

Town of Windham

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MEMO

DATE: July 5, 2018

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

RE: 18-18 River Road Condos – Minor Subdivision, Sketch Plan
Planning Board Meeting: July 9, 2018

Overview –

The applicant is proposing a 4 unit/2 duplex condominium development on a 5.98 acre undeveloped property on River Road. The property is located in South Windham, between Route 202 and Gambo Road. The front 300 feet of the parcel is zoned RM and the rear of the parcel is zoned FR. The development is proposed within the RM zone and utilizing Section 404 the Land Use Ordinance that states that where a land use district boundary line divides a parcel the regulations applicable to the less restricted portion of the lot may be extended 50 feet into the more restricted portion of the lot.



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

The Planning Board considered a rezoning request for this property in November 2017. The Board recommended the rezoning to the Town Council, but the Council ultimately did not approve the zoning change.

The Planning Board approved a 4 lot subdivision, Alexander Estates, on this property in June 2007. That subdivision approval expired and was vacated in March 2015.

Tax Map 5; Lot 1-1, Zone: Medium Density Residential (RM) and Farm Residential (FR).

SUBDIVISION REVIEW

Staff Comments:

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

MOTION: ~~The application for project 18-18 River Road Condos 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 18-18 River Road Condos on Tax Map: 5, Lot: 1-1 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

- All dwelling units will be served by public water from an existing main in River Road. 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.
- The closed existing fire hydrant is located on River Road just to the north of the proposed subdivision across from the intersection with Jones Hill Road. Existing hydrant locations are less than 1,000 feet from the development.

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.
- This project may require a Maine Department of Environmental Protection (DEP) Chapter 500 Stormwater Permit. 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.

D. TRAFFIC

- Per Section 911.M.5.a.6 (pg 9-58) access drive standards for condominium subdivisions shall meet the major private road standard (right-of-way width is not applicable).

- The sketch plan application states that driveway access will be built to the Minor Local Street Standard and is requesting a waiver from the requirement to build a cul-de-sac. A waiver is not required as this is an access drive, not a road, and is not subject to Section 550.C, which states that no new private road shall be permitted to directly access a public street.
- 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 Final Plan.
- In an email dated June 29, 2018, Town Engineer Jon Earle, PE stated that the proposed entrance is located inside of the urban compact line and the Town will issue an entrance permit. He also noted that that this section of River Road was paved in 2014 so the 5-yr moratorium on road openings will expire in 2019.

E. SEWERAGE

- The development will be served by one common private subsurface wastewater disposal systems.
- Soil test pit analysis must be included with the Final Plan submission. All lots must have at least one passing test pit. Test pit locations must be shown on the Final 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 approximately 6 acre property is a field and the majority is relatively flat, sloping towards the abutting Central Maine Power transmission lines.
- 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:

- The front 300 feet of the parcel is zoned RM and the rear of the parcel is zoned FR. The development is proposed within the RM zone and utilizing Section 404 the Land Use Ordinance that states that where a land use district boundary line divides a parcel the regulations applicable to the less restricted portion of the lot may be extended 50 feet into the more restricted portion of the lot.
- The lot meeting the dimensional standards of the Medium Density Residential (RM) District (minimum 20,000 square feet on public water and 100 feet of road frontage).
- Net residential density calculations are shown on the plan.
- Subdivision Ordinance
 - Standard notes and the standard condition of approval must be shown on the plans.
 - Subdivision plan data compatible with the Town GIS must be submitted as part of the Final Plan submission.
 - Condominium association documents should be provided with the Final Plan submission and must specify the rights and responsibilities of each owner with respect to the maintenance, repair, and plowing of the subdivision streets, open space and stormwater infrastructure.
- Others:
 - Street Naming and Addressing: Following consultation with the Assessing Department, a proposed road name for the subdivision road must be shown on the 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 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

- The property is located in the Presumpscot River 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~~ 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 June 18, 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.