

Town of Windham

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MEMO

DATE: May 10, 2018

TO: Windham Planning Board
FROM: Amanda Lessard, Planner *AL*
Cc: Dustin Roma, P.E., DM Roma Consulting Engineers
Development Review Team

RE: 18-11– River Road Subdivision– Amended Subdivision Plan
Planning Board Meeting: May 14, 2018

Overview –

The River Road Subdivision, a seven (7) lot residential cluster subdivision on an 8.3 acre lot on Abenaki Drive off of River Road, was approved by the Planning Board on December 11, 2017. This application amends the plan by revising the tree clearing limits on Lots 1, 2, 3 and 4. The new location allows for larger building envelope while continuing treatment of stormwater through the use of buffers of more than 75% of the impervious and developed areas (as required by the waiver previously granted). The existing stormwater facilities are adequate to receive runoff from the additional landscaped areas on lots 1 and 2 and stormwater infiltration trenches are proposed on lots 3 and 4.

The subdivision ordinance states that revisions to approved subdivision plans that do not involve the creation of additional lots or dwelling units, the procedures for Final Plan approval shall be followed (§913.B.2, page 9-78).

As with all applications for amendments, the Planning Board should limit the scope of the review to the criteria impacted by the proposed amendment.

New comments from the staff memo dated December 6, 2017, appear as underlined text below.

Tax Map: 8A, Lot: 56 Zone: Farm Residential (FR).

SUBDIVISION REVIEW

Staff Comments:

1. Waivers:

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

Granted October 23, 2017

- b) §910.C.1.c.3 – Hydrogeologic Assessment, Submission requirement.

Granted October 23, 2017

- c) §911.M.5.b.5.ii – Dead end street performance standard.

Granted December 11, 2017

- d) §911.M.5.b.6.ii – Sidewalks or shoulders performance standard.

Granted December 11, 2017

- e) §911.J.6 – Stormwater Flooding. Performance standard

Granted October 23, 2017

2. Complete Application: *N/A for Amended Subdivision. Section 913 requires that the application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of Section 900 and the criteria of the State statute.*

~~**MOTION:** The Preliminary & Final Subdivision application for project 18-11 River Road Amended 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 was held at the Planning Board meeting on October 23, 2017.
4. Site Walk: A site walk was held on Saturday October 21, 2017 at 7:30am.

Findings of Fact and conclusions for the

Windham Planning Board,

MOTION: The Subdivision application for 18-11 River Road Amended Subdivision on Tax Map: 8A, Lot: 56 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.
- A portion of this subdivision is located over a significant sand and gravel aquifer. A hydrogeologic assessment must be submitted as part of the Preliminary Plan.
- The applicant has submitted a waiver request for a hydrogeologic assessment based on the well-drained glacial till soils on the property and the location of proposed leach fields more than 100 feet from the downhill property line.

B. WATER

- The sketch plan proposes that dwelling units may be served by public water in a new water main extended from an existing main in Timberhill Road to be located in a 40 foot utility easement over the abutting property. A written statement from the Portland Water District indicating that there is adequate water supply to service the subdivision must be submitted with the Preliminary Plan. In the event the PWD does not allow the extension, the lots will be served by individual wells.
- In a letter dated August 22, 2017 from Robert Bartels, P.E. of the Portland Water District, water service for this project would need to be provided from a main extension within River Road. Therefore, lots in the subdivision will be served by individual wells.
- In accordance with cluster subdivision standards in Section 911.K3.b the applicant must demonstrate on the plan that it is possible to locate a subsurface wastewater disposal field and a well on each lot. When determined that it is necessary for specific lots, by the Planning Board, as a Condition of Approval, the location of these elements shall be elements of the subdivision plan, and any future changes to the location of these elements will require an amended subdivision review.
- Existing fire hydrants are located on River Road to the north of the proposed subdivision at the intersections of Presumpscot Road and to the south of the proposed subdivision at the intersection with Park Road. Existing hydrant locations are more than 1,000 feet from the development.
- At the Development Team meeting on July 31, 2017, Fire Chief Brent Libby recommended that if the development was not served by public water, that all homes in this subdivision include sprinkler systems that meet NFPA standards.
- Well exclusion areas are shown on the subdivision plan revised December 4, 2017.
- Note 14 on the final subdivision plan states that all dwelling within the subdivision shall include sprinkler subdivisions.

C. SOIL EROSION

- An erosion and sedimentation plan, prepared by DM Roma Consulting Engineers, dated October 2, 2017, has been submitted as part of the Preliminary Plan. Notes and details are shown on Drawing D-1. A lot grading plan for Lots 2 & 3 was also included with the preliminary plan submission.
- This project may require a Maine Department of Environmental Protection (DEP) Chapter 500 Stormwater Permit. A copy of the permit must be submitted with the Final Plan application. The DEP Stormwater Permit by Rule application dated November 29, 2017 was submitted on December 5, 2017.
- The applicant must submit a stormwater management plan that meets the water quality and quantity standards as well as the flooding standard of Section 3 DEP Chapter 500 Stormwater Management.
- 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. See Condition of Approval #2.

- A stormwater management plan has been submitted as part of the October 2, 2017 Preliminary Plan submission. The project proposes to treat the 3.23 acres of new developed area with an underdrained filter basin, forested buffers and a roof drip edge.
- A note should be added to the plan that stormwater buffers will be permanently marked prior to the start of construction.
- In an email dated October 11, 2017, Town Engineer Jon Earle P.E., confirmed that the project meets the Chapter 500 standards for water quality and noted that the applicant is requesting a waiver from the stormwater flooding standard, as more than 75% of the impervious and developed areas are treated through the use of wooded buffers. He also requested easement language for the location on the stormwater treatment BMPs located on Lot A, which is not part of the subdivision. The stormwater treatment table from sheet TP-1 should be included on the subdivision plan.
- A draft deed for Parcel A was included in the December 5, 2017 submission which provides a stormwater easement with access for maintenance and/or repair of any structures or buffer areas.
- The stormwater treatment table is shown on the final subdivision plan and Note 16 describes the assumed impervious and developed area for each lot.
- The amended subdivision plans prepared by DM Roma Consulting Engineers dated April 23, 2018 show revised tree lines on Lots 1, 2, 3, and 4. A revised stormwater treatment table is shown on Sheet TP-1. Stormwater infiltration trenches are shown on Lots 3 and 4. A detail is shown on Sheet D-2.
- In an email dated May 2, 2018, Town Engineer Jon Earle PE confirmed that 75% of the project continues to be treated by buffers. He requested clarification on the length of Level Spreader 1 and asked that the proposed roof drop edge be called out on sheet TP-1 (this drip edge was part of the original stormwater design). He also asked for confirmation that these changes do not require a revised DEP Permit by Rule.
- In an email dated May 10, 2018 Dustin Roma PE responded the level spreader is 109 feet and that the revised tree clearing limits and stormwater management devices do not change the erosion control standards that were designed to be implemented for the project so it is not necessary to revise the MDEP Stormwater PBR.
- In an email dated May 10, 2018, Town Engineer Jon Earle PE stated that he had no further comments.

D. TRAFFIC

- The subdivision lots will have access from the new 650 foot subdivision street. Section 911.K.3.f requires cluster subdivision roads to be built to the Minor Local Street standard.
- The site is accessed off of River Road, a paved public street. Sight distance for the new subdivision street should be shown for both directions along River Road on the Preliminary Plan.
- At the Development Team meeting on July 31, 2017, Public Works Director Doug Fortier stated that the proposed entrance on River Road is located at the urban compact line and may require an entrance permit from MaineDOT. The applicant should contact MDOT to determine who has jurisdiction over issuing the entrance permit. If required, an MDOT Entrance Permit must be submitted with the Final Plan.

- The proposed hammerhead turn around shown at the end of the subdivision street does not meet the cluster subdivision ordinance requirement. A waiver may be requested from the requirement for a cul-de-sac.
- Sidewalks are required in the subdivision. This subdivision is less than 1,000 linear feet from an existing convenience store or public building (The Church of Jesus Christ of Latter-day Saints). The applicant has submitted a waiver request from this requirement.
- The October 2, 2017 preliminary plan submission states that based on the ITE Trip Generation Manual the proposed 7 residential lots are expected to generate 7 peak hour trip-ends.
- A road plan and profile, prepared by DM Roma Consulting Engineers, dated October 2, 2017, shown on Sheet PP-1, was submitted as part of the Preliminary Plan.
- The road plan and profile (Sheet PP-1) and details (Sheet D-1) dated October 2, 2017 propose constructing the road with an 18 foot wide paved (2" surface pavement) travel way with 2 foot gravel shoulders.
- Site distances are shown on the preliminary plan: 630 feet looking left, or south down River Road, and in excess of 700 feet looking right, or north up River Road.
- The standard private road note should be shown on the plan.
- In an email dated October 11, 2017, Town Engineer Jon Earle P.E., recommends 2.5" of binder and 1.5" of surface pavement. He also noted that an 18" culvert is located within the River Road ROW and may need to be removed and reset or replaced and this and inverts should be noted on the plan.
- A road plan and profile, prepared by DM Roma Consulting Engineers, dated November 20, 2017, shown on Sheet PP-1, was submitted as part of the Final Plan submission.
- The road plan and profile (Sheet PP-1) and details (Sheet D-1) dated November 20, 2017 propose constructing the road to the Minor Local Street standard with a hammerhead turnaround. The applicant has submitted a request from the requirement for a cul-de-sac.
- In an email dated December 1, 2017 Town Engineer Jon Earle P.E. confirms the road construction detail and states that he and the Public Works director have no objections to the cul-de-sac waiver request.
- A Driveway/Entrance Permit issued by the Maine Department of Transportation dated November 22, 2017 was submitted on December 5, 2017.
- A draft deed for Parcel A was included in the December 5, 2017 submission which provides a right of way easement over Abenaki Drive. Lot A has no obligation to share in any costs of plowing, sanding or maintenance of said right of way.

E. SEWERAGE

- The development will be served by individual private subsurface wastewater disposal systems.
- Soil test pit analysis prepared by Brady Frick, LSE of Albert Frick Associates, Inc dated September 29, 2017 show that each lot has adequate soils to support a private septic system. Test pit locations are shown on the plan.

F. SOLID WASTE

- Residents of the single family 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

- The site is lightly wooded and slopes in a northwesterly direction towards River Road. Some areas of steep slopes are shown on the plan.
- 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 (§ 911.E.1.b). Street trees are shown on the road plan and profile (Sheet PP-1) dated December 4, 2017.
- Limits of tree clearing are shown on the preliminary plan. Note 12 on the plan 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.
The amended subdivision plans prepared by DM Roma Consulting Engineers dated April 23, 2018 show revised tree lines on Lots 1, 2, 3, and 4.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
 - The plan does meet the goals of the 2017 Comprehensive Plan.
- Land Use Ordinance:
 - All lots fall within the minimum and maximum lot sizes of 20,000-35,000 square feet (one lot 45,000 sf max) for cluster lots in the FR zoning district.
 - Net residential density calculations are shown on the plan.
 - No more than 30% of the lots have direct vehicular access onto an existing public road.
 - At least 50% of the land suitable for development shall be included in the common open space. This calculation is shown on the plan.
- Subdivision Ordinance
 - Standard notes and the standard condition of approval are shown on the plan.
 - The Tax Map and Lot numbers provided by the Tax Assessor are shown on the Final Plan.
 - Subdivision plan data compatible with the Town GIS has been submitted as part of the Final Plan submission.
 - A sample deed was provided in the December 5, 2017 submission and specifies the rights and responsibilities of each lot owner with respect to the maintenance, repair, and plowing of the subdivision streets, open space and stormwater infrastructure.

- Others:
 - Street Naming and Addressing: The road name approved by the Assessing Department, Abenaki Drive, is shown on the Final Plan.
 - Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 area. See Condition of Approval #2.

I. FINANCIAL AND TECHNICAL CAPACITY

- The applicant has provided information on the licensed professionals working on this project as evidence of technical capacity
- An undated letter from Lee Ann Sanborn, Assistant Vice President at Key Bank was submitted on December 5, 2017 as evidence of financial capacity.

J. RIVER, STREAM OR BROOK IMPACTS

- The 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** 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 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 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 dependent upon, and limited to, the proposals and plans contained in the application dated July 24, 2017, as amended December 5, 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.