

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: 18-13 Annie's Way Subdivision– Sketch Subdivision Plan
Planning Board Meeting: May 14, 2018

Overview –

The applicant is proposing a 21-lot cluster subdivision on a 38 acre property located on Highland Cliff Road. A new 2,000 foot dead-end road is proposed to the development.



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

A Development Team meeting was held on May 1, 2018. Comments from that meeting are incorporated into the memo below. The applicant has also submitted a revised sketch plan to

show the proposed phasing of the development: Phase 1 includes Lots 1 thru 14 and Phase 2 includes Lots 15 thru 21.

Tax Map: 7, Lot: 36, Zone: Farm (F).

SUBDIVISION REVIEW

Staff Comments:

1. Waivers: None requested at this time, however staff notes the following. The Planning Board cannot act on waivers or potential waiver requests at the Sketch/Preapplication review phase, however it is appropriate to discuss potential waiver requests to give the applicant guidance.

- a) §911.K.4.g – Cluster subdivision, open space performance standard.
The standard calls for contiguous open space. The two areas of open space as shown on the sketch plan are both accessible from the subdivision street. A written waiver request that addresses the waiver criteria of Section 908 should be submitted.

2. Complete Application: *N/A with Sketch Plan*

~~**MOTION:** The application for project 18-13—Annie's Way 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 Annie's Way Subdivision on Tax Map: 7, Lot: 36 is to be (**approved with conditions/denied**) with the following findings of fact and conclusions:~~

FINDINGS OF FACT

A. POLLUTION

- The applicant should verify if any part of this subdivision is within the mapped 100 year floodplain. A tributary to Colley Wright Brook is located just beyond the northern corner of the property and has a mapped 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 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.

B. WATER

- All lots will be served by individual wells.
- The closest fire hydrants are located on Pope Road at Albion Road and at Roosevelt Trail at Pope Road, over a mile from the subdivision. At the Development Team meeting on May 1, 2018, Fire Chief Brent Libby recommended that the new houses in this subdivision include sprinkler systems that meet NFPA standards.
- A note should be added to the plan that all new homes shall be equipped with sprinkler systems that meet NFPA and the Town of Windham standards.
- 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.

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. .
- This project may require a Maine Department of Environmental Protection (DEP) Site Law or Stormwater Permit. A copy of that permit must be submitted with the Final Plan.
- Wetlands were delineated by Sweet Associates on September 8, 2017. Freshwater wetlands are shown 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.

D. TRAFFIC

- The subdivision lots will have frontage on a new 2,000 foot long subdivision street which intersects with Highland Cliff Road, a paved public road.
- The new road will be built to a Minor Local Street standard, as is required in cluster subdivisions.
- Section 911.K.3.f requires cluster subdivision roads to be built to the Minor Local Street standard.
- Street design standards for dead end streets in Section 911.K.4.g requires a hammerhead turnarounds every 1,000 feet. The sketch plan shows a hammerhead at approximately 750 feet.

- Sight distance at Annie's Way for both directions along Highland Cliff Road should be on the Preliminary Plan.
- Section 911.M.3.d states that streetlights may be required at intersections with existing public streets. A streetlight on Highland Cliff Road at the intersection of Annie's Way would comply with the Town of Windham Streetlight Policy, adopted June 25, 2013.
- 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 must be submitted with the Preliminary Plan submission as the subdivision is projected to generate more than 140 vehicle trips per day.
- There is a large property which abuts the proposed subdivision (Map 7 Lot 29). Section 911.M.3.a (page 9-51) and Section 911.M.5.b.5.iii (page 9-60) allows the Board to require the dedication of a right-of-way to provide continuation of the road where future development is possible.

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 a large contiguous wetland area near the center of the parcel.
- 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 fall within the minimum and maximum lot sizes of 30,000-50,000 square feet (one lot 60,000 sf max) and frontage (100 feet or 50 feet on cul-de-sac) for cluster lots in the F 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.
 - The total area of reserved open space equals or exceeds 50% of the gross land area of the property to be subdivided.
 - The open space reserved includes 50% of the land suitable for development.
 - The open space in the subdivision is required to be contiguous but is shown as two separate areas on the sketch plan. A written waiver request should be submitted.
 - The proposed right-of-way along the property line of Map 7 Lot 37 makes this a corner lot that would have a front setback from Annie's Way. It appears that the existing building on Lot 37 would not comply with the F district 40 ft front setback.
- 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 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. The final plan should note which portion of the open space may be dedicated for acceptance by the Town and a written offer of cessation must be submitted with the Final Plan. See Condition of Approval #2.
 - 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.
 - The applicant proposes phasing the development. Section 914.A.6 allows the Board to limit final approval in separate and distinct phases. The Board may grant final approval of lots in subsequent phases upon satisfactory completion of all requirements pertaining to previous phases.
- Others:
 - Chapter 221 Street Naming and Addressing: The Assessing Department approved the road name, Annie's Way. Road names should be shown on the Final Plan.
 - On April 24, 2018 the Town adopted a Moratorium Ordinance on Mineral Extraction. At the Development Team meeting on May 1, 2018 the applicant indicated that existing material found on site would be used for the construction of the roadway. The applicant should specify the amount of material that is proposed to be taken off site.

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 verify if a part of this subdivision includes the 75 foot stream protection district for the tributary to Colley Wright Brook that is located just beyond the northern corner of the property. The district boundary should be shown on the plan.
- 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 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.
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.