

# Town of Windham

Planning Department  
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## MEMO

DATE: September 9, 2018

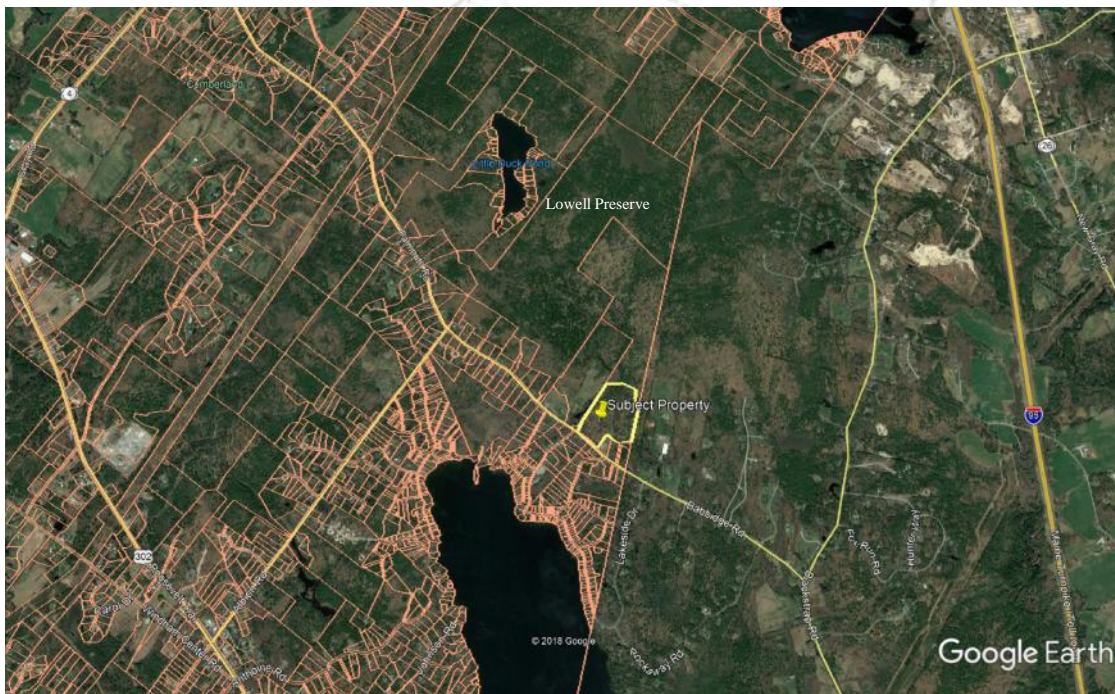
TO: Planning Board  
FROM: Amanda Lessard, Planner *ALL*  
Cc: Dustin Roma, P.E., DM Roma Consulting Engineers  
Development Review Team

RE: 18-29 Babbidge Farms - Major Subdivision, Sketch Plan  
Planning Board Meeting: September 24, 2018

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### Overview –

The applicant, Sebago Heights, LLC, is proposing a 13-lot cluster subdivision on a 29.7 acre property located on Falmouth Road at the town line with Falmouth. McIntosh Brook runs across a portion of the property.



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

The Planning Board considered a preliminary plan for a 17-lot cluster subdivision on this property on July 24, 2017. That application was withdrawn following the Moratorium on Development in the Highland Lake Watershed. This application adjusts the layout, number of lots and length of road within the proposed subdivision.

A Development Team meeting was held on September 17, 2018. Comments from that meeting are incorporated into the memo below.

Tax Map: 13; Lot 44. Zoning District: Farm (F) and Stream Protection (SP).

### SUBDIVISION REVIEW

#### Staff Comments:

1. Waivers Requested: *The applicant notes the following waiver request in the sketch plan narrative. The applicant must submit written waiver request that address the waiver criteria of Section 908. 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.6.ii – Sidewalks or shoulders performance standard.  
*The applicant is proposing no additional paved shoulder. The standards for Sidewalks or Shoulders, Major Local Streets state that sidewalks are not required if the subdivision is more than 1,000 feet from a “public building.” If sidewalks are not proposed, an additional one foot of paved shoulders are required on each side. Note that if the Planning Board finds that “vehicular trips from the generated by the subdivision will create unsafe pedestrian conditions, sidewalks can be required. It is more than 1,000 feet to the Little League field and playground on Falmouth Road from the proposed subdivision road entrance.*
2. Complete Application: *N/A with Sketch Plan*  
  
**~~MOTION:~~** ~~The application for project 18-29 Babbidge Farms 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. When this project returns to the Planning Board as a Preliminary Plan, the 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. The Planning Board held a site walk on the previously proposed subdivision on July 24, 2017.

Findings of Fact and conclusions for the

**Windham Planning Board,**

**MOTION:** ~~The Subdivision application for 18-29 Babbidge Farms Subdivision on Tax Map 13, Lot 44, is to be (approved with conditions/denied) with the following findings of fact and conclusions:~~

FINDINGS OF FACT

A. POLLUTION

- A portion of the proposed 29.7 acre property is located within the mapped 100 year flood plain. This flood plain area is shown on the plan located within the common open space of the cluster subdivision.
- 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 is located over a significant sand and gravel aquifer or the subdivision has an average density of more than one dwelling unit per 100,000 square feet. The proposed subdivision does not require a hydrogeologic assessment. The Board may also require a hydrogeologic assessment in cases where site considerations or development design indicate greater potential of adverse impacts on groundwater quality.

B. WATER

- All lots will be served by public water from an 8-inch water main extended up the new street from the existing water main in Falmouth Road.
- 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.
- Existing fire hydrants are located on Falmouth Road at Cottage Road and at Pine Drive. A new fire hydrant will be required 1,000 feet from the closed existing hydrant. Existing and proposed hydrants should be shown on the plan.

C. SOIL EROSION & SEDIMENTATION CONTROL & STORMWATER MANAGEMENT

- A soil erosion and sediment control plan must be submitted as part of the Preliminary Plan.
- Chapter 142 Surface Water Protection requires that projects within the Highland Lake watershed incorporate double temporary erosion control measures at the perimeter of the project.
- 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. The project is located in the Highland Lake

watershed, which has been designated by DEP as a Watershed Most at Risk from New Development, so the plan must also meet the phosphorous standards of Chapter 500.

- A DEP Stormwater permit is required for this project, a copy of which must accompany the Final Plan submission.
- At the Development Team meeting on September 17, 2018, Owen Chaplin P.E. of Gorrill-Palmer, stated that field topography may be necessary the footprints for each of stormwater structures.
- Wetlands delineated by Longview Partners, LLC in July 2016 are shown on the plan. No wetland impacts are proposed. The identified vernal pools should be shown on the plan.

D. TRAFFIC

- The subdivision lots will have access from the new 1,000 foot subdivision street. This street will be built to the Minor Local Street standard. Streets constructed within a cluster subdivision must meet a public standard, the Minor Local Street standard.
- A 50 foot right-of-way to the abutter property is shown on the plan.
- Sight distance for the new subdivision street should be shown for both directions along Falmouth Road on the Preliminary Plan.
- At the Development Team meeting on September 17, 2018, Public Works Director Doug Fortier stated that Falmouth Road is in moratorium until 2020 and would need to comply with the moratorium road restoration standards for any proposed street openings.
- Section 911.M.3.d states that streetlights may be required at intersections with existing public streets. A streetlight on River Road at the intersection of the subdivision road serving 10 or more lots would comply with the Town of Windham Streetlight Policy, adopted June 25, 2013.
- Based on the distance to uses that would generate pedestrian trips (it is more than 1,000 feet to the Little League field and playground on Falmouth Road from the proposed subdivision road entrance), 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.

E. SEWERAGE

- The proposed lots will be served private septic systems.
- Test pit locations and soils logs must be provided with the Preliminary Plan submission.

F. SOLID WASTE

- Private residences in this subdivision will participate in the Town trash bag 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. The property has recently been timber harvested, and is located on a hill that the property generally slopes from an elevation of about 300 feet on the west side of the property to an area of ponded water at the eastern side of the property, at an approximate elevation 230 feet.
- At the Development Team meeting on September 17, 2018, Assessor Elisa Trepanier stated that the property is currently enrolled in the tree growth tax program and would need to be removed prior to development.
- There are no documented rare botanical features or significant wildlife habitat documented on the site.
- Street trees must be planted at least every 50-feet along the length of the new subdivision street.
- 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 meets the goals of the 2017 Comprehensive Plan.
- Land Use Ordinances:
  - All lots fall within the minimum and maximum lot sizes of 30,000-50,000 square feet (one lot 60,000 sf max) for cluster lots in the F zoning district.
  - Net residential density calculations are shown on the Plan.
  - The 100' Stream Protection District around McIntosh Brook should be 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.
  - At least 50% of the land suitable for development shall be included in the common open space.
- 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 must be submitted as part of the Final Plan submission.
  - Homeowner association documents should be provided with the Final Plan submission and must specify the rights and responsibilities of each lot owner with respect to the maintenance, repair, and plowing of the subdivision streets, open space and stormwater infrastructure.
- Others:

- Street Naming and Addressing: A street name approved by the Town Addressing Officer shall be shown on the Final Plan.

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 project is located in the Highland Lake watershed.
- McIntosh Brook runs over a portion of this property. McIntosh Brook starts as the outlet for Little Duck Pond and flows to Highland Lake. There is a 100-foot Stream Protection Zone on either side of this brook that should be shown on the plan. No development is proposed within the 100 foot setback.
- 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 dependent upon, and limited to, the proposals and plans contained in the application dated September 4, 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 Land Use Ordinance.