

# Town of Windham

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## MEMO

DATE: December 5, 2019

TO: Planning Board  
FROM: Jennifer Curtis, Planner  
Cc: Amanda Lessard, Planning Director  
Wayne Wood, PLS  
Development Review Team

RE: 19-30 Johnson Road Minor Subdivision - Sketch Plan  
Planning Board meeting – December 9, 2019

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### Overview –

The applicant is proposing a four (4) lot subdivision (one lot was previously transferred) on ~6 acre property with frontage on Johnson Road. One lot is an existing duplex. The sketch plan shows a traditional subdivision layout with lots to be accessed by the existing road.



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

Tax Map: 10; Lots: 50A and 51 (portion), Zoning District: Farm Residential (FR).

### SUBDIVISION REVIEW

#### Staff Comments:

1. Waivers: None specifically identified, but staff notes the following based on the sketch plan application narrative.
  - a) §910.B.1.c.2 – Surface drainage plan, Submission requirement.  
*A surface drainage plan drawn by a Maine Licensed Professional Civil Engineer that includes a written statement that the proposed subdivision will no create erosion, drainage or runoff problems either in the subdivision or on adjacent properties.*
  - b) §910.B.1.c.2 – Soil erosion and sediment control plan, Submission requirement.  
*The applicant proposes to include plans with building permit applications*
  - c) §911.M.2.C – Traffic Conditions and Streets, General Access Standards.  
Performance Standard.  
*This standard requires that the existing streets that can be expected to carry traffic generated by the subdivision shall be improved back to the closed public street to meet the applicable private road standard.*
2. Complete Application: N/A for Sketch Plan. *Staff notes that the sketch plan submission does not include a narrative defining which lots are exempt and which ones will be new, evidence of Right, Title, or interest in the property, or any anticipated requests for waivers from the submission requirements for the Minor Subdivision Final Plan application.*  
  
**~~MOTION:~~** ~~The application for project 19-30 Johnson Road 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: No public hearing has been scheduled for this project. A public hearing should be scheduled for this project.
4. Site Walk: In accordance with Section 906.C.3 the Planning Board shall visit the site to observe existing conditions, generally confirm the information submitted and assess the development proposal.

Findings of Fact and conclusions for the

#### **Windham Planning Board,**

**~~MOTION:~~** ~~The Subdivision application for 19-30 Johnson Road Subdivision on Tax Map:10; Lots: 50A and 51 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 located over a significant sand and gravel aquifer.
- A hydrogeologic assessment prepared by a Maine Licensed Site Evaluator or Certified Geologist regarding the ability of the site to meet the performance standards and approval criteria for subsurface wastewater disposal must be submitted as part of the Final Plan when subsurface wastewater disposal systems area proposed.
- The new residential lots will not result in undue air or water pollution.

### B. WATER

- The existing duplex 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. There is a public water main in Roosevelt Trail that is located approximately 2,000 feet from the nearest point of the development parcel.
- The closest fire hydrant is located over 1,000 feet from the proposed development.
- The Fire Department recommends that new residential homes be equipped with sprinkler systems when located more than 1,000 from a PWD hydrant.

### C. SOIL EROSION

- A surface drainage plan or stormwater management plan must be submitted as part of the Final Plan.
- A soil erosion and sediment control plan must be submitted as part of the Final Plan.

### D. TRAFFIC

- The subdivision lots will have frontage on Johnson Road.
- The public section of Johnson Road from Roosevelt Trail is a paved road that ends approximately 1,400 feet before the subject parcel. The private portion of Johnson Road then narrows to a gravel road as it passes through the proposed subdivision.
- The existing driveway for an existing dwelling on the remainder of Lot 50A is shown in an access easement across Lot 1.
- Sidewalks on the new subdivision streets are not required, as the subdivision is more than 1,000 feet from neighborhood businesses, schools, community facilities, or other pedestrian traffic generators.
- Sections 911.M.2.c and 911.M.5.a.5 were amended October 2017 to clarify that that all of the existing and proposed private roads providing access to the subdivision need to be improved to the applicable Private Road standard, which is the Major Private Road standard in this case, where Johnson Road serves more than 10 dwellings.

E. SEWERAGE

- Lots will be served by private subsurface wastewater disposal (septic) systems.
- The Final Plan submission shall include the location and results of test pits performed by a Maine Licensed Site Evaluator or Certified Soil Scientist. At least one test pit per lot.

F. SOLID WASTE

- The application should state how they intend to handle solid waste.
- 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 duplex is located on the property and is shown on the remainder of Lot 50A. The remainder of the site is lightly wooded and undeveloped.
- There are no documented rare botanical features or significant wildlife habitat documented on the site.
- Street trees must be planted at least every 50-feet along the length of the subdivision street.
- Limits of tree clearing should be shown on the plan. A note should be added to the plan stating 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 Ordinances:
  - All lots exceed the minimum lot size of 50,000 square feet for standard lots in the FR zoning district.
  - Lots meet the lot frontage requirement of 150 feet for the FR Zone.
  - The remainder of the Lot 50A is proposed to be reduced to 80,516 sq ft. The net density requirement is 40,000 sq ft.
  - Net residential density calculations must be shown on the plan.
  - Duplexes are not an allowed use in the FR Zone, unless converted from an existing dwelling or accessory building that was in existence prior to May 13, 1986..
- Subdivision Ordinance
  - 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.

- Homeowner association documents should be provided with the Final Plan submission and must specify the rights and responsibilities of each lot owner with respect to the maintenance, repair, and plowing of the subdivision streets, open space and stormwater infrastructure.
- Approximate location and size of existing utilities on and adjacent to the land, including utility poles should be shown on the Final Plan.
- Utilities shall be installed underground
- The subdivision plan shows the entire parcel including all contiguous land in common ownership within the last five years, as required by 30-A MRSA Section 4401.
- Street line monuments shall be set at all street intersections and points of curvature per 911.3.(a).
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- Others:

#### I. FINANCIAL AND TECHNICAL CAPACITY

- Evidence of financial capacity must be provided as part of the Final Plan submission.
- Evidence of technical capacity must be provided as part of the Final Plan submission.

#### J. RIVER, STREAM OR BROOK IMPACTS

- This project is located within the Highland Lake watershed.
- The project will not adversely impact any river, stream, or brook.

#### CONCLUSIONS

1. ~~The proposed subdivision will/will not result in undue water or air pollution.~~
2. ~~The proposed subdivision has/does not have sufficient water available for the reasonably foreseeable needs of the site plan.~~
3. ~~The proposed subdivision will/will not cause an unreasonable burden on an existing water supply.~~
4. ~~The proposed subdivision will/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/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/will not provide for adequate sewage waste disposal.~~
7. ~~The proposed subdivision will/will not cause an unreasonable burden on the municipality's ability to dispose of solid waste.~~
8. ~~The proposed subdivision will/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/does not have** adequate financial and technical capacity to meet the standards of this section.~~
11. ~~The proposed subdivision **is/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/will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.~~
13. ~~The proposed subdivision **is/is not** situated entirely or partially within a floodplain.~~
14. ~~All freshwater wetlands within the proposed subdivision **have/have not** been identified on the plan.~~
15. ~~Any river, stream, or brook within or abutting the subdivision **has/has not** 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.~~
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/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 18, 2019, as amended \_\_\_\_\_, 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.