

Town of Windham

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MEMO

DATE: May 8, 2019

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

RE: 19-01 515 Roosevelt Trail Condos – Preliminary/Final Subdivision Plan
Planning Board Meeting: May 13, 2019

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. 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.

This project was last before the Board as a Preliminary Plan on April 22, 2019. At that meeting the Board discussed the revised plans submitted in response to peer review comments and approved the request for a waiver from the stormwater flooding standard. The Board took no further action on the application as the hydrogeologic assessment was still outstanding. The applicant has submitted the hydrogeologic assessment, an additional waiver request from the groundwater quality standard for the nitrate level at the property line, and a final plan application. The applicant would like the Board to vote on both the Preliminary and Final Plans in the same meeting.

Underlined text in the memo below shows new information included with the submission and new staff comments from the memo dated April 18, 2019.

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:

- a) §910.C.1.c.1 – High Intensity Soils Survey, Submission requirement.

Granted – March 25, 2019

- b) ~~§910.C.1.c.3 – Hydrogeologic Assessment, Submission requirement.~~

The March 21, 2019 submission states that a nitrate analysis is being performed so this waiver request is withdrawn.

- c) §911.J.6 – Stormwater Flooding. Performance standard

Granted – April 22, 2019

- d) §911.M.5.A.6.1 – Access Drives. Major Private Road Performance standard

Granted – March 25, 2019

- e) §911.H.1B – Groundwater quality, Performance standard.

The applicant submitted a nitrate analysis that shows an increase of the nitrate-nitrogen above 10 mg/L in groundwater at the property boundary. The request states that public water is available and no known drinking water wells are within the vicinity of the plume. Staff recommends that the applicant obtain acknowledgement from the abutter that the nitrate plume will extend across their property or redesign the wastewater disposal system to eliminate the encumbrance.

2. Complete Application: *Staff has found the preliminary and final plan applications complete.*

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: A public hearing was held at the Planning Board meeting on March 25, 2019.

4. Site Walk: A site walk was held on Monday March 25, 2019 at 5:30pm.

Findings of Fact and conclusions for the

Windham Planning Board,

MOTION: The Preliminary and Final 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. The applicant has requested a waiver from this submission requirement.
- In an email dated March 13, 2019, Will Haskell P.E. of Gorrill-Palmer, recommends an assessment to assure that the nitrate plume from the proposed systems remains within the project boundary.
- The March 21, 2019 submission states that a nitrate analysis is being performed so the waiver request is withdrawn.
- A hydrogeologic assessment was not included in the April 4, 2019 submission.
- The April 24, 2019 submission includes a nitrate-nitrogen assessment dated March 25, 2019 prepared by Stephen Marcotte, CG, LSE of Summit Geoengineering Services that concludes that the proposed subsurface wastewater disposal system will result in an increase of nitrate-nitrogen above 10 mg/L at the property boundary. The 250 long 10 mg-N/L plume is shown on plan in attachment 3. Given that public water is available to properties in the vicinity and there are no known water supply wells near the plume, a waiver from this standard is requested.
- In an email dated May 2, 2019, Will Haskell P.E. of Gorrill-Palmer, recommends that the applicant obtain acknowledgement from the abutter that the nitrate plume will extend across their property or redesign the wastewater disposal system to eliminate the encumbrance.

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.
- An email dated March 1, 2019 from Heather Smith at the Portland Water District was included in the preliminary plan submission.
- An Ability to Serve Letter dated March 20, 2019 from Robert A. Bartels, P.E. at the Portland Water District was included with the March 21, 2019 submission.
- 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 & STORMWATER MANAGMENT

- An erosion and sedimentation plan, prepared by DM Roma Consulting Engineers, dated March 4, 2019, has been submitted as part of the Preliminary Plan. Notes and details are shown on Drawing D-1.
- 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.

- 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.
- A stormwater management plan has been submitted as part of the March 4, 2019 Preliminary Plan submission. The project proposes to treat the new 43,889 square feet of new developed area with two (2) underdrained filter basins, a stone berm level spreader discharging to a forested buffer, and roof drip edges on each condo building.
- The applicant is requested a waiver from the stormwater flooding standard for study point 2.
- Note 15 on the subdivision plan requires that the stormwater buffer will be temporarily marked prior to site disturbance and permanently marked after the road and level spreader is constructed.
- Note 13 on the plan states that all buildings will require the installation of a roofline drip edge.
- In an email dated March 13, 2019, Will Haskell P.E. of Gorrill-Palmer recommend ground survey at the stormwater management facilities, requested how outflow of water quality volume from filter basin underdrains will be limited to 24-48 house, provide analysis for the 25-year storm, revise the routing calculation for the roof drip strips, demonstrate that the post development flow to the existing driveway culvert downstream, and verify that the post-development peak flows have been reduced to maximum extent possible in order to justify the waiver request.
- A response to review comments and a revised stormwater management report was submitted on March 21, 2019. An additional study point was added to the model and the post-development flows at both study points show a decrease in all design storm events.
- In an email dated March 28, 2019, Will Haskell P.E. of Gorrill-Palmer stated that the 1' freeport is recommend by Maine DEP pond design guidelines and would not recommend it be reduced to less than 1'. He also states he was still concerned with the extent of the proposed increase in peak flows and is not comfortable with the waiver request at the proposed peak flow increases.
- The applicant submitted revised plans and a revised stormwater management report on April 4, 2019. The applicant is requesting a waiver for increases in post-development peak flows. The post-development peak flows increase by 0.16 cfs at Study Point 1 in the 25-yr storm event, and by 0.10 cfs in the 10-yr and 25-yr events at Study Point 2.
- In an email dated March 28, 2019, Will Haskell P.E. of Gorrill-Palmer stated that the revised stormwater analysis reduced the increase in peak flows to an insignificant increase and he has no technical concerns with the waiver request. He required that the existing driveway culvert invert be verified prior to the final plan submission and asked that the FB 1 spillway length be revised on the plan.
- A revised Grading and Utility Plan, Sheet 4 of 7, was included with the April 22, 2019 submission which corrects the spillway length on Filter Basin 1 to be 10 feet.

- The April 22, 2019 submission also states that surveyors will be on site the following day to collect elevation data of the existing culverts and topography in the area of the proposed stormwater management features.
- A Stormwater Permit by Rule and a Natural Resource Protection Act permit by Rule approved by the Maine DEP and a Army Corps Permit for wetland fill was included in the final plan submission.
- In an email dated May 2, 2019, Will Haskell P.E. of Gorrill-Palmer stated that the engineer has not yet responded to the previous comment to verify the driveway culvert inlet.

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.
- The March 4, 2019 preliminary plan submission states that the based on the ITE Trip Generation Manual the proposed 5 residential condos are expected to generate 5 peak hour trip-ends. The applicant should estimate the vehicle trips generate on a daily basis.
- The road plan and profile (Sheet GU-1) and details (Sheet D-1) dated March 4, 2019 propose constructing the condo access road with a 22 foot wide paved travel way with 2 foot grassed shoulders.
- Sight distances label on the March 4, 2019 preliminary plan are 1,350 feet looking left and 1,600 feet looking right.
- In an email dated March 13, 2019, Will Haskell P.E. of Gorrill-Palmer, commented that the typical roadway section does not conform with the Major Private Road standard and the section should be revised or a waiver requested. He also asked that the applicant consider providing a guardrail adjacent to 1.5:1 slope at the turnaround.
- A response to review comments revised plans were submitted on March 21, 2019. The applicant requested a waiver from the road standard to reduce the paved shoulder width from 2 feet to 1 foot on each side, added a note to required boulders at the end of the

hammerhead in lieu of a guardrail, and noted that the total daily vehicle trips for the project are estimate to be 50 trips.

E. SEWERAGE

- The development will be served by one or two common private subsurface wastewater disposal systems.
- Soil test pit analysis prepared by Alexander Finamore, LSE of Mainely Soils dated January 31, 2019 show that the lot has adequate soils to support a private septic system. Test pit are shown on the Preliminary Plan.
- A copy of the HHE-200 septic system design was submitted on March 21, 2019.

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). Street trees are shown on the preliminary plan. Limits of tree clearing are shown on the plan and Note 14 states that clearing of tress 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. The project is located in the North Windham Growth Area.
- 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.
 - In an email dated March 13, 2019, Will Haskell P.E. of Gorrill-Palmer, commented that the deed does not contain bearings and distances but the survey plan states that the property extends to the thread of the stream and this 1.75 acres effects the Net Residential Density.

- A response to review comments revised plans were submitted on March 21, 2019. The applicant confirmed that the land areas reflected on the survey is measured to the edge of water on Ditch Brook not the tread of the stream.
- 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.
 - Condominium association documents were 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: The Assessing Department has approved the road name, Merganser Lane, for the proposed subdivision road. The road name must be shown on the Final Plan.
 - Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 urbanized area and the area of development is greater than one (1) acre. See Condition of Approval #2.
 - 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.
 - A response to review comments and revised plans were submitted on March 21, 2019. The riprap apron associated with the foundation drain and Filter Basin 1 discharge is approximately 65 feet from the edge of Ditch Brook, which is the furthest point from Ditch Brook that was low enough in elevation to discharge the two pipes. The dimensions between the land disturbance and Ditch Brook have been added to the Grading & Utility Plan.

I. FINANCIAL AND TECHNICAL CAPACITY

- The estimated cost for construction was included in the preliminary plan submission.
- A letter dated March 28, 2019 from Peter H. Godsoe, Regional Vice President at Norway Savings Bank 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

- 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 shoreland zone. On the preliminary plan, the level lip spreader adjacent to the forest buffer appears to be setback 75 feet, but the other riprapped outlet appears to be within the 75ft setback line shown on the grading and utility plan.
- A response to review comments and revised plans were submitted on March 21, 2019. The riprap apron associated with the foundation drain and Filter Basin 1 discharge is approximately 65 feet from the edge of Ditch Brook. The dimensions between the land disturbance and Ditch Brook have been added to the Grading & Utility Plan.

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 **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 December 26, 2018, as amended April 24, 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.
2. Approval is subject to the requirements of the Post-Construction Stormwater Ordinance, Chapter 144. Any person owning, operating, leasing or having control over stormwater management facilities required by the post-construction stormwater management plan must annually engage the services of a qualified third-party inspector who must certify compliance with the post-construction stormwater management plan on or by May 1st of each year.