

Town of Windham

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MEMO

DATE: July 9, 2020

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: 19-05 Woodside Condos Retirement Community – 2nd Amended Subdivision – Final Plan
Planning Board Meeting: July 13, 2020

Overview –

Woodside Condominium Retirement Community project originally consisted of fourteen (14) unit/seven (7) duplex major subdivision on an 11 acre property located on Gray Road and Swett Road; approved by the Planning Board on March 11, 2019. It was amended with an additional thirty-six (36) residential dwelling units in eighteen (18) duplexes, to be built in a second phase, for a total of 50 dwelling units approved in November 2019.

The property is located across the street from the Windham Community Park/Community Garden/Public Safety Building in the Windham Center Growth Area.

This second amendment seeks to add six (6) of the units that were originally planned to be built in Phase 2, into Phase 1, along with the associated infrastructure required to support them.

The subdivision ordinance states that revisions to approved subdivision plans that do not involve the creation of additional lots or dwelling units, the procedures for Final Plan approval shall be followed (§913.B.2, page 9-78).

Underlined text in the memo below shows new information included with the submission and new staff comments from the memo dated November 20, 2019.

Tax Map: 9, Lot: 27K, Zone: Farm Residential (FR) and Retirement Community and Care Facility Overlay (RCCFO).

SUBDIVISION REVIEW

Staff Comments:

1. Waivers:

- a) §910.C.1.c.1 – High Intensity Soils Survey, Submission requirement.
Septic systems have been designed for three specific areas and test pit analysis at those locations has been provided. Six additional test pits across the site were also evaluated.

The waiver request was granted on May 29, 2019.

- b) §910.C.1.c.5 – Traffic Impact Analysis, Submission requirement.
The waiver request was withdrawn

- c) §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 for septic systems F and G. The request states that public water is available and no known drinking water wells are within the vicinity of the plume.

The waiver request was granted on May 29, 2019 with the Planning Board commenting that the applicant should send a certified letter to the potentially impacted abutter regarding the nitrate plume.

- d) §911.M.5.A.6.1 – Access Drives. Major Private Road Performance standard.
Access drives for condominium subdivisions shall meet the major private road standard (20 ft travel lane, 2 ft paved shoulder, 2 ft gravel shoulder without curb). The applicant proposes 2-10' travel lanes, 1' paved shoulders on each side, a 5' paved sidewalk on one side, and a 2' grassed shoulder on the non-sidewalk side of the drive. This is the same cross section for Phase 1 that was approved by the Planning Board. The applicant also proposes a reduction in the tangent length between reverse curves to be less than 100 feet.

The waiver request was granted on May 29, 2019.

2. Complete Application: *N/A for Amended Subdivision. Section 913 requires that the application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of Section 900 and the criteria of the State statute.*

MOTION: ~~The 2nd Amended Subdivision application for project 20-15 Woodside Condominium Retirement Community 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 May 13, 2019 Planning Board meeting.

4. Site Walk: A site walk for Phase 1 was held on Monday August 27, 2018. A site walk for Phase 2 was held on Monday May 13, 2019 at 5:30 PM.

Findings of Fact and conclusions for the

Windham Planning Board,

MOTION: The 2nd Amended Subdivision application for 20-15 Woodside Condominium Retirement Community on Tax Map: 9, Lot: 27K 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 not 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.
- A hydrogeologic assessment was submitted for Phase 1 due to the abutters drinking water wells near the property line.
- The April 22, 2019 submission includes a nitrate-nitrogen assessment dated April 22, 2019 prepared by Stephen Marcotte, CG, LSE of Summit Geoengineering Services that concludes that the proposed subsurface wastewater disposal systems E will not result in an increase of nitrate-nitrogen above 10 mg/L in groundwater at the property boundary. The proposed subsurface wastewater disposal systems F and G will result in an increase of nitrate-nitrogen at the property boundary. The 10mg/L nitrate-nitrogen plume is shown on Plan of Wastewater Disposal Systems F&G. He proposes that the applicant request a waiver from the groundwater quality standard given that the properties on Gray Road are served with public water and there is no known water supply wells near the plumes.
- In an email dated May 1, 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.
- In the May 13, 2019 submission, the applicant has requested a waiver from the groundwater quality standard. The waiver was granted on May 29, 2019 with the Planning Board comment that the applicant should provide a certified notice to the potentially impacted abutter regarding the nitrate plume. In the Final submission, the applicant included a copy of the letter that was sent to the abutter. In the August November 15, 2019 response to comments, the applicant provided a copy of the certified mail receipt.
- In an email dated May 15, 2019 Will Haskell P.E. of Gorrill-Palmer, recommended that the offsite well location be addressed. In a response to comments dated October 22, 2019, the applicant states that the location of the offsite well has been shown on the plan, and that it is more than 300 feet from the proposed engineered leach field. Staff note that on the plan, the well shown on Map 9, lot 27-F is approximately 180 feet from the closest edge of septic

field E. In a communication with the applicant, Staff were informed that the well located on lot 27-F at approximately 180' from septic field E, is an abandoned dug well. The applicant reported that they spoke with the owners of the property and learned that a new well, more than 300' from proposed septic field E, had replaced it.

- The October 22, 2019 response to comments included a blasting plan, as had been requested by the Planning Board. The plan anticipates approximately 3 weeks of blasting during Phase 2. The applicant intends to hire the same blasting contractor that performed the Phase 1 work, Wakefield Drilling & Blasting out of Harrison, Maine. They state that the owner is experienced and maintains current licenses and insurance to perform the necessary blasting operations. The applicant proposes to perform a ledge profile with a drill rig prior to beginning the next round of blasting to accurately estimate the quantity and duration of blasting required, and then provide a plan to the Town that clearly indicates the areas of blasting that will be completed and the expected duration and meet with the Planning Staff to determine the extent of pre-blast survey work. Seismic monitoring will be done at the property line and at structures within 100 feet of the property line, to ensure compliance with Town and ATF standards. The blasting contractor will notify the Town Code Enforcement Office and Public Safety Department at least 24 hours prior to performing any blasting at the site. The applicant did not identify any existing wells that could reasonably be expected to be impacted by any blasting on this property.

B. WATER

- The development will be served by public water for domestic use.
- The Portland Water District confirmed as part of the Phase I approval that there is public water in proximity to the subdivision.
- 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 applicant submitted an email from PWD stating that they had reviewed, and approved revisions dated July 3, 2019 as final design of Phase I approved by the Ability to Serve letter issued on January 3, 2019. The applicant clarifies that the plans dated July 3, 2019 included Phases 1 and 2.
- Existing fire hydrants are located on Gray Road at the intersection of Pope Road and to the north in front of the Public Safety Building.
- The Phase 1 approved plans showed a proposed hydrant located across from Units 11/12 near the proposed hammerhead.
- At the Development Team Meeting on March 26, 2019 Fire Chief Brent Libby stated that the proposed location may be adequate to serve Phase 2 as the end of the proposed street extension is within 1,000 feet. Proposed hydrants should be shown on the plan.
- The proposed hydrant is shown on the Preliminary Plan Grading and Utility Plan, Drawing GU-1, across from Units 13&14.

C. SOIL EROSION & STORMWATER MANAGEMENT

- An erosion and sedimentation plan, prepared by DM Roma Consulting Engineers, dated April 22, 2019, has been submitted as part of the Preliminary Plan. Notes and details are shown on Drawing D-1.

- At the April 8, 2019 the Planning Board requested that a blasting plan be submitted as part of the application.
- 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.
- A component of the Phase 1 stormwater management plan, Filter Basin 2, will be revised and incorporated into the Phase 2 plan.
- The cumulative impervious area of Phases 1 and 2 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. Two areas of wetland impact are shown on the Preliminary Plan, totaling 2,817 square feet.
- A stormwater management plan has been submitted as part of the April 22, 2019 Preliminary Plan submission. The plan addresses the full buildout of the property, including the area that was approved in Phase 1. The project proposes to treat the 8.02 acres of new developed area (2.85 acres impervious area) with four (4) underdrained filter basins, one (1) bio-retention cell, two (2) Filterra units, a forested buffer and roof drip edges on each building. The applicant will be responsible for the maintenance of the stormwater facilities until a homeowners' association is created.
- In an email dated May 2, 2019 Will Haskell, P.E. of Gorrill-Palmer had numerous comments on the erosion control and stormwater management plans.
- The applicant submitted a response to review comments on May 13, 2019 that included a revised plan set and a revised stormwater management plan that eliminates the use of Filterra units.
- In an email dated May 2, 2019 Will Haskell, P.E. of Gorrill-Palmer requested that the stream offset from the stream behind units 7, 8, 9, and 10 be shown on the plan, and revisions to the spillway analysis to eliminate flow in the primary outlet of ponds 2 and 3, and from the tertiary outlet of pond 4, and revisions to the length of the spillway on the biocell.
- In an email dated November 7, 2019 Town Engineer Mark Arienti, PE noted that he had reviewed the applicant's October 22, 2019 responses to comments and determined that issues relating to stormwater management identified in previous peer review comments had been addressed, including:
 - Added the offset from the stream behind units 7, 8, 9, and 10 to the plans
 - Provided a spillway analysis that shows there is sufficient freeboard between the top of berm and emergency spillways for each of the stormwater basins during a 25-year storm event when the spillway is the sole discharge device
 - Revised the length of the spillway for the bioretention basin to show 5', which is consistent with the calculation.
- In a July 7, 2020 response to comments, DM Roma provided an updated Grading and Utility Plan, and Plan and Profile showing the delineation between Phase 1 and Phase 2. The response also included a narrative describing the stormwater management infrastructure to be included in the amended Phase 1 project area:
 - "The developer will construct all improvements shown within the Phase 1 area on these two plans, which includes the construction of the soil filter basin FB-4. The

soil filter basin FB-4 was designed to provide water quality treatment and peak flow attenuation for all of the proposed improvements that will be moved from Phase 2 into Phase 1, as shown on the enclosed Watershed Map and depicted as subwatersheds 30 and 31.”

- In an email dated July 9, 2020 Town Engineer Mark Arienti, PE noted that he had reviewed the applicant’s July 7, 2020 responses to comments and had no comments.

D. TRAFFIC

- Phase 1 of the development has access from Gray Road with the new 750 foot subdivision street. Phase 2 of the development will construct an additional 1,000 feet of roadway with a second connection to Gray Road. The hammerhead proposed as part of Phase 1 will be removed.
- Section 911.M.7 requires a minimum of two connections to an existing public street for a residential subdivision street serving 31 or more units.
- 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).
- Sight distance in each direction for the proposed street on the existing public street should be shown on the Preliminary Plan.
- 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. The Planning Board should discuss which of the proposed road intersections should have a streetlight. The closest streetlight is at Gray Road at the entrance to the Public Safety Building and the next closest is at Gray Road at Swett Road. No proposed streetlight is shown on the April 22, 2019 preliminary plan or the May 10, 2019 preliminary plan. Due to the number of units served, Staff recommend that streetlights are added at both intersections with Gray Road.
- At the Planning Board Meeting on November 25, 2019 the Planning Board determined that the applicant should pay the cost of having the light installed on the opposite side of the road.
- The applicant is proposing a streetlight on the new pole that will be set near the intersection of Conifer and Gray Road. The applicant also states that they have lined up the Unity Lane driveway to be directly across from the driveway to the Town’s Community Park, and that where the utility poles are on the park side of the road, they request that the Town install a street light on that side to illuminate both intersections.
- As part of the Phase 1 approval, the Planning Board approved a waiver from the major private road standard to a road with 2-10’ travel lanes, 1’ paved shoulders on each side, a 5’ sidewalk and a 2’ gravel should on the non-sidewalk side of the drive.
- Based on the distance to uses that would generate pedestrian trips, sidewalks are required.
- The Phase 2 sketch plan does not show a sidewalk on the second connection to Gray Road. The sidewalk or paved shoulder on Gray Road connecting the two access drives should be proposed.

- At the Development Team Meeting on March 26, 2019 Public Works Director Doug Fortier supported a paved shoulder as creating closed drainage for a sidewalk would be difficult.
- 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 26, 2019 Will Haskell, PE of Gorrill-Palmer asked if additional visitor parking would be provided within the development.
- A road plan and profile, prepared by DM Roma Consulting Engineers, dated April 22, 2019, shown on Sheet P-1, P-2, PP-1, and PP-2, was submitted as part of the Preliminary Plan.
- The typical roadway section shown on Sheet D-1 dated April 22, 2019 propose constructing the road with 2-10' travel lanes, 1' paved shoulders on each side, a 5' paved sidewalk, and a 2' gravel should on the non-sidewalk side of the drive. This section does not comply with the Major Private Road section. A written waiver request should be submitted.
- The proposed roadway section was discussed at the May 29, 2019 meeting and determined to be the same cross section as for Phase 1. A waiver from the Major Private Road Standard was granted.
- The preliminary subdivision plan proposed to pave the existing gravel shoulder on Route 202 and notes that the contractor is to coordinate with the Department of Public Works prior to construction.
- The April 22, 2019 preliminary plan submission states that the vehicle sight distance at the two proposed driveway intersections looking right and left is over 700 feet. Sight distances are not shown on the preliminary plan.
- The April 22, 2019 preliminary plan submission states that based on the ITE Trip Generation Manual the proposed 50 senior housing units are expected to generate a total of 172 trips during a typical weekday, 10 trips in the weekday morning peak hour, 13 trips in the evening peak hour, and 16 trips in the Saturday peak hour.
- A traffic impact analysis was not included in the preliminary plan submission and the applicant indicates that a waiver is requested. The applicant should submit reasons for which the waiver from submission requirements is sought.
- In an email dated May 2, 2019 Will Haskell, P.E. of Gorrill-Palmer asked for different stationing numbers for each road for clarity, that the roadway standards are not met specifically the requirement of a maximum grade of 2% within 60 ft of an intersection, and the minimum tangent length between reverse curves, requested a barrier at the end of the southerly entrance drive, show stop signs, provide hammerhead turnaround dimensions on the plan and call out locations of ADA curb ramps/detectable warnings on plan. He also questioned if provisions for visitor parking were considered.
- The applicant submitted a response to review comments on May 13, 2019 that included a revised road plan and profile that address the road grade at the intersection.
- In the May 13, 2019 submission, the applicant has requested a waiver from the major private road cross section as well as a reduction in the tangent length between reverse curves to be less than 100 feet.
- In an email dated May 15, 2019 Will Haskell, P.E. of Gorrill-Palmer requested a detectable warning at the crosswalk at the northerly entrance road sidewalk. The plans submitted on

August 19, 2019 show pedestrian ramps with detectable warnings at the northerly intersection of Conifer Drive. He also noted they agree that the sight distance should be more than adequate, but that applicant should confirm how the sight distance was measured and the sight distance requirement for 40 mph. He requested that the plans show the other driveways in the area and that the applicant obtain MaineDOT crash data for Route 202 along the site frontage.

- A traffic memo for Phase 2 of the project, prepared by Milone and Macbroom, dated May 24, 2019 was submitted. It stated that the trip generation calculations indicate that the proposed development would generate 17 trip-ends for the weekday AM peak hour, 16 for the PM peak hour, and 17 for the Saturday peak hour, and will not meet the minimum threshold of 100 new peak hour trips requiring a Maine DOT Traffic Movement Permit. The report also stated that there are no high crash locations in the study area, and that the sight distance far exceeds the required 580', with over 1,000' of sight in both directions. Will Haskell, P.E. of Gorrill-Palmer agreed with the findings in the report in an email dated June 5, 2019.
- The road segment connecting Gray Road to Conifer Drive has been named "Unity Lane" and is labeled on the plan.
- The applicant addressed the adequacy of parking with a statement that each dwelling will contain a garage parking space and a second parking space within the driveway. Additional guest parking will be accommodated as on-street parking on the private road. No vehicles are anticipated to be parked on Gray Road.
- The Amended Subdivision Plan submitted June 22, 2020 includes the note to pave the existing gravel shoulder on Gray Road between Unity Lane and Conifer Drive, which was included as part of Phase 2. This will provide for a safe pedestrian walking loop.

E. SEWERAGE

- The development will be served by individual private subsurface wastewater disposal systems.
- Soil test pit analysis prepared by Alexander A. Finamore, LSE of Mainely Soils LLC dated March 25, 2019 states that the proposed development has suitable soils for a First Time System according to the Maine Subsurface Wastewater Disposal Code. The six test pits are shown on the preliminary plan.
- Soil test pit analysis was included in the preliminary septic system investigation included in the April 22, 2019 prepared by Stephen Marcotte, CG, LSE of Summit Geoengineering Services dated April 22, 2019. The four test pits are shown on the preliminary plan. There is not a test pit associated with the proposed disposal field E.
- Septic system locations are shown on the plan. Disposal Field E, a septic system to serve Units 15 thru 44 is located at the dead end of the subdivision street. A septic system F to serve Units 45/46 is located behind those units, and septic system G to serve Units 47/48 & 49/50 is located behind those units.
- State of Maine DHHS approval of engineered septic system E must be included with the Final Plan submission. The October 22, 2019 response to comments included a Maine DHHS approval of the engineered system dated October 7, 2019. It describes the treatment tanks as fifteen 1,500-gallon septic tanks, two 2,000-gallon flow equalization

tanks, and two Fuji Clean CEN21 advanced treatment units. The proposed disposal area consists of six 60-foot-long rows of three foot by two-foot stone and pipe trenches. It states that there are no potable water supply wells reported within 300 feet of the proposal. The approval includes Maine DEP review comments that "...no reason was found to believe the proposal would cause unreasonable adverse impact on resources and uses in the area likely to be affected..."

- The preliminary septic system investigation notes that there is one known water supply well located approximately 175 feet southwest of the proposed disposal field E and it will be abandoned and replaced with a well at least 300 feet from the proposed disposal field. There is also a minor water course (stream) located approximately 150 feet west of the proposed disposal field E on an adjoining property and additional location data needs to be obtained to verify the setback distances to determine if a variance is necessary.
- In an email dated May 2, 2019 Will Haskell, P.E. of Gorrill-Palmer requested information on abandonment and relocation of the offsite well as noted in the septic system siting investigation and ensure that the proposed subsurface systems comply with all applicable setbacks as the proposed engineered system is in close proximity to the detention basin and culvert outlet.
- At the May 13, 2019 Planning Board meeting the applicant stated that additional soils investigation in the area of the engineered septic system was scheduled. That test pit analysis has not yet been submitted.
- In an email dated May 15, 2019 Will Haskell, P.E. of Gorrill-Palmer recommends that the resolution of the offsite well location/setback be a condition of final approval. Additional information should be provided with the final plan submission. See FOF under "A. Pollution."
- In a July 7, 2020 response to comments, DM Roma provided an updated Grading and Utility Plan, and Plan and Profile showing the delineation between Phase 1 and Phase 2. The updated plan shows that the two septic systems associated with units 45-50 will be constructed as part of the updated Phase 1.

F. SOLID WASTE

- The April 22, 2019 preliminary plan submission states that residents of the two family dwellings will participate in the Town's pay-per-bag garbage program.
- Where the road is proposed to be private, the Town's contracted trash hauler typically picks up trash at the public street. The applicant should provide additional information about a collection area at Gray Road.
- In an email dated May 15, 2019 Will Haskell, P.E. of Gorrill-Palmer also noted that consideration should be given to a suitable location for residents to drop trash and recycling containers that will not impede traffic entering the project roads, or traffic traveling along Route 202.
- Development of these lots should not produce an undue burden on the Town's ability to collect and dispose of solid waste.
- In the application submitted October 22, 2019, the applicant stated that they intend to work with the Town to provide the necessary agreements so that trash will be picked up curbside in front of each residence under the Town's municipal contract.

G. AESTHETICS

- The site is currently undeveloped and wooded.
- 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 Plan and Profile Sheets PP-1, PP-2, GU-1, GU-2, and GU-3 of the preliminary plan set. Street trees are shown on the final plan.
- Limits of tree clearing are shown on the preliminary plan. Note 12 on the plan 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. Note 12 is the same on the final plan.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
 - The plan does meet the goals of the 2017 Comprehensive Plan. The property is located the Windham Center Growth Area.
- Land Use Ordinance:
 - All lots meet the minimum lot size (50,000 square feet) and frontage (150 feet) for lots in the FR 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 not turn their back on the existing road.
 - Building elevations were included in the April 22, 2019 submission.
 - Retirement Community dwellings shall be limited to 3 or fewer bedrooms per dwelling unit.
 - The preliminary septic system investigation included in the April 22, 2019 submission states that septic systems are designed for 2-bedroom units.
- 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. Tax Map and Lot numbers are shown on the Final Plan.
 - Subdivision plan data compatible with the Town GIS must be submitted as part of the Final Plan submission.
 - In an email dated May 15, 2019 Will Haskell, P.E. of Gorrill-Palmer noted that a boundary pin/monument is required behind units 39/40. In a response to comments on

October 22, 2019, the applicant stated that the proposed pin had been added to the plan. The pin is indicated on the plan dated October 21, 2019.

- Condominium association documents should 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. The Final application includes a draft declaration of condominium for Woodside Condominium, which includes the elements required by 911.E.2.
- In a July 7, 2020 response to comments, DM Roma provided an updated Grading and Utility Plan, and Plan and Profile showing the delineation between Phase 1 and Phase 2. The dwelling units not proposed to be constructed in the amended Phase I shall not be shown on the Final Plan ASB-1.
- Others:
 - Chapter 221 Street Naming and Addressing: The street name shown on the plan, Conifer Drive, has been approved by the Town. The second access drive connection to Gray Road shown on revised plan sheets dated November 12, 2019, Unity Lane, has been approved by the Town.

I. FINANCIAL AND TECHNICAL CAPACITY

- Evidence of financial capacity must be provided as part of the Preliminary Plan submission. A letter from Cort & Small, LLC, a tax preparation and accounting company was submitted, which verifies the financial capacity of the applicant to complete the project.
- The expected construction costs to complete the required site improvements was included in the April 22, 2019 preliminary plan submission.
- 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 divided between the Pleasant River, the Town's priority watershed, and Black Brook watersheds. Projects in the Pleasant River watershed require additional erosion control inspections during construction.
- As part of the Phase 1 approval, the Maine DEP made a field determination dated December 18, 2018 that describes wetlands and a stream on the property. The 60' stream segment is shown on the plan. The required 75' setback should be shown on the plan. The 75' setback is shown on the plan submitted October 22, 2019.
- The preliminary septic system investigation included in the April 22, 2019 notes that a minor water course (stream) is located approximately 150 feet west of the proposed disposal field E on an adjoining property and additional location data needs to be obtained to verify the setback distances.
- The applicant should demonstrate that the project will not adversely impact any river, stream, or brook.

- The final application included Maine DEP Stormwater Permit L-28315-NJ-A-N which states that “The Department accepted a NRPA PBR Notification Form (PBR #67737) on May 24, 2019, for activities adjacent to a natural resource that will be constructed in accordance with Chapter 305 Section 2 of PBR Standards. The applicant also proposes to fill 2,817 square feet of freshwater wetland. This amount of wetland alteration is exempt from permitting pursuant to 38 M.R.S. §480(Q)(17) of the NRPA.”

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/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 **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 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.
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 March 18, 2019, as further amended May 13, August 19, and June 22, 2020, 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 any blasting, the applicant shall submit a detailed blasting plan to Planning Staff for review and receive approval of the extents of pre-blast survey work. The detailed blasting plan shall include a ledge profile created using a drill rig, an estimate of the quantity and duration of blasting required, extents of areas where blasting may occur, and when it may occur.