

Town of Windham

Planning Department
8 School Road
Windham, ME 04062

voice 207.894.5960

fax 207.892.1916

MEMO

DATE: May 8, 2018

TO: Windham Planning Board
FROM: Amanda Lessard, Planner *AL*
Cc: Paul Hollis, Ruby Meadows LLC
Development Review Team

RE: 18-13 Ruby Meadows Subdivision– Sketch Subdivision Plan
Planning Board Meeting: May 14, 2018

Overview –

The applicant is proposing a 15-lot subdivision on a 29.58 acre property located on Albion Road and Pope Road. The traditional lot layout is proposed on a portion of a 111 acre property. A new 975 foot dead-end road is proposed to serve 10 lots in development. Two lots will have frontage on Albion Road and three lots will have frontage on Pope Road.



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

The Planning Board approved a 9 lot cluster subdivision on this property in February 2007. That subdivision approval expired and was vacated in April 2010.

A Development Team meeting was held on May 1, 2018. Comments from that meeting are incorporated into the memo below.

Tax Map: 10, Lot: 78 (portion), Zone: Farm (F).

SUBDIVISION REVIEW

Staff Comments:

1. Waivers: None requested at this time, however staff notes the following. The applicant must submit written waiver requests. The Planning Board cannot act on waivers or potential waiver requests at the Sketch/Preapplication review phase. It is appropriate to discuss potential waiver requests to give the applicant guidance.
 - a) §911.M.5.b.ii – Public Dead-end Street performance standard.
Section 550.C states that no new private road shall be permitted to directly access a public street. The subdivision is accessed from an existing Town paved road. Public dead-end streets shall be constructed to provide a cul-de-sac turn-around. This waiver would allow the road to be constructed with a hammerhead turn-around.
 - b) §911.B.1 – Water Supply performance standard.
A subdivision shall connect to the public water system if the closest water main is within a distance equal to 100 feet multiplied by the number of lots in the subdivision. Public water is proposed to be extended down the proposed dead-end street. This waiver would allow the three lots with frontage on Pope Road to be served by private on-site wells. The existing public water main terminates at the intersection of Albion and Pope Road.
2. Complete Application: *N/A with Sketch Plan*

MOTION: ~~The application for project 18-13 Ruby Meadows 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: 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 Subdivision application for 18-13 Ruby Meadows Subdivision on Tax Map: 10, Lot: 78 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 must be submitted as part of the Preliminary Plan when 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.

B. WATER

- The two (2) lots on Albion Road and the ten (10) lots on the proposed road will be served by public water for domestic use.
- A written statement from the Portland Water District verifying that there is public water in proximity to the subdivision must be submitted with the Preliminary Plan.
- An Ability to Serve letter from the Portland Water District approving the public water service to the subdivision must be submitted with the Final Plan.
- Three (3) lots on Pope Road will be served by private wells. The ordinance requires that the subdivision must be served by public water if the closest water main is within a distance equal to 100 feet multiplied by the number of lots in the subdivision. The existing public water main terminates at the intersection of Albion Road and Pope Road.
- Existing fire hydrants are located on Albion Road near the Lot 14 and Lot 9 lot line, and at Pope Road at the intersection of Albion Road.
- At the Development Team Meeting on May 1, 2018 Fire Chief Brent Libby requested a new hydrant on the proposed street approximately 1,000 feet from the existing hydrants. Proposed hydrants should be shown on the plan.

C. SOIL EROSION

- A soil erosion and sediment control plan must be submitted as part of the Preliminary Plan.
- 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 must be submitted as part of the Preliminary Plan. If this project requires a Maine Department of Environmental Protection (DEP) Chapter 500 Stormwater Permit, it must be submitted with the Final Plan.
- Freshwater wetlands have been identified on the plan. This project requires a Maine Department of Environmental Protection (DEP) Natural Resources Protection Act (NRPA) Tier-1 permit for wetland alterations. The permit must be submitted with the Final Plan.
- 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.

D. TRAFFIC

- Most of the subdivision lots will have access from the new 975 foot subdivision street, a paved public street. Section 550.C states that no new private road shall be permitted to directly access a public street.
- The proposed street right-of-way abuts the property line to provide access to future development on the abutting parcel.
- Two of the lots will have access on Albion Road, and three lots will have access on Pope Road. Sight distance in each direction for the proposed street and the driveways on the existing public streets should be shown on the Preliminary Plan.
- Lots 9 and 14 must have driveway access from the proposed street. This requirement should be noted on the plan.
- At the Development Team meeting on May 1, 2018, it was stated that Albion Road was recently paved and would need to comply with the moratorium road restoration standards for the proposed street openings.
- Section 911.M.3.d states that streetlights may be required at intersections with existing public streets. The Town of Windham Streetlight Policy, adopted June 25, 2013, states that streetlights should be at intersection with private roads that serve more than 10 lots.
- Based on the distance to uses that would generate pedestrian trips, sidewalks are not required. When sidewalks are not required for local streets, Section 911.M.5.b.6.ii requires that the applicant construct a sidewalk or a street with a widened shoulder. One (1) additional foot of paved shoulder, on each side of the street, shall be added to the required minimum shoulder width.
- A traffic impact analysis is required for subdivisions projected to generate more than 140 vehicle trips per day and should be submitted with the Preliminary Plan.

E. SEWERAGE

- The development will be served by individual private subsurface wastewater disposal systems.
- Soil test pit analysis must be included with the Preliminary Plan submission. All lots must have at least one passing test pit. Test pit locations must be shown on the Preliminary 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 currently undeveloped. It is wooded and includes wetland area dispersed across the parcel.
- The property abuts a Portland Pipeline Company Easement. Windham Drifters maintains a snowmobile trail in the easement.
- There are no documented rare botanical features or significant wildlife habitat documented on the site.
- A landscape plan is required for the preliminary plan submission. Street trees are required at least every fifty (50) feet (§ 911.E.1.b). 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 2017 Comprehensive Plan.
- Land Use Ordinance:
 - All lots meet the minimum lot size (80,000 square feet) and frontage (200 feet) for lots in the F zoning district.
 - Net residential density calculations are shown on the Plan.
- Subdivision Ordinance
 - A landscaping plan must be submitted with the Preliminary 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 221 Street Naming and Addressing: A street name approved by the Town Addressing Officer shall be shown on the Final Plan.
 - 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 Preliminary Plan submission.
- Evidence of technical capacity must be provided as part of the Preliminary Plan submission.

J. RIVER, STREAM OR BROOK IMPACTS

- This project is located within the Colley Wright Brook watershed.
- 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~~ **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~~ **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~~ **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 23, 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.