

Town of Windham

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MEMO

DATE: October 19, 2018

TO: Windham Planning Board
FROM: Amanda Lessard, Planner *AL*
Cc: Craig Burgess, PE – Sebago Technics
Development Review Team

RE: 18-32 – Quarry Ridge Business Park, 4th Amendment
Planning Board meeting: October 22, 2018

Overview –

This application is to amend an existing subdivision to combine Lots 5, 6, 7 and a portion of the remainder of the original subdivision parcel (Lot 13 on the subdivision plan) into one 42.31 acre lot.

Quarry Ridge Business Park is a twelve (12) lot commercial subdivision at Enterprise Drive and Bedrock Terrace. Phase 1A of the subdivision, consisting of four (4) commercial lots on Enterprise Drive, was approved in May 2004 and Phase 1B, for an additional eight (8) lots along the extension of Enterprise Drive and Bedrock Terrace was approved in 2006. The Planning Board approved the third amendment to the Plan in June 2016 to adjust the lot line between Lots 2 and 5. Development of the Quarry Ridge Business Park is subject to a Maine Department of Environmental Protection Site Location of Development Approval Order #L-18029-39-L-N dated November 16, 2005 as amended. The proposed subdivision amendment will require an amendment to that DEP Permit.

The subdivision ordinance states that revisions to approved subdivision plans that do not involve the creation of additional lots or dwelling units, the procedures for Final Plan approval shall be followed (§913.B.2).

A Development Team meeting was held on October 9, 2018. Comments from that meeting are incorporated into the memo below.

Tax Map: 21; Lots 15 (portion), 15-5, 15-6, and 15-7. Zone: Enterprise Development (ED), Farm (F) and Resource Protection (RP).

SUBDIVISION REVIEW

Staff Comments:

1. Waivers: None requested.
2. Complete Application: N/A with Amended Subdivision Plan. The ordinance requires the application to 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. However, the applicant must submit an amended DEP Permit before the Planning Board can take action on the application.

~~**MOTION:** The application for project 18-32 Quarry Ridge Business Park, 4th 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: 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 application for 18-32 Quarry Ridge Business Park, 4th Amendment on Tax Map: 21; Lots 15 (portion), 15-5, 15-6, and 15-7 is to be **(approved with conditions/denied)** with the following findings of fact and conclusions.

FINDINGS OF FACT

A. POLLUTION

- A portion of the lots impacted by this amendment are within the mapped 100 year floodplain. The floodplain boundary should be more clearly shown on the amended subdivision plan.
- No buildings proposed within the floodplain.
- Note 14 of the 4th amended subdivision plan dated October 1, 2018 notes that the wetland within the open space easement on the land retained by the owner is intended to provide nitrate uptake from future subsurface wastewater disposal systems located on individual lots within the Quarry Ridge Business Park. The easement area should be shown on the plan.

B. WATER

- The proposed Lot 5 will be served by public water and will not result in additional demand for water beyond the currently approved subdivision.
- An existing fire hydrant is located on Bedrock Terrace and should be shown on the plan.

C. SOIL EROSION AND STORMWATER MANAGMENT

- A soil erosion and sediment control plan must be submitted as part of the next submission.
- 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 next submission.
- The Maine Department of Environmental Protection Site Location of Development Permit #L-18029-39-L-N dated November 16, 2005 as amended included the design of stormwater ponds and stormwater conveyance infrastructure for the entire Quarry Ridge Business Park development. Under the DEP Site Law permit each lot within the subdivision was given an allocation for allowable impervious surface based on 75% lot coverage. An amended permit must be submitted as part of the next submission.
- Freshwater wetlands have been identified on the plan. No wetland impacts are proposed as part of the amended subdivision application.

D. TRAFFIC

- The proposed lot reconfiguration will be served by frontage on the previously approved street, Bedrock Terrace. Bedrock Terrace has been designed and currently is mostly construction to the public street standard.
- At the Development Team meeting on October 9, 2018 Town Engineer Jon Earle, PE, asked how the proposed traffic generation compared with the assumptions from the prior approval and contributed towards the Enterprise Drive/Route 302 traffic signal warrant analysis.

E. SEWERAGE

- The new Lot 15-5 will be served by an individual private subsurface wastewater disposal system.
- Soil test pit analysis must be included with the next submission. Test pit locations must be shown on the plan.
- Test pit soil conditions were considered during the Quarry Ridge Business Park subdivision review. The Maine Department of Environmental Protection Site Location of Development Permit included the provision for up to a 1,000 gallon-per-day subsurface wastewater disposal system on each of the properties.

F. SOLID WASTE

- The proposed combination of three lots and addition of land to the lot should not have an impact on the Town's ability to collect and dispose of household waste.

G. AESTHETICS

- The existing Lots 5, 6, 7 and the 31.77 acre portion of the remainder of the original subdivision parcel (Lot 13 on the subdivision plan) are relatively flat and are an active quarry operation with multiple stockpiles on site.
- A portion of the property is identified as significant habitat for wading birds and waterfowl and identified as the Resource Protection District on the plan.
- 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 Ordinances:
 - The proposed Lot 15-5 meets the minimum lot size requirements and minimum lot frontage requirements of the ED zoning district.
 - Development on this lot must meet the maximum building coverage (50%) and maximum impervious area (75%) requirements of the ED zoning district.
 - District Standards, Section 406.I. The project must meet the standards of the ED zoning district.
 - In and ED District where a lot abuts a residential district boundary, a fifty (50) foot wide buffer strip shall be provided. Twenty (20) feet nearest the boundary shall be used and maintained as a landscaped buffer strip. The 50 ft buffer strip shown on the sketch plan is located at the proposed property line. It should be relocated to the ED-F zoning district boundary.
 - All parking lots shall maintain a 30 ft setback from all property lines.
 - The existing Lots 5, 6, and 7 are zoned ED and the abutting portion of Lot 15 to be added to the proposed reconfigured lot is zoned Farm. Development proposed within the ED zone may also utilize 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.
- Subdivision Ordinance
 - Section 911.A.c requires that parcels with more than twice the required minimum lot size shall require deed restriction or notes on the plan to either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall required approval from the Board, subject to the criteria of the subdivision statute, the standards of these regulation and conditions placed on the original approval. The amended plan should include language regarding Lot 6 similar to Note 13 on the 2006 2nd Amended Plan regarding the remaining land of RJGF, LLC.

- A landscaping plan must be submitted with the next submission.
- 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 are shown on the Plan.
- Subdivision plan data compatible with the Town GIS must be submitted as part of the Final Plan submission.
- Documents should be provided with the next submission and must specify the rights and responsibilities of each owner with respect to the maintenance, repair of stormwater infrastructure.
- Others:
 - Chapter 199 Shoreland Zoning. A portion of the amended Lot 5 is located in the Resource Protection District, a 250 foot area surrounding a wetland complex identified as moderate or high value wading bird habitat by Maine DEP and the Maine Department of Inland Fisheries and Wildlife (IF&W).

I. FINANCIAL AND TECHNICAL CAPACITY

- Evidence of financial capacity must be provided as part of the next submission.
- Evidence of technical capacity must be provided as part of the next submission.

J. RIVER, STREAM OR BROOK IMPACTS

- This project is located in the Sebago Lake watershed.
- No river, stream or brook impacts are anticipated as a result of the proposed amendment.

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 October 1, 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.