

Town of Windham

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MEMO

DATE: November 21, 2018

TO: Windham Planning Board
FROM: Amanda Lessard, Planner *AL*
Cc: Nancy St. Clair, P.E., St. Clair Associates
Development Review Team

RE: 18-38 Windham Apartments on Tandberg Trail – Sketch Subdivision & Site Plan
Planning Board Meeting: November 26, 2018

Overview –

The applicant is proposing a 144 unit apartment complex in twelve (12) 12-unit buildings and a 8,000 square foot commercial building on a 9 acre property that is currently a portion of the existing Shaw's Plaza site located at 770 Roosevelt Trail. Access to the new development will be provided by an internal road network with entrances on Tandberg Trail (Route 35), the unnamed Shaw's access road, and the Shaw's reliever road that connects to Manchester Drive.



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 November 19, 2018. Comments from that meeting are incorporated into the memo below.

Tax Map: 70, Lot: 1A (portion) Zone: Commercial 1 (C-1).

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.* No waivers were requested by staff notes the following:
 - a) §406.E.6.1 – Commercial 1 District Standards
No block shall have a perimeter of more than 1,600 feet. The sketch plan shows a block perimeter of ~1,800 feet. Portions of development sites abutting areas of undeveloped land, areas unsuitable for development, or pre-existing incomplete blocks may be granted a waiver from the block size requirements.
 - b) §911.M – Street Connection Requirement, Performance Standard
The ordinance requires a residential subdivision street to have two connections to an existing public street when 31 or more units are proposed. The applicant is only proposing a connection to one existing public street, Route 35. Staff supports this waiver request as the applicant does propose connections to the unnamed Shaw's access road and the Shaw's reliever road that connects to Manchester Drive. The applicant is not permitted a connection directly to Manchester Drive as it is classified as a controlled access street and curb cuts must be spaced at least 300 feet from the nearest curb cut.
2. Complete Application: *N/A with Sketch Plan*

~~MOTION:~~ ~~The application for project 18-38 Windham Apartments on Tandberg Trail 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 18-38 Windham Apartments on Tax Map: 7, Lot: 1A (portion) 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 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 is located over a sand and gravel aquifer or 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 Tandberg Trail in the middle of the parcel frontage, at Shaw's reliever road just off Manchester Drive, and on the unnamed Shaw's access road north of the Route 35 intersection.
- At the Development Team Meeting on November 19, 2018 Deputy Fire Chief John Wescott stated that all the new buildings would require sprinklers and alarms.

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 Site Location of Development Act Permit, which must be submitted with the Final Plan.
- Freshwater wetlands must be identified on the plan and the total amount of wetland impacts should be noted on the plan.
- This project is in the NPDES (National Pollutant Discharge Elimination System) area as designated by the Environmental Protection Agency for the Town of Windham. As a result, there will be additional construction inspection requirements and ongoing

requirements for reporting of stormwater infrastructure maintenance if the area of development is greater than one (1) acre. See Condition of Approval #2

D. TRAFFIC

- The development will have access from the new internal network of subdivision streets. These streets will connect Tandberg Trail (Route 35) and Manchester Drive, paved public paved roads.
- Sight distance in each direction for the proposed street on the existing public streets should be shown on the Preliminary Plan.
- 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).
- The applicant should specify the street classification that will be used to provide frontage/setbacks for the proposed buildings: Curbed Lane or Residential Street.
- At the Development Team Meeting on November 19, 2018 Deputy Fire Chief John Wescott commented on concerns about the turn radius of the intersection with Shaw's reliever road.
- The sketch plan shows the roads with a paved sidewalk for pedestrian access.
- At the Development Team Meeting on November 19, 2018 Town Engineer Jon Earle PE said that the Route 35 sidewalk project from Basin Road to Route 302 could be completed in fall 2019 or spring 2020.
- Development in the C-1 zoning district is subject to the Sidewalk Impact Fee (Section 1201).
- 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.
- The project may be subject to the North Route 302 Road Improvements Impact Fee (Section 1204). A traffic analysis shall be conducted in order to determine the traffic impact and requisite impact fee total, as measured by additional vehicle trips to be generated by a development project that pass through the North Route 302 Capital Improvement District in the peak commuter hour.

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 undeveloped with the exception of Shaw's existing subsurface wastewater disposal areas along the northern edge of the site.
- A landscape plan is required for the preliminary plan submission. 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. The project is located in the North Windham growth area.
- Land Use Ordinance:
 - The lot meets the minimum frontage (1000 feet) for lots in the C-1 zoning district.
 - Net residential density calculations should be shown on the Plan.
 - The proposal does not meet setback requirements of the C-1 districts. Buildings must be setback 0-20 feet and parking shall not be located within a structure's front setback area.
 - The façade of all buildings must be oriented parallel to a front lot line. The Commercial Building must front on Route 35 and provide a primary entrance along the front façade.
 - The proposal does not meet the block standards. No block shall have a perimeter of more than 1,600 feet. A waiver may be requested.
- 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.
 - Documents should be provided with the Final Plan submission and must specify the rights and responsibilities of the 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.
 - Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 urbanized area.

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 Presumpscot River 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 November 5, 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.
2. Approval is subject to the requirements of the Post-Construction Stormwater Ordinance, Chapter 144. Any person owning, operating, leasing or having control over stormwater management facilities required by the post-construction stormwater management plan must annually engage the services of a qualified third-party inspector who must certify compliance with the post-construction stormwater management plan on or by May 1st of each year.

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 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 and fire 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. The applicant should specify if any changes to the landscaping approved from the Shaw's site plan approval will be amended.

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:
 - Design Standards, Section 813. The project must meet the design standards of the C-1 zoning district, along with a minimum of eight (8) of the elective Design Standards.

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.~~

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Planning Board or the Town Planner in accordance with Section 814.G. of the Land Use Ordinance.

2. Approval is subject to the requirements of the Post-Construction Stormwater Ordinance, Chapter 144. Any person owning, operating, leasing or having control over stormwater management facilities required by the post-construction stormwater management plan must annually engage the services of a qualified third-party inspector who must certify compliance with the post-construction stormwater management plan on or by May 1st of each year.