

Town of Windham

Planning Department
8 School Road
Windham, ME 04062

voice 207.894.5960

fax 207.892.1916

MEMO

DATE: June 20, 2019

TO: Windham Planning Board
FROM: Jenn Curtis, Planner

Cc: Amanda Lessard, Planning Director
Dustin Roma, P.E., DM Roma Consulting Engineers
Development Review Team

RE: 18-41 Anglers Road Commons Apartments – Final Major Subdivision
Planning Board Meeting: June 24, 2019

Overview –

The applicant is proposing a 42 unit apartment complex in 21 duplexes on a 6.5 acre property located on newly realigned portion of Anglers Road. A new 850 foot long road with two connections to Anglers Road is proposed to serve the development. This project is an amendment to the WEDC Anglers Road Commercial Subdivision approved by the Planning Board on May 13, 2019.

This project appeared as a Preliminary Plan at the Board meeting on May 29, 2019. At the May 29 meeting the Board discussed a waiver request of the parking space dimensions performance standard. The Board, upon agreeing that there would be adequate parking for large vehicles in driveways or along the road and that larger spaces were not required in the shared overflow parking lot, granted the waiver.

New comments from the staff memo dated June 20, 2019 appear as underlined text below

Tax Map: 80, Lot: 66 Zone: Commercial 1 (C-1).

SUBDIVISION REVIEW

Staff Comments:

1. Waivers:

- a) §910.C.1.c.1 – High Intensity Soils Survey, Submission requirement.
Granted March 11, 2019
- b) Section 910.C.1.C.6 – Phosphorus Impact Analysis, Performance Standard
Granted March 11, 2019

- c) Section 518.2.a – Curb Cuts and Driveway Openings, Performance Standard
Granted March 11, 2019
- d) Section 812.c.1.D – Parking Space Dimensions, Performance Standard
Granted May 29, 2019
2. Complete Application:
- ~~**MOTION:** The Final Subdivision Plan application for 18-41 Anglers Road Commons Subdivision, is found complete in regard to the submission requirements based on the application checklist. The Planning Board retains the right to request more information where review criteria are not fully addressed.~~
- The following items remain pending as of the date of this memo:
1. Map and lot numbers for all lots as assigned by the Town of Windham Assessing Department must be shown on any plans prepared for Planning Board signature.
 2. Documents that specify the rights and responsibilities of the owner with respect to the maintenance, repair, and plowing of the subdivision streets, open space and stormwater infrastructure
 3. The ability to serve letter from the Portland Water District.
3. Public Hearing: A public hearing was held at the April 22, 2019 Planning Board meeting.
4. Site Walk: A site walk was held on Monday April 22, 2019 at 5:30 pm.

Findings of Fact and conclusions for the

Windham Planning Board,

MOTION: The Final Subdivision Plan application for 18-41 Anglers Road Commons Apartments on Tax Map: 80, Lot: 66 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.
- A hydrogeologic assessment must be submitted as part of the Preliminary Plan when the subdivision is not served by public sewer and the subdivision is located over a sand and gravel aquifer or has an average density of more than one dwelling unit per 100,000 square feet.
- A hydrogeologic assessment was not included in the February 4, 2019 preliminary plan submission.
- The April 1, 2019 submission includes a hydrogeologic assessment dated March 29, 2019 prepared by Stephen Marcotte, CG, LSE of Summit Geoengineering Services that

concludes that the proposed subsurface wastewater disposal systems serving the proposed development will not result in an increase of nitrate-nitrogen above 10 mg/L in groundwater at the property boundary.

B. WATER

- The development will be served by public water for domestic use, and would connect to the main in Anglers Road.
- A written statement from the Portland Water District verifying that there is public water in proximity to the subdivision must be submitted with the Preliminary Plan.
- Correspondence with PWD was not included in the February 4, 2019 preliminary plan submission.
- An Ability to Serve letter from the Portland Water District approving the public water service to the subdivision must be submitted with the Final Plan.
- An existing fire hydrant is located on Anglers Road in the middle of the parcel frontage. At the Development Team Meeting on December 3, 2018 Deputy Fire Chief John Wescott stated that a new hydrant should be located at the rear of the property near the island between units 32 and 33.
- Existing and proposed hydrant should be shown on the plan.
- At the Development Team Meeting on November 19, 2018 Deputy Fire Chief John Wescott stated that all the new buildings would require sprinklers and alarms.
- The preliminary plan has been revised to be a residential development with duplexes. Sprinklers are not required in one and two-family dwellings.
- In an email dated April 11, 2019 Will Haskell, P.E of Gorrill-Palmer requested a note on the plan that the water main will be owned and maintained by the Portland Water District.
- Note 17 was added to the preliminary plan dated April 26, 2019 stating that all facilities and appurtenances associated within proposed water main within the proposed ROW shall be owned and maintained by the Portland Water District upon acceptance.
- The applicant indicated in a phone conversation to Jennifer Curtis, Town Planner, on June 18, 2019, that they intend to install a private water main for water service, and that it will connect to the Portland Water District public main. The applicant will submit a letter of approval from Portland Water District authorizing the connection.

C. SOIL EROSION

- An erosion and sedimentation plan, prepared by DM Roma Consulting Engineers, dated February 4, 2019, has been submitted as part of the Preliminary Plan. Notes and details are shown on Drawing D-1.
- 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 must be submitted as part of the Preliminary Plan.
- This project requires a Maine Department of Environmental Protection (DEP) Chapter 500 Stormwater Permit, which must be submitted with the Final Plan.
- No freshwater wetlands exist on the property.

- A bioinfiltration pond, a component of the stormwater system for the Town's Anglers Road Realignment project is located on the property. The pond was required as part of the Maine DEP Stormwater permit and, therefore, any modifications will require an amendment to the Maine DEP Stormwater permit for the Anglers Road Realignment Project.
- A stormwater management plan has been submitted as part of the February 4, 2019 Preliminary Plan submission. The project proposes to treat the 4.12 acres of new developed area and 1.49 acres of new impervious surface to an underdrained filter basin.
- The preliminary subdivision plan dated February 4, 2018 notes that the existing stormwater infiltration basin is to be removed.
- In an email dated February 15, 2019 Will Haskell, P.E. of Gorrill-Palmer had several comments on the erosion control plan and the stormwater plan and noted that the applicant requests a waiver from the flooding standard and the phosphorous impact analysis.
- A revised stormwater management plan has been submitted as part of the April 1, 2019 Preliminary Plan submission that reflect the reduction of the number of dwelling units and the addition of a parking area. The project proposes to treat the 4.04 acres of new developed area and 1.51 acres of new impervious area with an underdrained filter basin and roof drip edges installed around each of the apartment buildings. The Planning Board approved a waiver from the phosphorous standards where the MDEP allows the project to meet the General Standards as an acceptable alternative.
- In an email dated April 11, 2019 Will Haskell, P.E. of Gorrill-Palmer stated that a sediment forebay or forebays should be provided for the filter basin at the storm drain inlets, it does not appear that Anglers Road was included in sizing the proposed filter basin, requested a spillway analysis of the filter basin to ensure that there is one foot of freeboard within the emergency spillway, verify that the water quality volume will be release from the filter basin in 24-48 hours as recommend by MDEP BMPs, and address the removal of temporary erosion control measures once the site has been stabilized.
- The applicant responded to review comments and provided revised plans and revised stormwater management plan has been submitted as part of the May 15, 2019 Preliminary Plan submission.
- In an email dated May 22, 2019 Will Haskell, P.E. of Gorrill-Palmer noted that it appears that the filter basin area has changed from the previous submission and the stormwater quantity analysis should be revised to reflect the changes.
- In an email dated June 07, 2019 Will Haskell, P.E. of Gorrill-Palmer stated that it appears that the filter basin area has changed from the previous submission. The stormwater quantity analysis should be revised to reflect the changes.
- The applicant responded to review comments and submitted an email dated June 13, 2019 from MDEP acknowledging the change in the filter basin area and approving of the change, and a revised stormwater management plan on June 18, 2019 as follow-up to the Preliminary Plan submission.
- In an email dated June 20, 2019 Will Haskell, P.E. of Gorrill-Palmer stated that the revised Stormwater Management Report includes revised Hydrocad Outputs and revised peak flows for the 2, 10, and 25 year storms as requested in the previous review dated June 7, 2019. No further action is required.
- Staff and the applicant agreed in a phone conversation on June 18, 2019 that a release of the Town-held stormwater easement will be added to the Conditions of Approval.

D. TRAFFIC

- The development will have access from the new internal network of subdivision streets.
- Two curb cuts on Anglers Road area shown on the sketch plan. Section 518.2.a states that in the C-1 District a parcel shall be limited to one (1) curb cut on the same street. The applicant is requesting a waiver from this standard.
- Sight distance in each direction for the proposed street on the existing public streets should be shown on the Preliminary Plan.
- Section 911.M.3.d states that streetlights may be required at intersections with existing public streets. A streetlight on public portion Anglers Road at the intersection of the first street entrance to the subdivision should be shown on the plan. The Planning Board should discuss if a streetlight at the second entrance will be necessary.
- Per Section 911.M.5.a.6 access drive standards for condominium subdivisions shall meet the major private road standard (right-of-way width is not applicable).
- The applicant should specify the street classification that will be used to provide frontage/setbacks for the proposed buildings: Curbed Lane, Commercial Street, or Residential Street.
- At the Development Team Meeting on December 3, 2018 Deputy Fire Chief John Wescott commented on concerns about fire equipment being able to access Unit 40 based on the layout of the parking area.
- The sketch plan shows the roads with a paved sidewalk for pedestrian access.
- The paved public portion of Anglers Road ends in the middle of the parcel.
- At the Development Team meeting on December 3, 2018 the applicant stated that they would propose to rebuild the private portion of Anglers Road to the road standard to the proposed second entrance.
- The property is currently utilized as a school bus stop. The applicant should clarify if this use will continue to be accommodated on the site.
- The February 4, 2019 preliminary plan submission does not provide distances at the proposed street intersections with Anglers Road.
- A road plan and profile, prepared by DM Roma Consulting Engineers, dated February 4, 2019, shown on Sheets PP-1, PP-2 and PP-2 and details on Sheet D-1, was submitted as part of the Preliminary Plan. The subdivision plan also shows a 5' wide footpath to the abutting Town park property.
- The road plan and profile (Sheet PP-1) dated July 23, 2018 propose constructing the road with 2-10' travel lanes, a 3' grassed shoulder on one side, and a 4' sidewalk.
- The sketch plan shows 132 parking spaces. The ordinance does not have a minimum number of spaces required but the applicant shall demonstrate that the number of spaces provided onsite will meet the needs of the proposed uses (24 two-bedroom residential apartments, 16 three-bedroom residential apartments, and 11,500 square feet of office, retail or service business).
- The February 4, 2019 preliminary plan shows driveways with off-street parking for 2 vehicles for each duplex.
- The February 4, 2019 preliminary plan submission states that the project is expected to generate 28 peak hour trip-ends and 280 total daily vehicle trips.

- A traffic impact analysis is required for subdivisions projected to generate more than 140 vehicle trips per day and should be submitted with the Preliminary Plan. A traffic impact analysis was not included in the February 4, 2019 submission.
- If the project generates over 100 peak hour trips and requires a Traffic Movement Permit from the Maine Department of Transportation, it must be submitted with Final Plan.
- The project is 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.
- In an email dated February 15, 2019 Will Haskell, P.E. of Gorrill-Palmer requested sight distances, a stop sign, details for accessible ramps and detectable warning, curb tip downs and crosswalk details, a footpath detail and a typical roadway section for the reconstruction of Anglers Road. He also questioned if the road should be designed to the minor local street standard.
- The April 1, 2019 preliminary plan shows driveways with off-street parking for 2 vehicles for 40 of the 42 units. A parking lot is proposed to provide off-street parking for 2 vehicles for 2 units and an additional 10 visitor parking spaces.
- A Traffic Assessment dated March 26, 2019 prepared by William Bray, P.E. was included in the April 1, 2019 submission. It notes that 44 apartments can be expected to generate 293 daily trips; 22 trips in the morning peak hour, and 27 trips during the afternoon peak hour. The proposed site driveway entrances each have a clear line-of-sight in excess of 300-feet in each direction.
- In an email dated April 11, 2019 Will Haskell, P.E. of Gorrill-Palmer had no comments on the traffic assessment, notes that the parking lot that contains spaces extending beyond the front facade of adjacent units and the driveways do not provide adequate length so that a vehicle could be parked without extending beyond the front building facade.
- The April 26, 2019 preliminary plan revised the proposed parking lot by eliminating two parking spaces such that there is no parking in front of Unit 8 and Unit 9. The lot now is proposed to provide off-street parking for 2 vehicles for 2 units and an additional 8 visitor parking spaces.
- In an email dated May 22, 2019 Will Haskell, P.E. of Gorrill-Palmer noted that the parking spaces in each driveways are located beyond the front building facade and asked the Board to consider if this standards was intended more for commercial development and parking lots rather than residential development and driveways. He also noted that all the parking spaces in the parking lot are 9ft x 18ft and the ordinance requires that 30% of the spaces to be 10 ft by 20 ft. The parking lot should be revised or a waiver should be requested. He also noted that the road has been designed to meet the residential street standard. The standard calls for granite curb and the proposed typical section calls for slipform concrete curb. The residential street standard does not include any geometric standards; however, it appears that the general geometric design will accommodate the type of traffic that is anticipated for this type of development.
- At the May 29, 2019 meeting the applicant requested and was granted a waiver from the Section 812.c.1.D – Parking Space Dimensions, Performance Standard

E. SEWERAGE

- The development will be served by a single engineered on-site subsurface wastewater disposal system.
- The April 1, 2019 submission includes a preliminary soils investigation report and Mounding & Transmission Analysis dated March 29, 2019 prepared by Stephen Marcotte, CG, LSE of Summit Geoengineering Services Soil that includes test pits logs and concludes that the areas shown on the site plan meets first-time system criteria listed in the Maine Subsurface Wastewater Disposal Rules and that site soils have sufficient capacity to prevent wastewater from surfacing downgradient of the disposal field. Test pit locations are shown on the Preliminary Plan. An Engineered Subsurface Wastewater Disposal System Application and technical specifications of the Advanced Treatment Units was submitted for review.
- Maine DHHS approval of the septic system to service 12 three-bedroom apartments and 30 two-bedroom apartments that includes a waiver from the State mandated minimum lot size standard must be submitted with the Final Plan.

F. SOLID WASTE

- A dumpster location should be shown on the plan and screening detail provided.
- The February 4, 2019 preliminary plan submission states that the residential lots will utilize the Town's curbside trash collection program to dispose of solid waste.

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.
- The Beginning with Habitat map referenced in the April 1, 2019 submission should be provided.
- A landscape plan is required for the preliminary plan submission. Limits of tree clearing is shown on the February 4, 2009 preliminary plan. Note 12 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.
- Street trees are shown on the April 1, 2019 plan but do not appear to meet the requirement for being spaced every 50 feet. The preliminary plan dated April 26, 2019 also does not show enough street trees to meet the ordinance requirement.
- Proposed building elevations were included in the April 1, 2019 submission.
- The June 3, 2019 Plan shows street trees spaced every 50 feet or less along the street.

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 meets the minimum frontage (100 feet) for lots in the C-1 zoning district.
- A portion of property is located in the Aquifer Protection Overlay District B that has a 50% maximum impervious area for non-residential uses. The APB Overlay boundary is shown on the plan. This standard is not applicable for this proposed residential use. The stormwater management report included with the April 1, 2019 submission states that the project has 1.51 acres of new impervious area.
- Net residential density calculations should be shown on the Plan.
- The preliminary plan meets the setback requirements of the C-1 districts. Buildings must be setback 0-20 feet and parking shall not be located within a structure's front setback area.
 - The April 1, 2019 preliminary plan includes a parking lot that contains spaces extending beyond the front facade of adjacent units and the driveways do not provide adequate length so that a vehicle could be parked without extending beyond the front building façade. This is a District Standard that cannot be waived by the Planning Board. The April 26, 2019 preliminary plan removed 2 parking spaces so that the parking lot does not extend beyond the adjacent units.
- The façade of all buildings must be oriented parallel to a front lot line.
- Subdivision Ordinance
 - Standard notes and the standard condition of approval must be shown on the plans.
 - The Tax Map and Lot numbers provided by the Tax Assessor must be shown on the Final Plan.
 - Subdivision plan data compatible with the Town GIS must be submitted as part of the Final Plan submission. GIS data may need to be updated based on changes to water delivery system.
 - Documents should be provided with the Final Plan submission and must specify the rights and responsibilities of the 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: Street names approved by the Town Addressing Officer shall be shown on the Final Plan.
 - The June 3, 2019 plan shows street name "Forsythia Lane".

I. FINANCIAL AND TECHNICAL CAPACITY

- A letter dated March 22, 2019 from Kimberly Donnelly, Senior Vice President at Gorham 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

- This project is located in the Chaffin Pond watershed, a lake watershed most at risk from new development as designated in Maine DEP Chapter 502.

- The applicant should demonstrate that the project will not adversely impact any river, stream, or brook.
- The April 1, 2019 subdivision plans shows the 250 foot Resource Protection District around Chaffin Pond on the 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/does not conform** 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/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.-(N/A)~~
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. (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 November 19, 2018, as amended May 14, 2019, and June 3, 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. Prior to the issuance of building permits, the applicant shall obtain a release of the Stormwater easement on the property from the Town Council.
3. Prior to the issuance of building permits, the applicant shall obtain approval from staff of reciprocal easements language between the two separate parcels and then have the resulting easements recorded in the Cumberland County Registry of Deeds.