

# Town of Windham

Planning Department  
8 School Road  
Windham, ME 04062

voice 207.894.5960

fax 207.892.1916

## MEMO

DATE: September 20, 2018

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

RE: 18-22– River Gate Estates – Amended Subdivision  
Planning Board Meeting & Public Hearing: September 24, 2018

---

### Overview –

The River Gate Estates Subdivision was a 9-lot subdivision approved by the Windham Planning Board on July 13, 1981. The subdivision is located on Rousseau Road off River Road near the Westbrook town line. The applicant is proposing to divide their 5 acre homestead property, Lot 5 on the subdivision plan, into 2 lots.

This project last appeared as a final plan at the Board meeting on July 23, 2018. At that meeting the applicant was proposing to construct a private road with a hammerhead turnaround to create road frontage for the new lot. Since that meeting the applicant has revised the plan to propose a lot line adjustment between Lots 5 and 6 for a 1,398 square foot land swap in order for the new lot to obtain road frontage from Rousseau Road.

The subdivision ordinance states that revisions to approved subdivision plans that create additional lots or dwelling units are to follow the procedures for Preliminary Plan review (§913.B.2, page 9-68). 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 20, 2018 appear as underlined text below.

Tax Map: 2A, Lot: 1-5, Zone: Farm (F).

### SUBDIVISION REVIEW

#### Staff Comments:

1. Waivers: None requested

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 18-22 River Gate Estates 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: A public hearing is scheduled for the September 24, 2018 Planning Board meeting.
4. Site Walk: At the July 23, 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 18-22 River Gate Estates Amendment on Tax Map: 2A, Lots: 1-5 and 1-6 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 will served by a private drinking water well.
- An existing fire hydrant is located on River Road at the Rousseau Road intersection, approximately 1,200 feet from the proposed amended lot.
- The applicant should identify how fire protection will be provided for the new dwelling.

C. SOIL EROSION

- A surface drainage plan must be submitted as part of the Final Plan.
- An erosion and sedimentation control plan shown on Sheet D-1 dated September 20, 2018 prepared by DM Roma Consulting Engineers was submitted with the Final Plan.
- Building envelopes, a tree line and any wetlands on the property are shown on the plan.
- Any runoff created by development of a new single family home on a large flat lot will not adversely impact abutting properties.

D. TRAFFIC

- The traffic generated by the development of one new dwelling unit will not create roadway congestion or unsafe conditions on either Rousseau Road or River Road.
- An access easement over the existing Lot 5 for the benefit of Lot 4 is shown on the plan and is currently undeveloped.
- By way of a 1,398 square foot land swap between Lot and Lot 6, access and frontage for the new lot will be provided on Rousseau Road, a paved private road.
- The existing driveway for Lot 5A is shown in an access and utility easement over the proposed lot.

E. SEWERAGE

- The new dwelling unit will be served by a private septic system.
- In letter dated June 28, 2018 Alexander Finamore, LSE stated that the test pit on the subject parcel contained suitable soils to support a septic system. The test pit analysis is included with the final plan submission. The pit location is shown on the plan.

F. SOLID WASTE

- Residents of the dwelling 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 are shown on the plan and Note 11 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 (80,000 square feet), frontage (200 feet), and setbacks for lots in the F zoning district.
  - Net residential density calculations must be shown on the Plan.

- Subdivision Ordinance
  - 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 was submitted as part of the Final Plan submission.
- Others:

I. FINANCIAL AND TECHNICAL CAPACITY

- There is no public infrastructure or improvements proposed as part of this application. Costs associated with review of this project are privately finance by the applicant.
- The professional working on the project have demonstrated technical capacity for this project.

J. RIVER, STREAM OR BROOK IMPACTS

- The property is located in the Inkhorn Brook 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** 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 7, 2018, as amended September 20, 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.