

# Town of Windham

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## MEMO

DATE: January 8, 2019

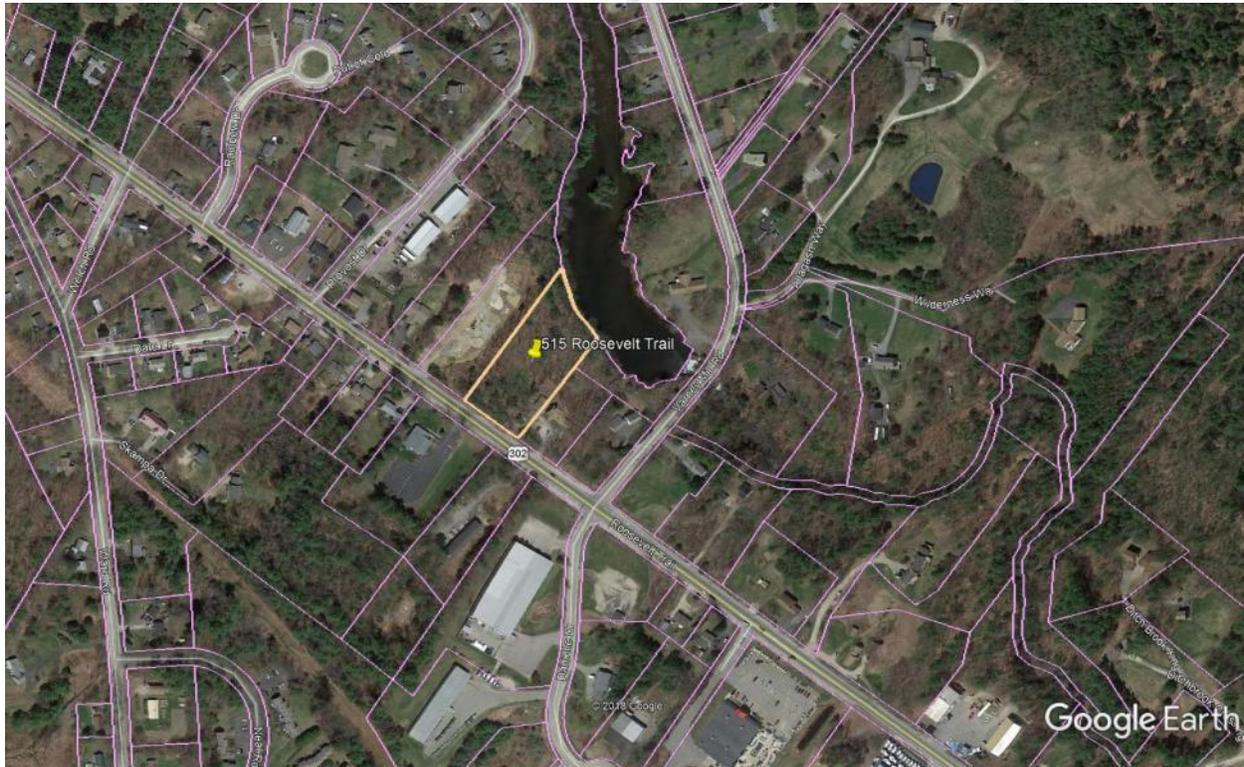
TO: Windham Planning Board  
FROM: Amanda Lessard, Planner *AL*  
Cc: Dustin Roma, P.E., DM Roma Consulting Engineers  
Development Review Team

RE: 19-01 515 Roosevelt Trail Condos – Sketch Subdivision Plan  
Planning Board Meeting: January 14, 2019

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### Overview –

The applicant is proposing a 5 unit single family condominium development on a 2.12 acre property located at 515 Roosevelt Trail. The property has frontage on the impoundment of Ditch Brook.



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

This property abuts the applicant's previous project, 17-24 519 Roosevelt Trail Condos, a 5 unit single family condominium developed on a 2.16 acre property that was approved by the Planning Board on March 12, 2018 and is currently under construction.

Tax Map: 48 Lot:30 and Tax Map 47 Lot: 3 (portion), Zone: Medium Density Residential (RM) and Stream Protection (SP).

### 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) §910.C.1.c.1 – High Intensity Soils Survey, Submission requirement.
  - b) §910.C.1.c.3 – Hydrogeologic Assessment, Submission requirement.
2. Complete Application: *N/A with Sketch Plan*

~~**MOTION:** The application for project 19-01-515 Roosevelt Trail Condos 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 19-01-515 Roosevelt Trail Condos on Tax Map: 48, Lot: 30 and Tax Map 17 Lot 3 is to be **(approved with conditions/denied)** with the following findings of fact and conclusions.~~

### FINDINGS OF FACT

#### A. POLLUTION

- A portion of the proposed 2.12 acre property is located within the mapped 100 year flood plain. This flood plain area is located within the common area of the condo association.
- 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 dwelling units will be served by public water from an existing main in Roosevelt Trail. A written statement from the Portland Water District indicating that there is adequate water supply to service the subdivision must be submitted with the Preliminary Plan. An Ability to Serve Letter from the Portland Water District must be submitted with the Final Plan.
- The closest existing fire hydrant is located on Roosevelt Trail to the south of the proposed subdivision at the intersection with Varney Mill Road. Existing hydrant locations are less than 1,000 feet from the development.

C. SOIL EROSION

- A surface drainage plan must be submitted as part of the Preliminary Plan. The applicant must submit 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. Any permits from the Maine Department of Environmental Protection (DEP) must be submitted with the Final Plan application.
- A soil erosion and sediment control plan must be submitted as part of the Preliminary 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.

D. TRAFFIC

- 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 site is accessed off of Roosevelt Trail, a paved public street. Sight distance for the new subdivision street should be shown for both directions along Roosevelt Trail on the Preliminary Plan.
- In an email dated January 3, 2019, Town Engineer Jon Earle stated that the proposed entrance is located inside of the urban compact line and the Town will issue an entrance permit.
- Section 911.M.3.d states that streetlights may be required at intersections with existing public streets. There are existing streetlights to the north on Roosevelt Trail at the intersection with Provost Drive and to the south at the intersection with Danielle Drive. The Town of Windham Streetlight Policy, adopted June 25, 2013, states that streetlights should be at intersection with private roads that serve more than 10 units, therefore no new streetlight is required.

- 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 one or two common 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 property is undeveloped. The site is lightly wooded and the majority is relatively flat. The rear of the property slopes towards Ditch Brook.
- 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:
  - The lot meeting the dimensional standards of the Medium Density Residential (RM) District (minimum 20,000 square feet on public water and 100 feet of road frontage).
  - Net residential density calculations are shown on the plan.
- 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.
- Subdivision plan data compatible with the Town GIS must be submitted as part of the Final Plan submission.
- Condominium 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.
- Others:
  - Chapter 221 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.
  - Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 area.
  - Chapter 199 Shoreland Zoning: The plan should identify the setback of the underdrained filter basin from Ditch Brook. Section 15 Land Use Standard H. Roads and Driveways applies to the construction of roads and/or driveways and drainage systems, culverts and other related features and has a 75 ft setback from the stream, unless no reasonable alternative exists as determined by the Code Enforcement Officer. Activity within 75 feet of the stream requires a NRPA PBR from DEP.

#### 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 applicant should demonstrate that the project will not adversely impact any river, stream, or brook.
- The property abuts Ditch Brook. There is a 100-foot Stream Protection Zone on either side of this brook. The SP District boundary is shown on the plan. The sketch plan shows an underdrained filter basin proposed within the in shoreland zone.

#### 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 December 26, 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.