

Town of Windham

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MEMO

DATE: December 6, 2018

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

RE: 18-36 Basin Road Minor Subdivision - Final Plan
Planning Board meeting & Public Hearing – December 10, 2018

Overview –

The applicant is proposing a four (4) lot subdivision on 5.67 acres on property with frontage on Basin Road. One lot is an existing single family home occupied by the applicant. The sketch plan shows a traditional subdivision layout with lots to be accessed by the existing road.

This project appeared as a Sketch Plan at the Board meeting on November 14, 2018. At that meeting the Board discussed the adequacy of Basin Road to serve the subdivision and provide access for public safety vehicles. The Board requested that staff review the subdivision ordinance language to determine if it requires improvements to private roads that are expected to carry traffic generated by the subdivision. Since the meeting staff has reviewed the supporting documents related to the private road ordinance amendments adopted in October 2017 and interprets Section 911.M.2.C to require that subdivisions proposed on existing private streets must improve the road to the applicable Private Road Standard back to the closest public street. The applicant has submitted a final plan that does not propose any improvements to Basin Road. Additionally, the applicant submitted a waiver request with accompanying letter stating that the existing roadway has the capacity to serve the project and the subdivision ordinance allows the Planning Board to determine that an existing street has the capacity to serve the subdivision and would not need to be suitably improved. Staff is seeking an opinion from the Town Attorney to provide to the Board at the meeting.

New comments from the staff memo dated November 8, 2018 appear as underlined text below.

Tax Map: 18A; Lot: 48 and Map: 72: Lots: 48-4 and 48-1 (portion). Zoning District: Farm Residential (FR).

SUBDIVISION REVIEW

Staff Comments:

1. Waivers: None

a) §910.B.1.c.5 – Hydrogeologic Assessment, Submission requirement.

A hydrogeologic assessment must be submitted when the subdivision is served by subsurface wastewater disposal systems. Given the test pit analysis of good soil on the site and the relatively large lot size (more than 2.5 times the state minimum for septic systems), this requirement could reasonably be waived.

b) §911.M.2.C – Traffic Conditions and Streets, General Access Standards.
Performance Standard.

This standard requires that the existing streets that can be expected to carry traffic generated by the subdivision shall be improved back to the closed public street to meet the applicable private road standard.

2. Complete Application: The submission does not include a surface drainage plan or a written statement from a Maine Licensed Professional Civil Engineer indicating that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or on adjacent properties.

MOTION: The application for project 18-36 Basin 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: A public hearing is scheduled for the Planning Board meeting on December 10, 2018.

4. Site Walk: The Planning Board conducted a site walk for Project 18-25 Sebago Basin Subdivision on Saturday October 20, 2018 at 7:30am. At a meeting on November 14, 2018 the Planning Board determined that a site walk was not necessary for this project.

Findings of Fact and conclusions for the

Windham Planning Board,

MOTION: The Subdivision application for 18-36 Basin Road Subdivision on Tax Map:18A; Lots: 48-4 and 48-1 is to be (**approved with conditions/denied**) with the following findings of fact and conclusions.

FINDINGS OF FACT

A. POLLUTION

- A portion of this subdivision is located over a significant sand and gravel aquifer.

- A hydrogeologic assessment must be submitted as part of the Final Plan when subsurface wastewater disposal systems area proposed. The applicant has requested a waiver from this submission requirement.
- The new residential lots will not result in undue air or water pollution.

B. WATER

- The existing single family home is served by a private well. The subdivision is proposed to be served by private wells.
- The ordinance requires that the subdivision must be served by public water if the closest water main is within a distance equal to 100 feet multiplied by the number of lots in the subdivision. There is an existing seasonal water main in Basin Road that is located approximately 628 feet from the nearest point of the development parcel.
- The closest fire hydrant is located on Basin Road approximately 350 feet from Tandberg Trail, over 1,000 feet from the proposed development.
- The Fire Department recommends that new residential homes be equipped with sprinkler systems when located more than 1,000 from a PWD hydrant.
- The final plan does not include any notations requiring residential sprinklers in the subdivision.

C. SOIL EROSION

- An erosion and sedimentation plan, prepared by DM Roma Consulting Engineers, dated November 19, 2018, has been submitted as part of the Final Plan. Notes and details are shown on Drawing D-1.
- A surface drainage plan or stormwater management plan was submitted as part of the Final Plan.
- The application should submit a written statement from a Maine Licensed Professional Civil Engineer indicating that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or on adjacent properties.
- Drawing D-1 includes a detail for a roof drip edge but the final plan does not include any notations that buildings require roof drip edges.

D. TRAFFIC

- The subdivision lots will have frontage on Basin Road.
- The public section of Basin Road from Tandberg Trail is a paved width of 20 feet that ends approximately 628 feet before the subject parcel. The private portion of Basin Road then narrows to a paved width of 12 feet as it passes through the subdivision.
- The Board should make a determination if the existing private roads are adequate in terms of traffic, capacity, pedestrian safety and actual construction to serve as an appropriate access road to the subdivision.
- Sidewalks on the new subdivision streets are not required, as the subdivision is more than 1,000 feet from neighborhood businesses, schools, community facilities, or other pedestrian traffic generators.

- The existing driveway for an existing dwelling on the remainder of Lot 48-1 is shown in an access easement across Lot 4.
- Sections 911.M.2.c and 911.M.5.a.5 were amended October 2017 to clarify that that all of the existing and proposed private roads providing access to the subdivision need to be improved to the applicable Private Road standard.
- The final plan submission dated November 19, 2018 does not include any proposed improvements to Basin Road.
- In a letter dated December 6, 2018 the applicant states that Section 911.M.2.c only requires improvements in the case tat the existing roadway does not have the capacity to serve the project and in this case Basin Road has the capacity to serve the subdivision. A waiver request from the road standard has been included in the event the Town determines that one is required.

E. SEWERAGE

- Lots will be served by private subsurface wastewater disposal (septic) systems.
- Soil test pit analysis prepared by Alexander Finamore LSE of Mainely Soils, LLC dated October 25, 2018 show that each lot has adequate soils to support a private septic system. Test pit locations are shown on the plan.

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

- A single family home is located on the property and is shown on proposed Lot 1. The remainder of the site is lightly wooded and undeveloped.
- Sappi maintains a gated access road through the property to the Eel Weir Dam. The applicant proposes relocating the S.D. Warran's access easement as part of this project to a new 30 foot area on proposed Lot 3 at the boundary with proposed Lot 2.
- There are no documented rare botanical features or significant wildlife habitat documented on the site.
- Limits of tree clearing are shown on the final plan. Note 11 states that clearing of tress 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:

- All lots exceed the minimum lot size of 50,000 square feet for standard lots in the FR zoning district. The zoning district boundary is shown on the plan.
- Lots meet the lot frontage requirement of 150 feet for the FR Zone.
- Net residential density calculations are shown on the plan.
- Subdivision Ordinance
 - 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.
 - The final subdivision plan shows the entire parcel including all contiguous land in common ownership within the last five years, as required by 30-A MRSA Section 4401.
- Others:

I. FINANCIAL AND TECHNICAL CAPACITY

- A letter dated October 26, 2018 from Kimberly Donnelly, Senior Vice President at Gorham Savings Bank was submitted as evidence of financial capacity.
- The applicant has provided information on the licensed professionals working on this project as evidence of technical capacity.

J. RIVER, STREAM OR BROOK IMPACTS

- This project is located within the Presumpscot River watershed.
- The project will not adversely impact any river, stream, or brook.

CONCLUSIONS

1. The proposed subdivision **will not** result in undue water or air pollution.
2. The proposed subdivision **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed subdivision **will not** cause an unreasonable burden on an existing water supply.
4. The proposed subdivision **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 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** provide for adequate sewage waste disposal.

7. The proposed subdivision **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed subdivision **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** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed subdivision **is** 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 not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed subdivision **is not** situated entirely or partially within a floodplain.
14. All freshwater wetlands within the proposed subdivision **have** been identified on the plan.
15. Any river, stream, or brook within or abutting the subdivision **has** been identified on any maps submitted as part of the application.
16. The proposed subdivision **will** 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 a lot depth to shore frontage ratio greater than 5 to 1. (N/A)~~
18. The long-term cumulative effects of the proposed subdivision **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. (N/A)~~
20. Timber on the parcel being subdivided **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 30, 2018, as amended December 6, 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.