

Town of Windham

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MEMO

DATE: April 6, 2020

TO: Windham Planning Board
FROM: Amanda Lessard, Planning Director and Jennifer Curtis, Planner
Cc: Dustin Roma, P.E., DM Roma Consulting Engineers
Development Review Team
RE: 20-08 Newbury Ridge Amended Subdivision – Major Subdivision, Sketch Plan
Planning Board Meeting: April 13, 2020

Overview –

Newbury Ridge, a 3 lot minor subdivision on a 6 acre property on Nash Road was approved by the Planning Board on March 25, 2019. This application amends the plan and instead proposes to develop a 21-unit retirement community. The project will utilize the same 250 feet of the approved road alignment to provide frontage for the abutting lot with the existing single-family home at 3 Nash Road and construct a 1,100 feet private roadway to serve the development.

A Development Team meeting was held on March 31, 2020. Comments from that meeting are incorporated into the memo below. New comments from the staff memo dated March 21, 2019 appear as underlined text below, comments from the approved minor subdivision that are no longer applicable to the amended plan appear as strikethrough text.

Correspondence from abutters has also been included in your packet.

Tax Map 9; Lots 34-B1, 34-B2, and 34-C Zone: Farm (F) and (RCCFO).

SUBDIVISION REVIEW

Staff Comments:

1. Waivers: The following waivers were granted as part of the 2018 approved plan:
 - a) §911.M.5.b.5.ii – Public Dead-end Street performance standard.
 - b) §911.M.5 - Road Standards performance standards
 - c) §911.M.5.b.6.ii – Sidewalks or shoulders performance standard.

The first 250 feet of the proposed amended plan will use the same road alignment; however, waiver (c) is no longer applicable as a sidewalk is now proposed and waiver (a) is no longer necessary to comply with the required road standard for condominium developments. The applicant should clarify if waiver (b) is still applicable.

The Planning Board cannot act on waivers or potential waiver requests at the Sketch/Preapplication review phase. It is appropriate to discuss potential waiver requests to give the applicant guidance. Based on discussion at the development team meeting on March 31, 2020 the following waiver request will be submitted:

d) §911.M.5.a.6 - Road Standards performance standards.

Access drive standards for condominium subdivisions shall meet the major private road standard (20 foot travel way with 2 foot paved shoulder, right-of-way width is not applicable). The applicant proposes 22 feet wide paved surface with a 5 foot sidewalk.

2. Complete Application: *N/A with Sketch Plan*

MOTION: ~~The application for project 20-08 Newbury Ridge Amended 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: A public hearing for the approved minor subdivision was held at the February 11, 2019 Planning Board meeting. The Planning Board must determine whether to hold a public hearing on the application.
4. Site Walk: A site walk has not yet been scheduled for this project. A site walk was held on Saturday November 17, 2018 at 7:30am for the minor subdivision.

Findings of Fact and conclusions for the

Windham Planning Board,

MOTION: ~~The Subdivision application for 18-28 Newbury Ridge Amendment on Tax Map: 9, Lots: 34-B1 34-B2, and 34C 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 has an average density of more than one dwelling unit per 100,000 square feet.

B. WATER

- The abutting existing single-family home is served by a private well. The sketch plan notes that the well is to be abandoned. The subdivision is proposed to be served by private wells. The amended subdivision is proposed to be served by public water for domestic use.
- 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. The existing public water main terminates at the intersection of Windham Center Road and Nash Road, a distance of less than 400 feet. On the revised sketch plan, the proposed 3 lot subdivision does not require a water main extension.
- 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.
- 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.
- The closest existing fire hydrant is located on Windham Center Road at Hawkes Farm Road, approximately 875 feet from the proposed development.
- At the Development Team Meeting on March 31, 2020 Fire Chief Brent Libby stated that a proposed hydrant location should be shown on the plan approximately 100 feet into the subdivision road from Nash Road. Proposed hydrants should be shown on the plan.

C. SOIL EROSION AND STORMWATER

- ~~An erosion and sedimentation plan, prepared by DM Roma Consulting Engineers, dated January 22, 2019, has been submitted as part of the Final Plan. Notes and details are shown on Drawing D-1.~~
- ~~A stormwater management plan has been submitted as part of the January 23, 2019 Final Plan submission. The proposed development will create approximately 12,000 square feet (0.28 acres) of new impervious area and 88,000 square feet (2.0 acres) of developed area for the roadway and lots. The project proposes to meet the flooding standard by treating more than 75% of the impervious and developed areas with buffers. The applicant will be responsible for the maintenance of the stormwater facilities until a homeowners' association is created.~~
- ~~Note 12 on the plan states that the all buildings will require the installation of a roofline drip edge filter for stormwater treatment.~~
- ~~In an email dated February 1, 2019, Will Haskell P.E. of Gorrill Palmer, recommended a note be added to the plan that requires the stormwater buffers to be permanently marked as required by Maine DEP, requested a stormwater treatment plan showing all areas that contribute to the minimum 75% of impervious and developed areas being treated by buffers, requested a tree planting plan to ensure the buffer reverts back to forested vegetation or size the buffers for meadow vegetation, and a revision to the maintenance plan to remove reference to infiltration basins and undertrained filter basins.~~
- ~~The applicant responded to peer review comments on February 11, 2018 and provided a treatment plan which shows the area that is being treated by the proposed buffers. Note 16 was added to the subdivision plan specifying that the stormwater buffers shall be replanted with a grid of deciduous and evergreen trees at a spacing of at least one tree every 30 feet on center though the buffer area. Deciduous trees shall be minimum 1" caliper and evergreen trees shall be a minimum of 4 feet in height.~~

- ~~In an email dated February 19, 2019, Will Haskell P.E. of Gorrill Palmer, noted that the grading has been revised with a buffer below the proposed level lip spreader with a 75' flow path but the applicant's property does not appear to meet the design length.~~
- ~~The applicant submitted revised plans dated March 8, 2019 that relocated the proposed road and updated the roadway grading and proposed stormwater management design.~~
- ~~In an email dated March 13, 2019, Will Haskell P.E. of Gorrill Palmer, stated that revised level lip spreader is acceptable, and the buffer length meets required standards.~~
- A soil erosion and sediment control plan must be submitted as part of the Preliminary Plan.
- 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.
- The project requires a Maine Department of Environmental Protection (DEP) Chapter 500 Stormwater Permit which must be submitted with the Final Plan.
- Freshwater wetlands have been identified on the plan. No wetland impacts are identified on the sketch plan.

D. TRAFFIC

- The subdivision lots will have frontage on a new ~~360~~ 1,100 foot long subdivision street which intersects with Nash Road, a paved public road.
- Section 550.C requires new streets with connections to existing public streets to be built to the Minor Local Street standard.
- The first 180 feet of the subdivision street is proposed to be built to the Minor Local Street standard in order to provide road frontage to the existing house lot (Map 9 Lot 34).
- The sketch plan shows a hammerhead turnaround at the end of the minor local street portion of the road. At the Development Team Meeting on March 31, 2020, staff agreed that a turnaround was not required at this location if the road was not intended to be offered for public acceptance.
- 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).
- At the Development Team Meeting on March 31, 2020 the applicant stated that the proposed road cross section would be 22 feet wide with a 5 foot sidewalk and would submit a waiver from the standard for 24 foot wide paved surface.
- Based on the distance to uses that would generate pedestrian trips and no existing sidewalks on Nash Road, sidewalks are not required for this project. When sidewalks are not required for local streets, Section 911.M.5.b.6.ii requires that the applicant construct a sidewalk or a street with a widened shoulder. One (1) additional foot of paved shoulder, on each side of the street, shall be added to the required minimum shoulder width. A 5 foot side walk is shown on the sketch plan.
- A 6 foot wide walking trail is shown on the sketch plan.
- ~~The sketch plan shows a hammerhead turnaround at end of the proposed street. The Minor Local Street Standard requires a cul-de-sac. A written waiver request should be submitted.~~
- Sight distance for the new subdivision street should be shown for both directions along Nash Road on the Final Plan.

- The January 7, 2019 sketch plan narrative also indicates that the applicant intends to request waivers from the Minor Local Street standard roadway centerline radius and tangent distance between reverse curves.
- In an email dated January 17, 2018 Town Engineer Jon Earle asked for clarification about the minimum tangent distance and commented that the proposed roadway slope through the 55' radius is 2% and though a significant reduction for a minimum centerline radius from 180' to 55', having the road at just 2% slope along with a minimal amount of traffic makes the waiver request reasonable.
- ~~The January 23, 2019 final plan shows the sight distance at the proposed roadway intersection at Nash Road looking right exceeds 500 feet, and looking left is approximately 412 feet.~~
- ~~A road plan and profile, prepared by DM Roma Consulting Engineers, dated January 22, 2019, shown on Sheet PP-1, was submitted as part of the Final Plan. The road cross section is shown on Sheet D-1.~~
- The final plan submission includes requests for waivers from the street design standards for the roadway centerline radius, the road to end in a hammerhead instead of a cul-de-sac, and a requirement for additional paved shoulders.
- ~~In an email dated February 1, 2019, Will Haskell P.E. of Gorrill-Palmer questioned the proposed grading along the right side of the roadway when a ditch is shown on the typical section on sheet D-1, requested a stop sign at the intersection and that the realigned driveway for Lot A be shown on the plan. He had no technical concerns with the road standard waiver requests.~~
- ~~The applicant responded to peer review comments on February 11, 2018 and provided revised plans. Grading was revised to include an uphill ditch and cross culvert.~~
- ~~In an email dated February 19, 2019, Will Haskell P.E. of Gorrill-Palmer, noted that at the request of the Town Gorrill-Palmer made a sight visit on February 19, 2019 to review the distance looking towards Windham Center Road. Due to existing snowbank it is not possible to accurately evaluate the sight distance however they do not believe that the sight distance looking left meet the 350' minimum requirement and asked the Design Engineer to confirm the sight distance of 412 feet shown on the plan.~~
- ~~The applicant submitted revised plans dated March 8, 2019 that relocated the proposed roadway intersection approximately 30 feet to the south, towards Windham Center Road. The proposed hammerhead was also flipped to the south side of the road.~~
- ~~In an email dated March 13, 2019, Will Haskell P.E. of Gorrill-Palmer, stated that the applicant has not provide actual sight distance at the revised subdivision entrance.~~
- The applicant submitted revised plans dated March 15, 2019 that lists the sight distance looking right exceeds 500 feet, and at 362 feet looking left towards Windham Center Road. A note on Roadway Plan & Profile drawing requires removal of the stone wall and flattening the road shoulder to a minimum of 10 feet beyond the existing edge of pavement to create an area for snowbanks.
- In an email dated March 20, 2019, Owen Chaplin P.E. of Gorrill-Palmer, confirmed that the sight distance meets the ordinance requirement.
- Section 911.M.3.a (page 9-51) and Section 911.M.5.b.5.iii (page 9-60) allows the Board to require the dedication of a right-of-way to provide continuation of the road where future development is possible. At the Development Team Meeting on March 31, 2020 the

applicant stated that the subdivision road ends near the end of the property to allow for a future connection to the abutting 15 acre property that has development potential.

- Section 911.M.3.d states that streetlights may be required at intersections with existing public streets. 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 lots.
- 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.
- At the Development Team Meeting on March 31, 2020 Public Works Director Doug Fortier stated that if blasting is required for the water main installation, Nash Road would need to be repaired as necessary and may require a full overlay.

E. SEWERAGE

- The development will be served by one common private subsurface wastewater disposal system. The amended subdivision sketch plan narrative states that the wastewater system will include Advanced Treatment to reduce nitrate concentration of the wastewater before it is conveyed to the leach field.
- Soil test pit analysis must be included with the Preliminary Plan submission. Test pit locations must be shown on the plan.
- Soil test pit analysis prepared by Alexander A. Finamore, LSE dated August 27, 2018 show that each lot has adequate soils to support a private septic system. Test pit locations are shown on the plan.
- The existing septic system for 3 Nash Road, Map 9 Lot 34, should be shown on the final subdivision plan and noted that a new septic system will be required. The Town's Code Enforcement records indicate the leach field is located on Lot 3 in proximity to the proposed hammerhead shown on the subdivision plan dated March 15, 2019.

F. SOLID WASTE

- The applicant should address how solid waste will be collected. If private collection and disposal is proposed, a dumpster location should be shown on the plan and screening detail provided.

G. AESTHETICS

- A single-family home currently exists on the property. A portion of the property was recently cleared of trees. The parcel general slopes away from Nash Road toward a wetland area at the rear of the property.
- There are no documented rare botanical features or significant wildlife habitat documented on the site.
- Street trees are required at least every fifty (50) feet (§ 911.E.1.b). ~~Street trees are shown on the final plan dated February 11, 2019.~~
- Limits of tree clearing are shown on the final plan. Note 13 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.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
 - The plan does meet the goals of the 2017 Comprehensive Plan.
- Land Use Ordinance:
 - All lots meet lot sizes of 80,000 square feet and 200 feet of frontage-for lots in the F zoning district.
 - Net residential density calculations are shown on the Plan.
 - The proposal meets the net residential density requirements and the setback requirements of the RCCFO district.
 - District Standards, Section 407.E. The project must meet the standards of the RCCFO zoning district.
 - Buildings shall be designed that do no turn their back on the existing road.
 - Retirement Community dwellings shall be limited to 3 or fewer bedrooms per dwelling unit.
- Subdivision Ordinance
 - Lot and Road monumentation are shown on the plan.
 - 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 must be provided with Final Plan submission and 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.
 - ~~Lot A, a 1.85 acre parcel of land, is shown on the sketch plan and includes land to be transferred to the abutter. This conveyance should be completed prior to the final plan submission. 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.~~
 - ~~The final plan submission did not include updated evidence of right, title and interest confirming a land swap with Tax Map 9 Lot 34, labeled as Lot A on the final plan.~~
 - ~~The applicant responded to peer review comments on February 11, 2018 and provided an updated purchase and sale agreement and draft deeds for the land swap. The applicant proposes a condition of approval that the properties be transferred prior to the Planning Board signing the final mylar so that the plan accurately depicts the deed transfers.~~
- Others:
 - Chapter 221 Street Naming and Addressing: The road name approved by the Assessing Department, Newbury Ridge, is shown on the Final Plan.

I. FINANCIAL AND TECHNICAL CAPACITY

- ~~A letter from Shawn MacDonald at University Credit Union, dated January 24, 2019 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.
- Evidence of financial capacity must be provided as part of the Preliminary Plan submission.
- Evidence of technical capacity must be provided as part of the Preliminary Plan submission.

J. RIVER, STREAM OR BROOK IMPACTS

- A small portion of the property closest to Nash Road is located in the Black Brook watershed, and the remainder of property is located in the Colley Wright Brook watershed.
- ~~The applicant proposes forested buffers adjacent to the wetlands on property. The project will not adversely impact any river, stream, or brook.~~
- The applicant should demonstrate that the project will not adversely impact any river, stream, or brook.

CONCLUSIONS (N/A)

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 March 23, 2020, 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.