping plan must be submitted with the Final Plan.
 - 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.
 - Subdivision plan data compatible with the Town GIS must be submitted as part of the Final Plan submission.
- Others:
 - Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 urbanized area.

I. FINANCIAL AND TECHNICAL CAPACITY

- Evidence of financial capacity must be provided as part of the Final Plan submission.
- Evidence of technical capacity must be provided as part of the Final Plan submission.

J. RIVER, STREAM OR BROOK IMPACTS

- The applicant should demonstrate that the 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 2, 2018, 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.