

Town of Windham

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MEMO

DATE: November 19, 2020

TO: Planning Board
FROM: Jennifer Curtis, Planner
Cc: Amanda Lessard, Planning Director
Dustin Roma, P.E., DM Roma Consulting Engineers
Development Review Team
RE: 20-27 Manchester Dr Major Subdivision and Site Plan - Sketch Plan
Planning Board meeting – November 14, 2018 (canceled), moved to December 14, 2020

Overview –

The applicant is proposing a three (3) lot subdivision with 72 units of residential apartments, on 14 acres on property with frontage on Manchester Drive. As proposed, the project would create approximately 2,100 feet of new roadway.

The project is intended to be phased, with the first phase to include units 1-40, and 41-72 in a second phase. No development is currently proposed on Lot 1.

The project is located in a transitional C-2 zoning district, sandwiched between the Commercial 1 and Farm Residential Districts. It is within the downtown area of North Windham, and is a transitional area, surrounded by commercial uses to the north, east, and southeast, and residential areas to the south and west.

The project requires review under both the Subdivision and Site Plan ordinances. This memo includes findings and conclusions for both reviews, including cross-references where appropriate. It includes references to guidance documents, and suggested topics for Board discussion in *italics*.

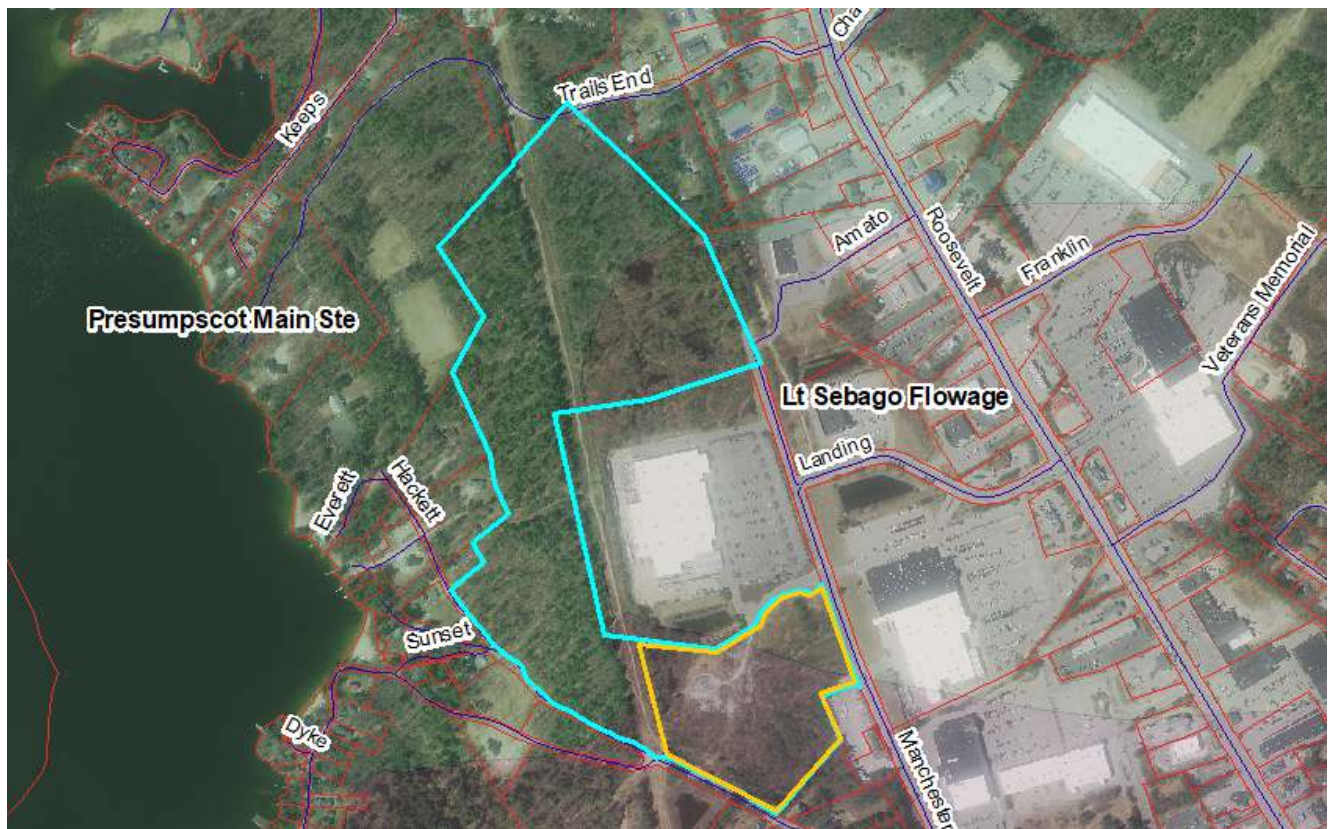
This project is proposed on an increasingly rare large parcel in the North Windham growth area, within easy walking/biking distance to a great many amenities, and with an extensive variety of potential use. The way it is developed will influence and help define the future of North Windham. Staff encourages the Board to pay close attention to how the project is meeting standards that may affect the character and feel of the area and how it may influence development nearby.

Staff also strongly encourage the Board to discuss on-street parking options. Though the Commercial Street standard prescribes parallel parking, the North Windham character-based code document that the standard is based on encouraged a variety of on-street parking options, which would give the applicant more flexibility with design.

The following On-Street Parking Standards apply to Thoroughfares in the (Draft) North Windham Character Based Code, to be used as guidance:

ON-STREET PARKING

1. Parking stalls may be configured in one of five ways:
 - a. Parallel parking stalls located in a single-file line on pavement directly adjacent to the verge, parallel with the movement of the traffic lanes.
 - b. Perpendicular parking stalls located on pavement directly adjacent to the verge, perpendicular to the movement of the travel lanes.
 - c. Angled parking stalls located on pavement directly adjacent to the verge set at an angle relative to the direction of travel, usually 30,45, or 60 degrees.
 - d. Opportunistic parking unmarked and located partially or entirely within the verge on a stabilized shoulder.
2. When marked, parking lanes may be distinguished from adjacent travel lanes by painted lines, changes in materials, or a combination thereof.
3. Thoroughfares with required parking may drop one or both parking lanes for portions of their length as long as the resulting space is given to the adjacent verge assembly.
4. If perpendicular or angled parking are accommodated, right of way and pavement width may be increased by the additional width required by these parking configurations.



Aerial View of the subject parcel relative to surrounding area and street network. Overall parcel in blue. Project area in yellow.

Tax Map: 18A; Lot: 48-D. Zoning District: Commercial 2 (C-2).

SUBDIVISION REVIEW

Staff Comments:

1. Waivers: None requested.

- a) *The applicant will need waivers for road width, and number of street connections, as proposed.*
- b) *The applicant may also want to request a waiver for parking lane width, in order to accommodate alternative styles of parking in the ROW.*

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

MOTION: ~~The application for project 20-27 Manchester Dr 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. The Planning Board shall determine whether to hold a public hearing on the Preliminary Plan.
4. Site Walk: A site walk has not been scheduled for this project. A site walk should be scheduled for this project.

Findings of Fact and conclusions for the

Windham Planning Board,

MOTION: ~~The Subdivision and Site Plan application for 20-27 Manchester Drive on Tax Map: 18A; Lot: 48-D is to be (approved with conditions/denied) with the following findings of fact and conclusions.~~

FINDINGS OF FACT

A. POLLUTION

- A portion of this subdivision is located over a significant sand and gravel aquifer.
- No portion of the lot is in the mapped floodplain area
- See findings of fact (FOF) under SEWERAGE.
- The new residential lots will not result in undue air or water pollution.

B. WATER

- The subdivision is proposed to be served by public water, in compliance with § 911.B.1.(a)
- The preliminary plan must include a statement from the PWD indicating there is adequate supply and pressure for the subdivision.
- The final plan must include an ability to serve letter from PWD.
- There are existing hydrants on Manchester Drive, opposite the proposed southern entrance, and by the access road to the adjacent Lowes property.
- 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 AND STORMWATER MANAGEMENT

- An erosion and sedimentation control plan prepared in accordance with MDEP Stormwater Law Chapter 500 Basic Standards, and the MDEP Maine Erosion and Sediment Control Best Management Practices, must be included with the preliminary plan.
- A stormwater management plan which complies with the requirements of Maine DEP Chapter 500 Stormwater Management, prepared by a Maine Licensed Professional Engineer in accordance with the most recent edition of Stormwater Management for Maine: BMPS Technical Design Manual, published by the MDEP must be included with the preliminary plan.

- If this project requires a Maine Department of Environmental Protection (DEP) Chapter 500 Stormwater Permit, it must be submitted with the Final Plan.
- This project is in the NPDES (National Pollutant Discharge Elimination System) urbanized area as designated by the Environmental Protection Agency for the Town of Windham. As a result, there will be additional construction inspection requirements and ongoing requirements for reporting of stormwater infrastructure maintenance if the area of development is greater than one (1) acre. See Condition of Approval #2.
- In accordance with §910.C.(6), where the proposed subdivision is at least in part located in the direct watershed of a great pond, the preliminary plan shall include a watershed drainage divide, and depending on which watersheds the proposed development lies in, a phosphorus impact analysis and control plan, and long-term maintenance plan.

D. TRAFFIC

- The property has 460 ft of frontage on Manchester Drive, a paved public street, and 580 ft of frontage on Basin Road, a gravel private road.
- The subdivision lots will have frontage on Manchester Drive and new roads, to be constructed internally. No access to Basin Road is proposed.
- Manchester Drive is a Controlled Access Street and in accordance with Section 500 all curb cuts must be spaced at least 300 linear feet from the nearest curb cut on said controlled access street. Proposed Lot 1 will not be permitted a curb cut on Manchester Drive.
- The applicant is proposing to construct a residential street, with expanded width. Where the project is for a commercial development, the primary roads should be built to the commercial street standard and include on-street parking. Perpendicular parking would be consistent with the intent of the ordinance, but would require a waiver from the street standard.
- The proposed connection to the private access drive on the adjacent Lowes property to the north, does not meet the requirement of two (2) connections to an existing public street for a development with 31 or more units. (§911.M.5.(b)(7)) A waiver request must be submitted.
- For subdivisions involving 28 or more parking spaces or projected to generate more than 140 vehicle trips per day, a traffic impact analysis, prepared by a Maine Licensed Professional Engineer with experience in traffic engineering, shall be submitted with the preliminary plan, in accordance with § 910. C.1.5.
 - 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 may be subject to the North Route 302 Road Improvements Impact Fee (Section 1204). A traffic analysis shall be conducted in order to determine the traffic impact and requisite impact fee total, as measured by additional vehicle trips to be generated by a development project that pass through the North Route 302 Capital Improvement District in the peak commuter hour.
- Where a proposed development abuts unplatted land, or a future development phase of the same development, the Board may require the dedication of a right-of-way equal to the right-of-way width of the internal subdivision street to provide continuation of the road where future development is possible.

- Streets shall be named, signed and addressed in accordance with the Code of the Town of Windham Chapter 221, “Street Naming and Addressing.”
- Sidewalks on the new subdivision streets are required, as the subdivision is less than 1,000 feet from a convenience store. (§911.M.5.(b)(6)).
- The Commercial Street standard, intended as the standard for new streets in this area of the 21st Century Downtown Plan, requires sidewalks and on-street parking on both sides of the street.
- *The Planning Board may wish to discuss the curvature of the road in the context of on-street parking.*
- S911.M.1(a): The subdivision transportation system shall provide safeguards against hazards to vehicles, bicyclists and pedestrians in interior subdivision streets and access connections to external streets
- *The Planning Board may wish to discuss that the creation of many driveways intersecting with a sidewalk would create a potentially unsafe interaction between vehicle and pedestrian traffic, as there will be many potential interactions between sidewalk users, and vehicles backing out of and entering the driveway, especially during snowy weather conditions. (Additionally, see FOF under Land Use Ordinances below for district standards on parking)*
- Sight distances for access to external 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. The Town of Windham Streetlight Policy, adopted June 25, 2013, requires streetlights at the intersection of a public street and the subdivision road serving 10 or more lots.

E. SEWERAGE

- Lots will be served by private subsurface wastewater disposal (septic) systems.
- The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules
- The preliminary plan must include a hydrogeologic assessment in accordance with §910.C.1.(c)(3)

F. SOLID WASTE

- The preliminary plan should indicate how the project will dispose of solid waste.

G. AESTHETICS

- The preliminary plan should indicate whether there are documented rare botanical features, historic sites, or significant wildlife habitat documented on the site.
- Limits of tree clearing should be shown on the plan.
- Street trees are required at least every fifty (50) feet (§ 911.E.1.b). See FOF under “Landscape Plan” in Site Plan Review below.

- 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.
 - The project is located in the North Windham Growth Area.
- Land Use Ordinance:
 - There is no minimum lot size for lots in the C-2 zoning district (C-2).
 - Dwelling, two-family, and Dwelling, Multifamily are permitted uses in C-2.
 - The zoning district boundary should be shown on the preliminary plan.
 - The proposed lots will meet the frontage requirement of 150 feet for C-2.
 - Net residential density calculations are shown on the plan. They should be broken down to show net residential density for each individual lot.
 - Minimum 10' side and rear setbacks are shown on the plan
 - The façade of all buildings must be oriented parallel to a front lot line. Multi-building development may orient individual buildings to different front lot lines.
 - C-2 District Block Standards apply. The standards require that blocks should be generally rectangular in shape. Block perimeters shall be demonstrated to meet the block standards on the preliminary plan.
 - The applicant should indicate how they meet the curb cut standards at Section 522.
 - No parking shall be located within a structure's front setback area. When parking is located at the side of a building, the parking area shall not extend closer to the street than the front façade of the building.
 - The space between the parking lot and the street shall be landscaped according to an overall plan for the property.
 - *The Planning Board may wish to discuss alternative parking arrangements, such as on-street parking, or parking grouped behind the building. The intent of the C-2 district standards for parking (406.F.6.(a)) seems to be to prevent visible parking areas.*
 - The development is subject to the following Section 1200 Impacts Fees, to be paid at with the issuance of a building permit: North Windham Sidewalk Impact Fee, Recreation Impact Fee, North Route 302 Road Improvements Impact Fee, Open Space Impact Fee, Public Safety Impact Fee, Municipal Office Impact Fee.
- Subdivision Ordinance
 - The Tax Map and Lot numbers provided by the Tax Assessor must be shown on the Final Plan.
 - The final plan must include street names approved by the Town.
 - 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.
- The subdivision plan must show the entire parcel including all contiguous land in common ownership within the last five years, as required by 30-A MRSA Section 4401.
- The project is proposing phased development. Phase line should be shown on the plan.
 - §912.G requires that if a plan has received a phased approval, the first phase shall be recorded within three (3) years of the original approval and subsequent phases shall be recorded within five (5) years of the original approval. If a phased plan is not recorded within those time periods, the phases that have not been recorded shall become null and void.
 - §914.A.6(b) allows that the Board shall grant final approval of lots in subsequent phases only upon satisfactory completion of all requirements pertaining to previous phases. *If the Board wishes for surface paving to be complete on Phase 1 prior to the start of Phase 2, they may consider adding a condition of approval requiring surface paving to be completed on Phase 1 before work may begin as approved by any subsequently approved amendments.*
- Others:
 - Chapter 221 Street Naming and Addressing: A street name approved by the Town Addressing Officer shall be shown on the Final Plan.
 - Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 urbanized area.
 - Chapter 116 Growth Management Ordinance: Growth permits are required prior to the issuance of a building permit for the construction, creation or placement of each new dwelling unit within the Town of Windham.

I. FINANCIAL AND 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

- This project is located within the Presumpscot River watershed and is just over 1,000 feet from Sebago Lake Basin.
- 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 November 2, 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.
2. Approval is subject to the requirements of the Post-Construction Stormwater Ordinance, Chapter 144. Any person owning, operating, leasing or having control over stormwater management facilities required by the post-construction stormwater management plan must annually engage the services of a qualified third-party inspector who must certify compliance with the post-construction stormwater management plan on or by May 1st of each year.

SITE PLAN REVIEW

Staff Comments:

1. Waivers: None requested
5. Complete Application: *N/A with Sketch Plan*

MOTION: ~~The site plan application for project 20-27 Manchester Dr 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.~~

2. Public Hearing: No public hearing has been scheduled for this project. The Planning Board must determine whether to hold a public hearing on the Final Plan.
3. Site Walk: A site walk has not been scheduled for this project. A site walk should be scheduled for this project, as required by the subdivision ordinance (see above)

Findings of Fact and conclusions for the

Windham Planning Board,

MOTION: ~~The Site Plan application for 20-27 Manchester Drive Subdivision on Tax Map: 18A, Lot 48-D is to be (approved with conditions/denied) with the following findings of fact and conclusions.~~

FINDINGS OF FACT

Utilization of the Site

- The lot is currently undeveloped and partially cleared with existing frontage on Manchester Drive.
- The property is sandwiched between the Commercial 1 (C-1) zone and Farm Residential (FR) zones, and abuts both non-residential and residential uses.
- The site is relatively flat.
- There are no wetlands identified on the plan.
- See FOF under “AESTHETICS” in subdivision review above, for findings on environmentally sensitive areas.
- The site is in the Presumpscot River Watershed

Vehicular and Pedestrian Traffic

- See FOF under “TRAFFIC” in subdivision review above.
- As described in 1202.C. of the Land Use Ordinance, the project is subject to the North Windham Sidewalk Impact Fee for the frontage of Manchester Drive that does not have an existing sidewalk.
- The sketch plan shows 64 parking spaces and 60 driveways.
- The Preliminary Plan should show details for the system of pedestrian ways.
- At the Development Review Team Meeting on November 12, 2020, it was discussed that a connection to Basin Road might be beneficial.
- 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. Section 812.C.(1)(d) requires 30% of the parking spaces to be 10’x20’.
- A traffic impact study must be submitted with the final plan set if the project will generate fifty (50) or more trips during the a.m. or p.m. peak hour.

Sewage Disposal, Water Quality and Groundwater Impacts

- The project will be served by a private subsurface wastewater disposal system (septic).
- Refer to subdivision review findings above

Stormwater Management

- See Subdivision Review findings above.

Erosion Control

- See Subdivision Review findings above.

Utilities, Including Water

- The property must be served by underground utilities.

- The project will be served by public water for domestic use and fire protection.
- See FOF under “WATER” in subdivision review above.
- The project will require road opening permits from the Town where public right of way is disturbed.
- Based on the size of the proposed 12-unit building, sprinkler system is required

Technical and Financial Capacity

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

Landscape Plan

- The final submission should include a landscape plan and planting schedule.
- Snow storage area must be identified on the Final Plan.

Conformity with Local Plans and Ordinances

1. Land Use
 - See FOF under subdivision review above.
 - The Final Plan needs to demonstrate how the project will comply with the Commercial District Design Guidelines in Section 813.
 - Required building elevations and sign details should be provided with the final plan submission
2. Comprehensive Plan
 - Refer to subdivision review findings above
3. Others:
 - Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 urbanized area.

Impacts to Adjacent/Neighboring Properties

- Refer to subdivision review findings above
- Site lighting must be shown on Final Plan, including illustrations of all proposed lighting fixtures, photometric data and details of fixtures must be included in the submission, in accordance with §813.C.1.a.

CONCLUSIONS (N/A)

1. ~~The plan for development reflects/does not reflect the natural capacities of the site to support development.~~

2. ~~Buildings, lots, and support facilities will/will not be clustered in those portions of the site that have the most suitable conditions for development.~~
3. ~~Environmentally sensitive areas, including but not limited to, wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and, sand and gravel aquifers will/will not be maintained and protected to the maximum extent.~~
4. ~~The proposed site plan has/does not have sufficient water available for the reasonably foreseeable needs of the site plan.~~
5. ~~The proposed site plan 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.~~
6. ~~The proposed use and layout will/will not be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved.~~
7. ~~The proposed site plan will/will not provide for adequate sewage waste disposal.~~
8. ~~The proposed site plan conforms/does not conform to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.~~
9. ~~The developer has/does not have adequate financial capacity to meet the standards of this section.~~
10. ~~The proposed site plan will/will not alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.~~
11. ~~The proposed site plan will/will not provide for adequate storm water management.~~
12. ~~The proposed location and height of buildings or structure walls and fences, parking, loading and landscaping shall be such that it will/will not interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value.~~
13. ~~On-site landscaping does/does not provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.~~

CONDITIONS OF APPROVAL

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated November 2, 2020, amended _____, and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Staff Review Committee, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the Staff Review Committee or the Town Planner in accordance with Section 814.G. of the Land Use Ordinance.
2. Approval is subject to the requirements of the Post-Construction Stormwater Ordinance, Chapter 144. Any person owning, operating, leasing or having control over stormwater management facilities required by the post-construction stormwater management plan must annually engage the services of a qualified third-party inspector who must certify compliance with the post-construction stormwater management plan on or by May 1st of each year.