

Town of Windham

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MEMO

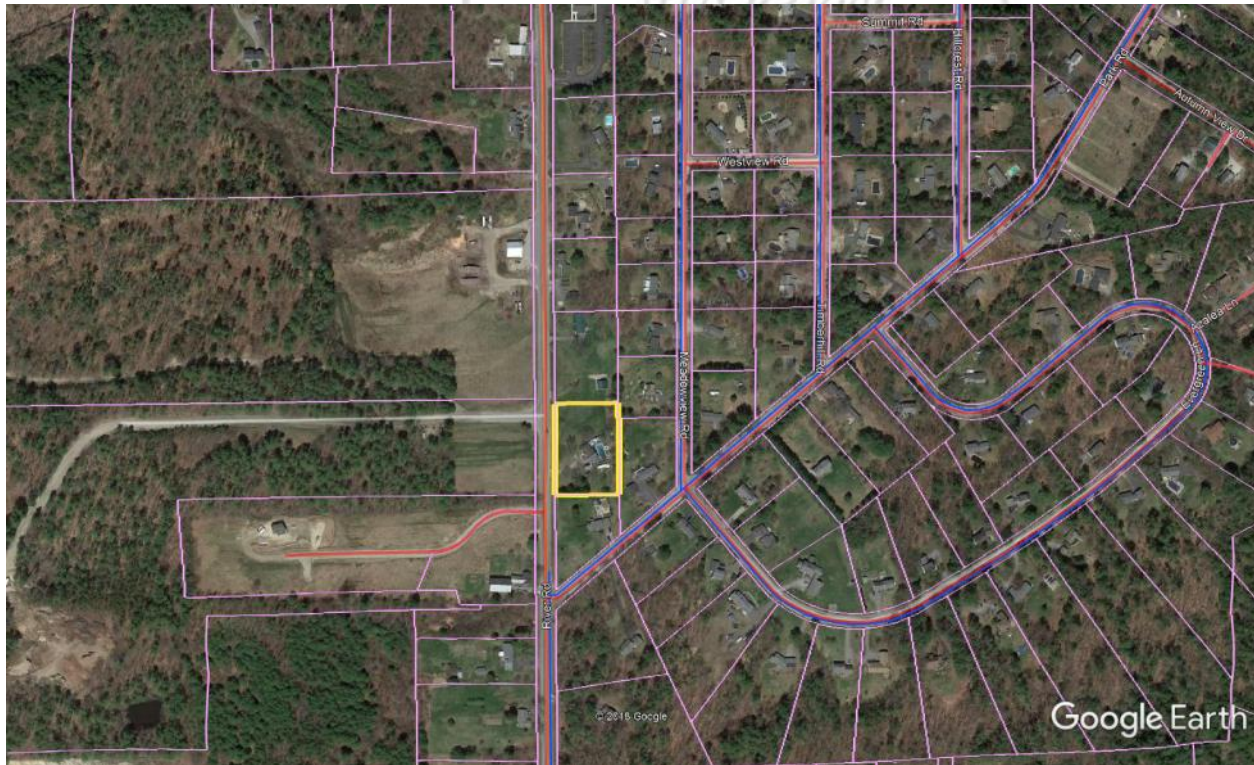
DATE: April 18, 2019

TO: Windham Planning Board
FROM: Amanda Lessard, Planning Director *AL*
Cc: Michael Harris

RE: 19-07 – Hillcrest Estates Subdivision, 3rd Amendment
Planning Board meeting: April 22, 2019

Overview –

This application is to amend an existing subdivision with a 4,550 square foot land swap between Lot 43 and Lot 44 of the Hillcrest Estates Subdivision.



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

Hillcrest Estates, a 55-lot subdivision at River Road and Park Road, was approved by the Planning Board in 1973. That plan is included with the application. The 1st Amendment, creating

4 additional lots in the subdivision from the remaining land of the developer, was approved by the Planning Board in August 1976. The 2nd Amendment, creating 5 additional lots in the subdivision from the remaining land of the developer, was approved by the Planning Board in January 1978. None of the lots in the subdivision meet today's required 50,000 square foot minimum lot size for the Farm Residential zoning district.

Note that 737 River Road is shown as one lot on the tax map (Lot 43), but technically it is two lots of record at the registry and on the subdivision plan (Lots 43 and 44 in the subdivision). The lots were combined for tax purposes following construction of a single-family home in 1979. Planning Board approval to amend the subdivision plan would have been required to officially combine the lots. This proposed amendment would fully locate the existing home on Lot 43.

The subdivision ordinance states that for revisions to approved subdivision plans that do not involve the creation of additional lots or dwelling units, the procedures for Final Plan approval shall be followed (§913.B.2).

Staff comments below relate to the 3rd Amendment of this subdivision only.

Tax Map: 8A; Lots: 43 Zone: Farm Residential (FR)

SUBDIVISION REVIEW

Staff Comments:

1. Waivers: None requested.
2. Complete Application: N/A with Amended Subdivision Plan. The ordinance requires the application to include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of Section 900 and the criteria of the State statute.

MOTION: ~~The application for project 19-07 Hillcrest Estates Subdivision, 3rd Amendment 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 application for 19-07 Hillcrest Estates Subdivision, 3rd Amendment-on Tax Map: 8A, Lot:43 is to be **(approved with conditions/denied)** with the following findings of fact and conclusions.

FINDINGS OF FACT

A. POLLUTION

- No portion of the lots impacted by this amendment are within the mapped 100 year floodplain.
- No buildings or other impacts are proposed within the floodplain.

B. WATER

- Lot 43 is currently served by a private drinking water well.
- Except for the lots that have frontage on River Road, the remaining lots in the Hillcrest Estates Subdivision are served by public water.
- The closest fire hydrant is located at River Road at the Park Road intersection.
- The proposed land swap will not result in additional demand for water.

C. SOIL EROSION

- The proposed transfer of 4,550 square feet of land between Lots 43 and 44 will have no impact on soil erosion or change the current stormwater drainage.

D. TRAFFIC

- The proposed transfer of land will not have an impact on traffic, as there is no additional development proposed.
- Prior to the issuance of a building permit, Lot 44 will require a driveway entrance permit issued by the Maine Department of Transportation.

E. SEWERAGE

- The existing home on Lot 43 is served by a private septic system.
- Lot 44 meets the minimum lot size required by the subsurface wastewater rules.

F. SOLID WASTE

- The proposed transfer of land will not have an impact on the Town's ability to collect and dispose of household waste.

G. AESTHETICS

- A portion of the single-family dwelling and in ground swimming pool on Lot 43 are currently located on Lot 44. The house was permitted in this location by the Town in 1979.
- There are no documented rare botanical features for significant wildlife habitat documented on the site.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
 - The plan does meet the goals of the 2017 Comprehensive Plan.
- Land Use Ordinances:
 - Neither Lot 43 nor Lot 44 meet the minimum lot size for lots in the Farm Residential Zone. Both lots meet the current minimum requirement for road frontage. The equal area land swap is permitted in accordance with Section 204.D Alternation of Nonconforming Lots as the alteration of the lot lines does not increase or extend the degree of, or create any new, non-conformity with regard to any applicable dimensional standard.
- Subdivision Ordinance:
 - None
- Others:

I. FINANCIAL AND TECHNICAL CAPACITY

- Evidence of financial capacity and technical capacity are not required for this lot line adjustment.

J. RIVER, STREAM OR BROOK IMPACTS

- No river, stream or brook impacts are anticipated as a result of the proposed amendment.

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** 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 **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 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 March 26, 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.