

# Town of Windham

Planning Department  
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## MEMO

DATE: October 5, 2018

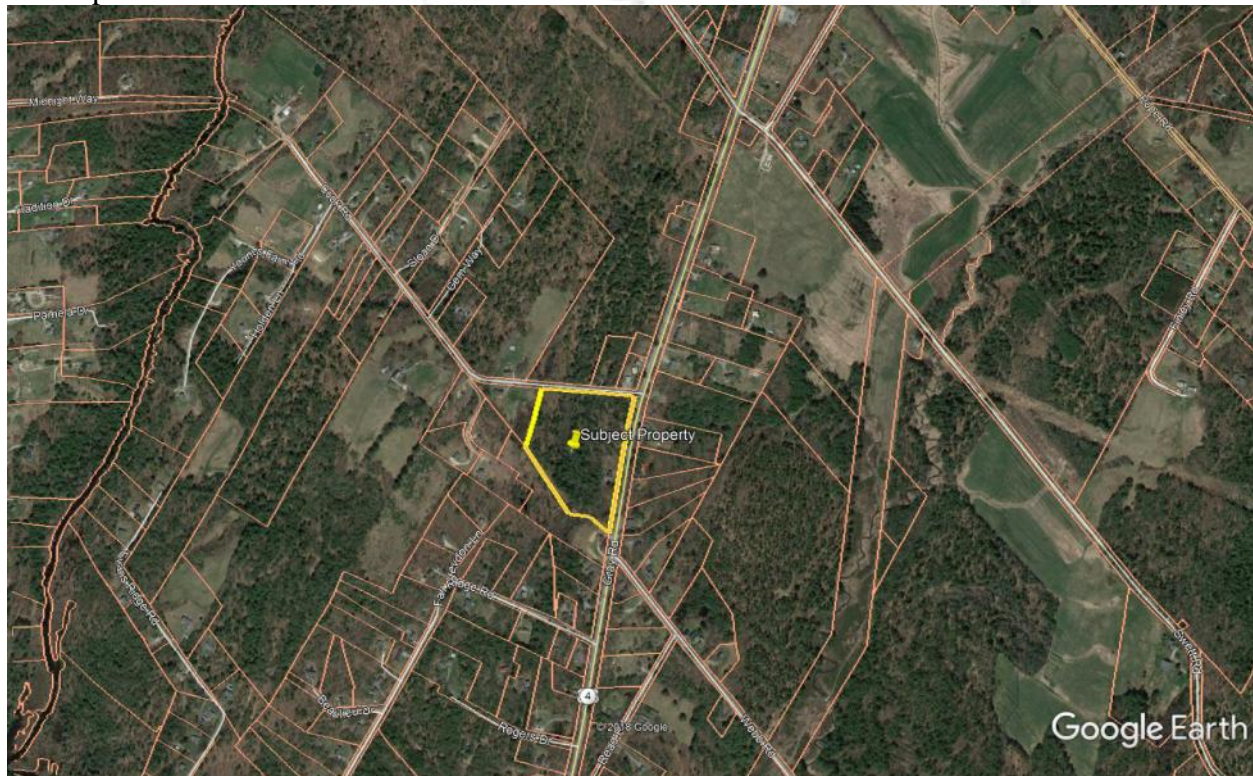
TO: Windham Planning Board  
FROM: Amanda Lessard, Planner *AL*  
Cc: Larry Bastian, P.E., Terradyn Consultants, LLC  
Development Review Team

RE: 18-31 Cook Road Retirement Community – Sketch Subdivision Plan  
Planning Board Meeting: October 11, 2018

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### Overview –

The applicant is proposing a 50 unit retirement community in seventeen (17) duplexes and four (4) four-unit buildings on a 12.88 acre property located on Gray Road and Cook Road. A new internal road network connecting Cook Road and Gray Road is proposed to serve the development.



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

As this project involves the construction residential buildings containing three (3) or more dwelling units, this application will be reviewed under the Town's Subdivision Review and Site Plan Review ordinances. Each section will be listed separately below, though references from the Site Plan review section to the Subdivision Review section will be made for overlapping review criteria.

A Development Team meeting was held on October 1, 2018. Comments from that meeting are incorporated into the memo below.

Tax Map: 9, Lot: 5 Zone: Farm (F) and Retirement Community and Care Facility Overlay (RCCFO).

### SUBDIVISION REVIEW

Staff Comments:

1. Waivers: *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) §910.C.1.c.1 – High Intensity Soils Survey, Submission requirement.
  - b) §910.C.1.c.3 – Hydrogeologic Assessment, Submission requirement.
2. Complete Application: *N/A with Sketch Plan*

~~**MOTION:** The application for project 18-31 Cook Road Retirement Community 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 18-31 Cook Road Retirement Community on Tax Map: 9, Lot: 5 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.
- A hydrogeologic assessment must be submitted as part of the Preliminary Plan when 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

- The development will be served by public water for domestic use.
- 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 Gray Road at the southern corner of the intersection of Webb Road and to the north in front of 313 Gray Road.
- At the Development Team Meeting on October 1, 2018 Deputy Fire Chief John Wescott stated that new hydrant locations would depend on where a new water main was proposed but in general they request they are located approximately 1,000 feet from the existing hydrants. Proposed hydrants should be shown on the plan. Fire Chief Brent Libby also commented that the 4-unit buildings would require sprinkler systems, per the state building code.

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 requires a Maine Department of Environmental Protection (DEP) Chapter 500 Stormwater Permit, which must be submitted with the Final Plan.
- Freshwater wetlands have been identified on the plan. The total amount of wetland impacts should be noted on the plan.

D. TRAFFIC

- The development will have access from the new internal network of subdivision streets. These streets will connect Gray Road and Cook Road, public paved roads.
- 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).
- Sight distance in each direction for the proposed street on the existing public streets should be shown on the Preliminary Plan.
- Section 911.M.3.d states that streetlights may be required at intersections with existing public streets. The Town of Windham Streetlight Policy, adopted June 25, 2013, states that streetlights should be at intersection with private roads that serve more than 10 units.

- Based on the distance to uses that would generate pedestrian trips, sidewalks are not required.
- The sketch plan shows the roads with a 4 foot wide paved shoulder for pedestrian access as well as a 4 foot wide bituminous sidewalk in front of Units 1-20. At the Development Team Meeting on October 1, 2018 Project Engineer Larry Bastian stated that the sidewalk would be removed from the plan to reduce the amount of impervious area on the site.
- A traffic impact analysis is required for subdivisions projected to generate more than 140 vehicle trips per day and should be submitted with the Preliminary Plan.

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. Test pit locations must be shown on the Preliminary Plan.

F. SOLID WASTE

- The applicant should specify if the residents of the dwellings will participate in the Town's pay-per-bag garbage program or if a private on-site dumpster will be provided. A dumpster location should be shown on the plan and screening detail provided.

G. AESTHETICS

- The site is mostly wooded and containing a single family dwelling with a detached garage. The existing buildings will be demolished to accommodate the proposed development.
- 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 meet the minimum lot size (80,000 square feet) and frontage (250 feet) for lots in the Farm zoning district.
  - Net residential density calculations are shown on the Plan.
  - The proposal meets the net residential density requirements and the setback requirements of the F and RCCFO districts.

- District Standards, Section 407.E. The project must meet the standards of the RCCFO zoning district.
  - Buildings shall be designed that do not turn their back on the existing road.
  - Multifamily dwellings: The minimum setback from the external perimeter of the overall site shall vary depending on the height of the building. Building height 0-35 feet minimum setback 100 feet, building height 31-35 feet, minimum setback 150 feet.
  - Retirement Community dwellings shall be limited to 3 or fewer bedrooms per dwelling unit.
  
- 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 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.
  - 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:
  - Chapter 221 Street Naming and Addressing: Street names 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

- This project is located in the Pleasant River watershed, the Town's priority 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 dependent upon, and limited to, the proposals and plans contained in the application dated September 13, 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.

## SITE PLAN REVIEW

### FINDINGS OF FACT

#### **Utilization of the Site**

- See Subdivision Review.

#### **Vehicular and Pedestrian Traffic**

- See Subdivision Review.

#### **Sewage Disposal and Groundwater Impacts**

- See Subdivision Review.

#### **Stormwater Management**

- See Subdivision Review.

#### **Erosion Control**

- See Subdivision Review.

#### **Utilities**

- The Preliminary Plan should note the size of the existing water mains in Gray Road, and show connections through the development to the proposed buildings.
- The applicant must secure a written statement from the Portland Water District that the development will not result in an undue burden on the system and the water lines will be installed in a manner adequate to provide needed domestic flows.
- Electrical, telephone, and cable service to the development shall be provided by underground service.

#### **Financial Capacity**

- See Subdivision Review.

### **Landscape Plan**

- A landscaping plan must be submitted as part of the Final Plan submission.

### **Conformity with Local Plans and Ordinances**

1. Land Use

- See Subdivision Review.

2. Comprehensive Plan

- This project meets the goals and objectives of the 2017 Comprehensive Plan.

3. Others:

### **Impacts to Adjacent/Neighboring Properties**

- Site lighting must be shown on Final Plan, and details of fixtures must be included in the submission.

### CONCLUSIONS

1. ~~The plan for development **reflects/does not reflect** the natural capacities of the site to support development.~~
2. ~~Buildings, lots, and support facilities **will/will not** be clustered in those portions of the site that have the most suitable conditions for development.~~
3. ~~Environmentally sensitive areas, including but not limited to, wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and, sand and gravel aquifers **will/will not** be maintained and protected to the maximum extent.~~
4. ~~The proposed site plan **has/does not have** sufficient water available for the reasonably foreseeable needs of the site plan.~~
5. ~~The proposed site plan **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.~~
6. ~~The proposed use and layout **will/will not** be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved.~~
7. ~~The proposed site plan **will/will not** provide for adequate sewage waste disposal.~~
8. ~~The proposed site plan **conforms/does not conform** to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.~~
9. ~~The developer **has/does not have** adequate financial capacity to meet the standards of this section.~~



10. ~~The proposed site plan **will/will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.~~
11. ~~The proposed site plan **will/will not** provide for adequate storm water management.~~
12. ~~The proposed location and height of buildings or structure walls and fences, parking, loading and landscaping shall be such that it **will/will not** interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value.~~
13. ~~On-site landscaping **does/does not** provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.~~

### CONDITIONS OF APPROVAL

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