

Town of Windham

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MEMO

DATE: May 8, 2019

TO: Planning Board
FROM: Amanda Lessard, Planning Director *AL*
Cc: Jenn Curtis, Planner
Tom Bartell, WEDC Director
Dustin Roma, P.E., DM Roma Consulting Engineers, WEDC President
RE: 19-02 – Anglers Road Commercial Subdivision - Minor Subdivision, Sketch Plan
Planning Board Meeting: February 25, 2019

Overview –

The Windham Economic Development Corporation is proposing to divide a 7.69 acre property located at Anglers Road into two (2) commercial lots. A 0.22 acre portion of property was recently conveyed to an abutter. The 1.37 acre Lot 66-1 shown on the plan was split from the original parcel on June 9, 2014. Access to the proposed lots will be provided by the newly aligned Anglers Road. Lot 2 shown on the plan is currently under subdivision review by the Planning Board as the Anglers Road Commons Apartments.

This project was last before the Board as a Sketch Plan on March 11, 2019. At that meeting the Board discussed that this application was only for a lot line division and there was no development proposed and site plan review would likely also be required for the property.

Underlined text in the memo below shows new information included with the submission and new staff comments from the memo dated February 21, 2019.

Tax Map: 80; Lot 66 and 66-1. Zoning District: Commercial 1 (C1) and Aquifer Protection Overlay District Zone B (APB).

SUBDIVISION REVIEW

Staff Comments:

1. Waivers: None

2. Complete Application:

MOTION: The application for project 19-02 – Anglers Road Commercial 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: At the March 11, 2019 Planning Board meeting the Board decided not to require a public hearing for this project.

4. Site Walk: At the March 11, 2019 Planning Board meeting the Board decided not to require a site walk for this project.

Findings of Fact and conclusions for the

Windham Planning Board,

MOTION: The Subdivision application for 19-02 – Anglers Road Commercial Subdivision on Tax Map: 80, Lot: 66 and 66-1 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.
- This application is for the division of the property only. As there are no uses proposed, there is no impact on stormwater or groundwater resources.

B. WATER

- A 12-inch water main runs past this subdivision along Anglers Road.
- All lots are proposed to be served by public water and would connect to the main in Anglers Road.
- Where no uses are proposed the application request will not have an impact on the demand for water supply for domestic or fire suppression needs.

C. SOIL EROSION

- A bioinfiltration pond, a critical component of the stormwater system for the Anglers Road Realignment project, is located on Lot 2. The easement area is shown on the subdivision plan.

- No new development is proposed as part of this application, so there is no anticipated soil disturbance or impacts on soil erosion or sediment leaving the subdivision boundaries.

D. TRAFFIC

- All lots have frontage on Anglers Road. Lots 1 and 2 have frontage on the newly constructed public portion of the street. The parcel that has already been sold out has frontage on the private road portion.
- No new development is proposed as part of this application. Driveway entrance locations and traffic generation will be determined during the individual lot development's site plan review.

E. SEWERAGE

- This application does not include a new private subsurface wastewater disposal (septic) system. Soil test pits are shown on the sketch plan. Supporting information should be submitted or the test pits removed from the final plan.
- Soil test pit analysis prepared by Kenneth G. Stratton, CSS, LSE of Main-Land Development Consultants, Inc dated November 17, 2016 show that the lots have adequate soils to support a private septic system. Test pit are shown on the Final Plan.

F. SOLID WASTE

- Commercial Uses are responsible for the private collection and disposal of solid waste. Further review of solid waste disposal will occur with the individual lot development's site plan review.

G. AESTHETICS

- The site is partially wooded and partially clear and is undeveloped.
- There are no documented rare botanical features for significant wildlife habitat documented on the site.
- This application will have no impact on aesthetics of the site.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
 - The plan does meet the goals of the 2017 Comprehensive Plan. The property is in the North Windham Growth Area.
- Land Use Ordinances:
 - Each of the lots exceeds the minimum lot size and frontage in the C-1 District.
 - A piece of land 0.22 acres is shown on the sketch plan to be transferred to the abutter. This transfer to the abutter was completed prior to the final plan submission. This land

area does not have road frontage to be a confirming lot. 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

- Subdivision Ordinance
 - Standard notes and the standard condition of approval must be shown on the plan.
 - Subdivision plan data compatible with the Town GIS must be submitted as part of the Final Plan submission.
- Others:
 - Aquifer Protection Overlay District Zone B (APB) – The maximum impervious area for new non-residential uses is 50%. The District Boundary is shown on the plan.

I. FINANCIAL AND TECHNICAL CAPACITY

- The subdivision application will not require site work or the installation of new roads, utilities, or infrastructure.

J. RIVER, STREAM OR BROOK IMPACTS

- This project is located in the Chaffin Pond Watershed.
- This 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 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 dependant upon, and limited to, the proposals and plans contained in the application dated February 4, 2019, as amended April 19, 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 Land Use Ordinance.