

Town of Windham

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MEMO

DATE: August 7, 2018

TO: Windham Planning Board
FROM: Amanda Lessard, Planner *AL*
Cc: Wayne Wood, PLS
Development Review Team

RE: 18-19– Dundee Acres Lot 103 – Amended Subdivision
Planning Board Meeting: August 13, 2018

Overview –

The Dundee Acres Subdivision was a 61-lot subdivision approved by the Windham Planning Board in 1972. The subdivision is located on Presumpscot Road and River Road.

The applicant is proposing to divide their 9.3 acre homestead property, Lot 103 on the subdivision plan, into 3 lots.

This project was presented at the Board meeting on July 9, 2018. At that meeting the Board discussed the ordinance requirement for the lots to be served by public water. Since that meeting, the applicant has submitted an Ability to Serve letter from Portland Water District for public water service from Cedar Lane for Lot 103-2 and a waiver request for public water for Lot 103-1. All other peer review comments have been addressed.

Note that the Board scope of review for amendments to previously approved subdivisions should be limited to the proposed changes.

New comments from the staff memo dated July 6, 2018 appear as underlined text below.

Tax Map: 11A, Lot: 103, Zone: Farm Residential (FR).

SUBDIVISION REVIEW

Staff Comments:

1. Waivers:

- a) §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 service is proposed for the lot accessed from Cedar Lane. This waiver would

allow the new lot accessed from Murray Way to be served by a private on-site well. The existing public water main terminates at the intersection of River Road and Presumpscot Road, less than 200 feet from the new lot on River Road.

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 subdivision application for project 18-19 Dundee Acres Lot 103 Amendment 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: At the July 9, 2018 meeting the Board determined that a public hearing was not necessary for this project.
4. Site Walk: At the July 9, 2018 meeting the Board determined that a site walk was not necessary for this project.

Findings of Fact and conclusions for the

Windham Planning Board,

MOTION: The subdivision application for 18-19 Dundee Acres Amendment on Tax Map: 11A, Lot: 103 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.

B. WATER

- The new lot accessed by Cedar Lane will served by public water for domestic use. The new lot accessed from River Road will have a private drinking water well.
- 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 River Road and Presumpscot Road. The applicant has requested a waiver from this requirement.
- An Ability to Serve letter from Robert Bartels, PE, at the Portland Water District dated July 30, 2018 indicates that there is adequate pressure and volume of water to serve the domestic needs of a single family home off of Cedar Lane.

- A fire hydrant is shown on the plan on River Road at the Presumpscot Road intersection.
- A revised subdivision dated August 2018 shows the water service connection details for Lot 103-2.

C. SOIL EROSION

- The application narrative states that the area cleared for development will naturally flow to the wetlands that already exist on site and no surface drainage will flow onto abutting lands.
- Note 14 on the final plans states that all development on these lots shall follow the guidelines for soil erosion and sedimentation control as set forth in the Maine DEP manual “Best Management Practices for Soil Erosion & Sediment Control” current edition.
- The final plan shows building envelopes and note 12 listed the the total area of wetland impacts necessary to develop the two new lots at 2,426 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 project development will be less than one (1).

D. TRAFFIC

- The traffic generated by the development of these dwelling units will not create roadway congestion or unsafe conditions on either River Road or Cedar Lane/Dirigo Road/Presumpscot Road.
- An access easement over the existing Lot 103 driveway onto River Road will be provided to Lot 103-1 as shown on the plan. The application narrative states that language for the use and maintenance of the shared portion of the existing driveway will be incorporated in the deeds for Lot 103 and Lot 103-1.
- Access to Lot 105 will be provided via Cedar Lane.
- Sight distances at the intersection of Murray Way are shown on the final plan to be in excess of 1,000 feet in each direction on River Road.

E. SEWERAGE

- The dwelling units will be served by a private septic system.
- Soil test pit analysis prepared by Mark Cenci, LSE of Mark Cenci Geologic, Inc dated April 25, 2018 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 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 single family home is currently located on the property. The remainder of the lot is forested.
- There are no documented rare botanical features or significant wildlife habitat documented on the site.
- Limits of tree clearing is shown on the plan and a Note 13 states that the 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 (60,000 square feet), frontage (150 feet), and setbacks for lots in the FR zoning district.
 - Net residential density calculations are shown on the Plan.
- Subdivision Ordinance
 - Standard notes and the standard condition of approval are shown on the plans.
 - The Tax Map and Lot numbers provided by the Tax Assessor are shown 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.
 - Street Naming and Addressing: Chapter 221 Street Naming and Addressing: The street name for the shared driveway, Murray Way, approved by the Town Addressing Officer is shown on the final plan.

I. FINANCIAL AND TECHNICAL CAPACITY

- The applicant is not proposing any public improvements that would require evidence of financial or technical capacity

J. RIVER, STREAM OR BROOK IMPACTS

- The property is located in the Presumpscot River watershed.

- 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 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 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/do not 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 dependant upon, and limited to, the proposals and plans contained in the application dated June 18, 2018, as amended August 2018, 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.