

Town of Windham

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MEMO

DATE: February 21, 2019

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

RE: 18-28 Windleigh Ridge (formerly Nash Road) – Minor Subdivision, Final Plan
Planning Board Meeting: February 25, 2019

Overview –

The applicant is proposing a 3 lot subdivision on a 6 acre property on Nash Road. The applicant intends to swap land with the abutting lot with the existing single family home at 3 Nash Road. A new 360 foot long public road is proposed to serve the development.

This project appeared as a Final Plan at the Board meeting on February 11, 2019. At that meeting the Board held a public hearing where abutters commented on concerns about blasting for the development, sight distance on Nash Road, the name of the subdivision street. The Board also questioned the replanting of the buffers and the right, title and interest in the property and approved waivers from the road standards. The applicant has submitted revised plans, a revised purchase and sale agreement and draft deeds of the land swap, and documentation of a new approved road name, Newbury Ridge.

New comments from the staff memo dated February 6, 2019 appear as underlined text below.

Tax Map 9; Lots 34, 34-B1, and 34-B2, Zone: Farm (F).

SUBDIVISION REVIEW

Staff Comments:

1. Waivers:

- a) §911.M.5.b.5.ii – Public Dead-end Street performance standard.
Approved February 11, 2019
- b) Section 911.M.5 - Road Standards performance standards
Approved February 11, 2019

- c) §911.M.5.b.6.ii – Sidewalks or shoulders performance standard.
Approved February 11, 2019

2. Complete Application: Staff has found the application complete.

MOTION: The application for project 18-28 Windleigh Ridge 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 was held at the February 11, 2019 Planning Board meeting.
4. Site Walk: A site walk was held on Saturday November 17, 2018 at 7:30am.

Findings of Fact and conclusions for the

Windham Planning Board,

MOTION: The Subdivision application for 18-28 Windleigh Ridge on Tax Map: 9, Lots: 34, 34-B1 and 34-B2 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.

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. The existing public water main terminates at the intersection of Windham Center Road and Nash Road, a distance of less than 400 feet. On the revised sketch plan, the proposed 3 lot subdivision does not require a water main extension.
- The closest existing fire hydrant is located on Windham Center Road at Hawkes Farm Road, approximately 875 feet from the proposed development.

C. SOIL EROSION

- An erosion and sedimentation plan, prepared by DM Roma Consulting Engineers, dated January 22, 2019, has been submitted as part of the Final Plan. Notes and details are shown on Drawing D-1.
- A stormwater management plan has been submitted as part of the January 23, 2019 Final Plan submission. The proposed development will create approximately 12,000 square feet (0.28 acres) of new impervious area and 88,000 square feet (2.0 acres) of developed area for the roadway and lots. The project proposes to meet the flooding standard by treating more than 75% of the impervious and developed areas with buffers. The applicant will be responsible for the maintenance of the stormwater facilities until a homeowners' association is created.
- Note 12 on the plan states that the all buildings will require the installation of a roofline drip edge filter for stormwater treatment.
- In an email dated February 1, 2019, Will Haskell P.E. of Gorrill-Palmer, recommended a note be added to the plan that requires the stormwater buffers to be permanently marked as required by Maine DEP, requested a stormwater treatment plan showing all areas that contribute to the minimum 75% of impervious and developed areas being treated by buffers, requested a tree planting plan to ensure the buffer reverts back to forested vegetation or size the buffers for meadow vegetation, and a revision to the maintenance plan to remove reference to infiltration basins and undertrained filter basins.
- The applicant responded to peer review comments on February 11, 2018 and provided a treatment plan which shows the area that is being treated by the proposed buffers. Note 16 was added to the subdivision plan specifying that the stormwater buffers shall be replanted with a grid of deciduous and evergreen trees at a spacing of at least one tree every 30 feet on center though the buffer area. Deciduous trees shall be minimum 1" caliper and evergreen trees shall be a minimum of 4 feet in height.
- In an email dated February 19, 2019, Will Haskell P.E. of Gorrill-Palmer, noted that the grading has been revised with a buffer below the proposed level lip spreader with a 75' flow path but the applicant's property does not appear to meet the design length.

D. TRAFFIC

- The subdivision lots will have frontage on a new 360 foot long subdivision street which intersects with Nash Road, a paved public road.
- Section 550.C requires new streets with connections to existing public streets to be built to the Minor Local Street standard.
- Based on the distance to uses that would generate pedestrian trips and no existing sidewalks on Nash Road, sidewalks are not required for this project. 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.
- 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.
- Sight distance for the new subdivision street should be shown for both directions along Nash Road on the Final Plan.

- The January 7, 2019 sketch plan narrative also indicates that the applicant intends to request waivers from the Minor Local Street standard roadway centerline radius and tangent distance between reverse curves.
- In an email dated January 17, 2018 Town Engineer Jon Earle asked for clarification about the minimum tangent distance and commented that the proposed roadway slope through the 55' radius is 2% and though a significant reduction for a minimum centerline radius from 180' to 55', having the road at just 2% slope along with a minimal amount of traffic makes the waiver request reasonable.
- The January 23, 2019 final plan shows the sight distance at the proposed roadway intersection at Nash Road looking right exceeds 500 feet, and looking left is approximately 412 feet.
- A road plan and profile, prepared by DM Roma Consulting Engineers, dated January 22, 2019, shown on Sheet PP-1, was submitted as part of the Final Plan. The road cross section is shown on Sheet D-1.
- The final plan submission includes requests for waivers from the street design standards for the roadway centerline radius, the road to end in a hammerhead instead of a cul-de-sac, and a requirement for additional paved shoulders.
- In an email dated February 1, 2019, Will Haskell P.E. of Gorrill-Palmer questioned the proposed grading along the right side of the roadway when a ditch is shown on the typical section on sheet D-1, requested a stop sign at the intersection and that the realigned driveway for Lot A be shown on the plan. He had no technical concerns with the road standard waiver requests.
- The applicant responded to peer review comments on February 11, 2018 and provided revised plans. Grading was revised to include an uphill ditch and cross culvert.
- In an email dated February 19, 2019, Will Haskell P.E. of Gorrill-Palmer, noted that at the request of the Town Gorrill-Palmer made a sight visit on February 19, 2019 to review the distance looking towards Windham Center Road. Due to existing snowbank it is not possible to accurately evaluate the sight distance however they do not believe that the sight distance looking left meet the 350' minimum requirement and asked the Design Engineer to confirm the sight distance of 412 feet shown on the plan.

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.
- Soil test pit analysis prepared by Alexander A. Finamore, LSE dated August 27, 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

- 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. A portion of the property was recently cleared of trees. The parcel general slopes away from Nash Road toward a wetland area at the rear of the property.
- There are no documented rare botanical features or significant wildlife habitat documented on the site.
- Street trees are required at least every fifty (50) feet (§ 911.E.1.b). Street trees are shown on the final plan dated February 11, 2019.
- Limits of tree clearing are shown on the final plan. Note 13 states 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 meet lot sizes of 80,000 square feet and 200 feet of frontage-for lots in the F zoning district.
 - Net residential density calculations are shown on the Plan.
- Subdivision Ordinance
 - Lot and Road monumentation are shown on the 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.
 - Homeowners association documents were provided with Final Plan submission and 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 document refers to 4 lots. This should be revised to reflect the 3 lot subdivision. The subdivision approval could not obligate Lot A to be a member of the road association but if this will be a requirement of the land swap, additional documentation should be provided. The revised homeowners association documents should be revised to reference the Town approved road name.~~
 - Lot A, a 1.85 acre parcel of land, is shown on the sketch plan and includes land to be transferred to the abutter. This conveyance 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.

- The final plan submission did not include updated evidence of right, title and interest confirming a land swap with Tax Map 9 Lot 34, labeled as Lot A on the final plan.
- The applicant responded to peer review comments on February 11, 2018 and provided an updated purchase and sale agreement and draft deeds for the land swap. The applicant proposes a condition of approval that the properties be transferred prior to the Planning Board signing the final mylar so that the plan accurately depicts the deed transfers.
- Others:
 - Chapter 221 Street Naming and Addressing: The road name approved by the Assessing Department, Newbury Ridge, should be shown on the Final Plan.

I. FINANCIAL AND TECHNICAL CAPACITY

- A letter from Shawn MacDonald at University Credit Union, dated January 24, 2019 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

- A small portion of the property closest to Nash Road is located in the Black Brook watershed, and the remainder of property is located in the Colley Wright Brook watershed.
- The applicant proposes forested buffers adjacent to the wetlands on property. 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 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 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.
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 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 September 4, 2018, as amended February 22, 2019 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.