

Town of Windham

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MEMO

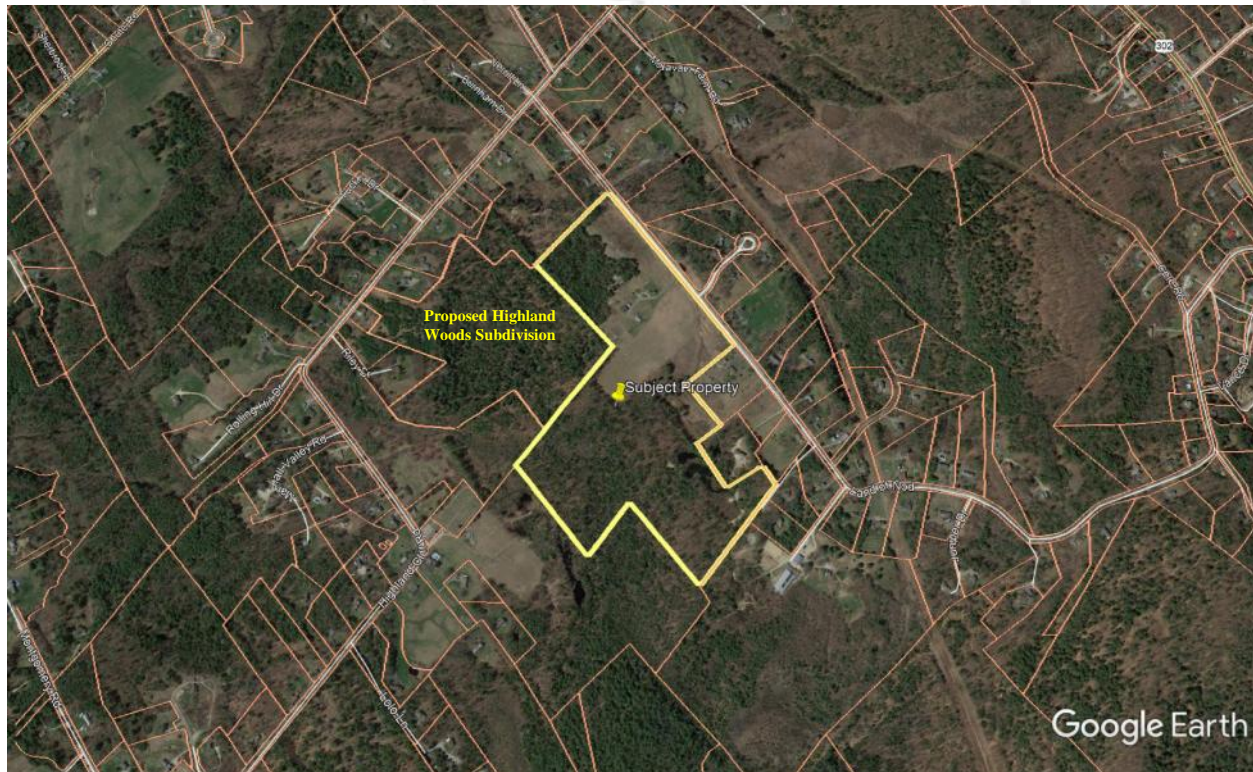
DATE: November 21, 2018

TO: Windham Planning Board
FROM: Amanda Lessard, Planner *AL*
Cc: Jim Seymour, P.E., Sebago Technics
Development Review Team

RE: 18-24 Land of Nod Road Subdivision– Sketch Subdivision Plan
Planning Board Meeting: November 26, 2018

Overview –

The applicant is proposing a 34-lot cluster subdivision on a 62.22 acre property located on Land of Nod Road. A new 1,800 foot dead-end road is proposed to the development. A second access is proposed to connect to the adjacent proposed Highland Woods Subdivision currently under subdivision review.



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

This project appeared as a Sketch Plan at the Board meeting on August 27, 2018 as a 35 lot cluster subdivision on 65.67 acres. At that meeting the Board heard comments from the public about existing trails on the property, traffic safety, septic systems, water quality, well water quantity, and the impact on the rural character of the area. Since that meeting the applicant has submitted a revised sketch plan to confirm the land swap and road connection that is also being shown on the Highland Woods Preliminary Subdivision Plan. This revised plan shifts some of the lots to the road connecting to Maysens Way, reduces the length of the road cul-de-sac pulling it away from the abutting property, and decreases the number of lots from 35 to 34.

New comments from the staff memo dated August 23, 2018 appear as underlined text below

Tax Map: 7, Lots: 29 and 36, Zone: Farm (F).

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) §911.A.3.a.1 – Street Line Monumentation. Performance standard
All street line monuments shall be granite. The applicant is proposing one side of the roadways to be granite and one side to be capped rebar.

2. Complete Application: *N/A with Sketch Plan*

MOTION: ~~The application for project 18-24 Land of Nod Road 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: At the August 27, 2018 meeting, the Planning Board voted to hold a public hearing on the application. A public hearing will be scheduled following the preliminary plan submission.
4. Site Walk: At the August 27, 2018 meeting, the Planning Board voted to hold a site walk on the application. 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 18-24 Land of Nod Road Subdivision on Tax Map: 7, Lots: 29 and 36 is to be (approved with conditions/denied) with the following findings of fact and conclusions.~~

FINDINGS OF FACT

A. POLLUTION

- The applicant should verify if any part of this subdivision is within the mapped 100 year floodplain. A tributary to Colley Wright Brook is located at northern corner of the property at Land of Nod Road and has a mapped 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 as 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

- All lots will be served by individual wells.
- The closest fire hydrants are located on Pope Road at Albion Road, at Roosevelt Trail at Pope Road, and at Roosevelt Trail at Land of Nod Road, over a mile from the subdivision.
- Section 911.M.5.b.5.b of the subdivision ordinance requires that all dwellings on dead end streets over 1,000 linear feet in length have an NFPA 13D monitored sprinkler system.
- At the Development Team meeting on August 22, 2018, Fire Chief Brent Libby stated that additional fire protection was recommended as the development was more than 1,000 from a fire hydrant served by the Portland Water District. Deputy Fire Chief John Wescott recommended two 15,000 gallon cisterns, one located near the intersection with Land of Nod Road and another 1,000 feet along the road. The final total volume will depend on fire flow demands based on the sizes of the proposed homes in the subdivision. Cistern details that meet NFPA Standards that have been approved by the Fire Chief should be submitted as part of the preliminary plan submission. An easement shall be granted to the Town for maintenance.
- In accordance with cluster subdivision standards in Section 911.K3.b the applicant must demonstrate on the plan that it is possible to locate a subsurface wastewater disposal field and a well on each lot. When determined that it is necessary for specific lots, by the Planning Board, as a Condition of Approval, the location of these elements shall be elements of the subdivision plan, and any future changes to the location of these elements will require an amended subdivision review.

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 will require a Maine Department of Environmental Protection (DEP) Site Law Permit. A copy of that permit must be submitted with the Final Plan.
- Wetlands were delineated by Gary M. Fullerton, CSS of Sebago Technics in June and July of 2017. Freshwater wetlands are shown on the plan. No wetland impacts are shown on the sketch plan.

D. TRAFFIC

- The subdivision lots will have frontage on a new 1,800 foot long subdivision street which intersects with Land of Nod Road, a paved public road.
- Section 911.K.3.f requires cluster subdivision roads to be built to the Minor Local Street standard.
- A road connection to the abutting property (Lot 36 on Tax Map 7) and the proposed Highland Woods Subdivision, a 22 lot cluster subdivision off of Highland Cliff Road currently under review, is shown on the sketch plan. The Planning Board approved a waiver request for the Highland Woods Subdivision to modify the minor local street standard shoulder requirements.
- The revised sketch plan includes a land swap with the abutting property and road connection to Maysens Way, the proposed subdivision street in the Highland Woods Subdivision.
- Section 911.M.7 requires a minimum of two connections to an existing public street for a residential subdivision street serving 31 or more units. The revised sketch plan still does not meet this requirement as Maysens Way is a proposed public street, not an existing public street.
- Street design standards for dead end streets in Section 911.K.4.g requires a hammerhead turnarounds every 1,000 feet. The sketch plan shows a street intersection at approximately 900 feet.
- Two existing single family homes will become lots in the subdivision. The existing driveway will be removed and new driveway access will be provided to the subdivision street.
- Sight distance at the subdivision road for both directions along Land of Road should be on the Preliminary Plan.
- Section 911.M.3.d states that streetlights may be required at intersections with existing public streets. A streetlight on Land of Nod Road at the intersection of the subdivision road would comply with the Town of Windham Streetlight Policy, adopted June 25, 2013.
- Based on the distance to uses that would generate pedestrian trips, 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.
- A traffic impact analysis must be submitted with the Preliminary Plan submission as the subdivision is projected to generate more than 140 vehicle trips per day.
- There is a large property which abuts the proposed subdivision (Map 7 Lot 27B). Section 911.M.3.a (page 9-51) and Section 911.M.5.b.5.iii (page 9-60) allows the Board to require the dedication of a right-of-way to provide continuation of the road where future development is possible. A right-of-way from the end of the subdivision road to this property is shown on the sketch plan. The revised sketch plan has moved the end of the road away from this abutting property.

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. All lots must have at least one passing test pit. Test pit locations must be shown on the Preliminary Plan.

F. SOLID WASTE

- Residents of the single family 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

- The site is mostly undeveloped; containing two vacated residential single family homes located near the parcel's frontage on Land of Nod Road. The remainder of the site is combination of open field meadows, and woods with defined wood line. The lot was once subject to gravel pit operations and remnants of those excavated areas are noted on the peripheries of the site.
- A vernal pool survey conforming with MaineDEP standards was performed during May of 2017 by Gary Fullerton of Sebago Technics. Vernal pools are shown on the sketch plan.
- 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 fall within the minimum and maximum lot sizes of 30,000-50,000 square feet (one lot 60,000 sf max) and frontage (100 feet or 50 feet on cul-de-sac) for cluster lots in the F zoning district.
 - Net residential density calculations are 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 and is contiguous.
 - The open space reserved includes 50% of the land suitable for development.

- 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 subdivision is utilizing the 20% density bonus to gain an additional lot. In order to be eligible, the open space must be open for general public use, not just homeowners within the subdivision. Access easement for the open space must be recorded in the registry prior to the issuance of building permits. The final plan should note which portion of the open space may be dedicated for acceptance by the Town and a written offer of cessation must be submitted with the Final Plan. See Condition of Approval #2.
 - 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.
 - Two pieces of land, 0.86 acres and 2.26 acres, are shown on the sketch plan to be transferred to abutters. These transfers to the abutters should be completed prior to the final plan submission. If this real estate is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot subject to subdivision review.
- Others:
 - Chapter 221 Street Naming and Addressing: A street name approved by the Town Addressing Officer shall be shown on the Final Plan.
 - On April 24, 2018 the Town adopted a Moratorium Ordinance on Mineral Extraction. At the Development Team meeting on August 22, 2018 the applicant indicated that there would be no excess material leaving the site.

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 within the Colley Wright Brook watershed.
- There is 75 foot Stream Protection District for the tributary to Colley Wright Brook that is located on the northern corner of the property at Land of Nod Road. The district boundary should be shown on the plan.

- 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 dependant upon, and limited to, the proposals and plans contained in the application dated August 6, 2018, as amended November 5, 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.
2. An access easement for public use of the open space must be recorded in the Cumberland County Registry of Deeds prior to the issuance of building permits.