

Town of Windham

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MEMO

DATE: December 5, 2018

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

RE: 18-40 293 Falmouth Road – Minor Subdivision, Sketch Plan
Planning Board Meeting: December 10, 2018

Overview –

The applicant is proposing a 4-lot cluster subdivision on a 6.6 acre property at 293 Falmouth Road. An existing single-family home is located on the property. A new 500 foot long public road is proposed to serve the development.



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

Tax Map 16B; Lots 18 and 18B, Zone: Farm (F).

SUBDIVISION REVIEW

Staff Comments:

1. Waivers: None included in the application, but staff notes the following. The applicant must submit written waiver request that address the waiver criteria of Section 908. 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.M.5.b.5.ii – Public Dead-end Street performance standard.
Section 911.K.3.f requires that streets constructed within a cluster subdivision meet a public street standard. Public dead-end streets shall be constructed to provide a cul-de-sac turn-around. This waiver would allow the road to be constructed with a hammerhead turn-around.
 - b) §911.M.5.b.6.ii – Sidewalks or shoulders performance standard.
The applicant is proposing no additional paved shoulder. The standards for Sidewalks or Shoulders, Major Local Streets state that sidewalks are not required if the subdivision is more than 1,000 feet from a “public building.” If sidewalks are not proposed, an additional one foot of paved shoulders are required on each side. Note that if the Planning Board finds that “vehicular trips from the generated by the subdivision will create unsafe pedestrian conditions, sidewalks can be required.
2. Complete Application: *N/A with Sketch Plan*

MOTION: ~~The application for project 18-40 293 Falmouth 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: 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 Minor Subdivision application for 18-40 293 Falmouth Road on Tax Map: 16B, Lots: 18 and 18B 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 Final Plan as the subdivision will be served by subsurface wastewater disposal systems (septic).

B. WATER

- The subdivision is proposed to be served by private wells.
- The existing single-family home is served by a private well. The location of the existing well should be shown on the final plan.
- 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.
- The closest existing fire hydrant is located on Falmouth Road south of Nash Road, approximately 1.6 miles from the proposed development.
- A note should be added to the plan that all new homes shall be equipped with sprinkler systems that meet NFPA and the Town of Windham standards.

C. SOIL EROSION

- A surface drainage plan must be submitted as part of the Preliminary Plan.
- A soil erosion and sediment control plan must be submitted as part of the Preliminary Plan.

D. TRAFFIC

- The subdivision lots will have frontage on a new 500 foot long subdivision street which intersects with Falmouth Road, a paved public road.
- Section 911.K.3.f requires cluster subdivision roads to be built to the Minor Local Street standard.
- The sketch plan shows a hammerhead turnaround at end of the proposed street. The Minor Local Street Standard requires a cul-de-sac. A written waiver request should be submitted.
- The driveway access to Falmouth Road for the existing single-family home will be removed and access will be provided to the new subdivision street.
- Sight distance for the new subdivision street should be shown for both directions along Falmouth Road on the Final Plan.
- In an email dated November 29, 2018 Town Engineer Jon Earle, PE asked how driveway access from Lot 3 will be provided as the geometry of the hammerhead, lot and grades appear to be an access challenge.

E. SEWERAGE

- The development will be served by one common private subsurface wastewater disposal systems.
- Soil test pit analysis must be included with the Final Plan submission. All lots must have at least one passing test pit. Test pit locations must be shown on the Final Plan.
- The final plan should show the location of the existing septic system serving the existing single-family dwelling.

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

- A single-family home currently exists on the property, setback approximately 400 feet from Falmouth Road. The parcel generally slopes towards Falmouth Road toward a wetland area at the front of the property.
- 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
 - Standard notes and the standard condition of approval must be shown on the plans.

- Subdivision plan data compatible with the Town GIS must be submitted as part of the Final Plan submission.
- Homeowners 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.
- The applicant should provide evidence of right, title, or interest in the property.
- Others:
 - Street Naming and Addressing: Following consultation with the Assessing Department, a proposed road name for the subdivision road must 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

- The property 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 dependant upon, and limited to, the proposals and plans contained in the application dated November 19, 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.