

Town of Windham

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MEMO

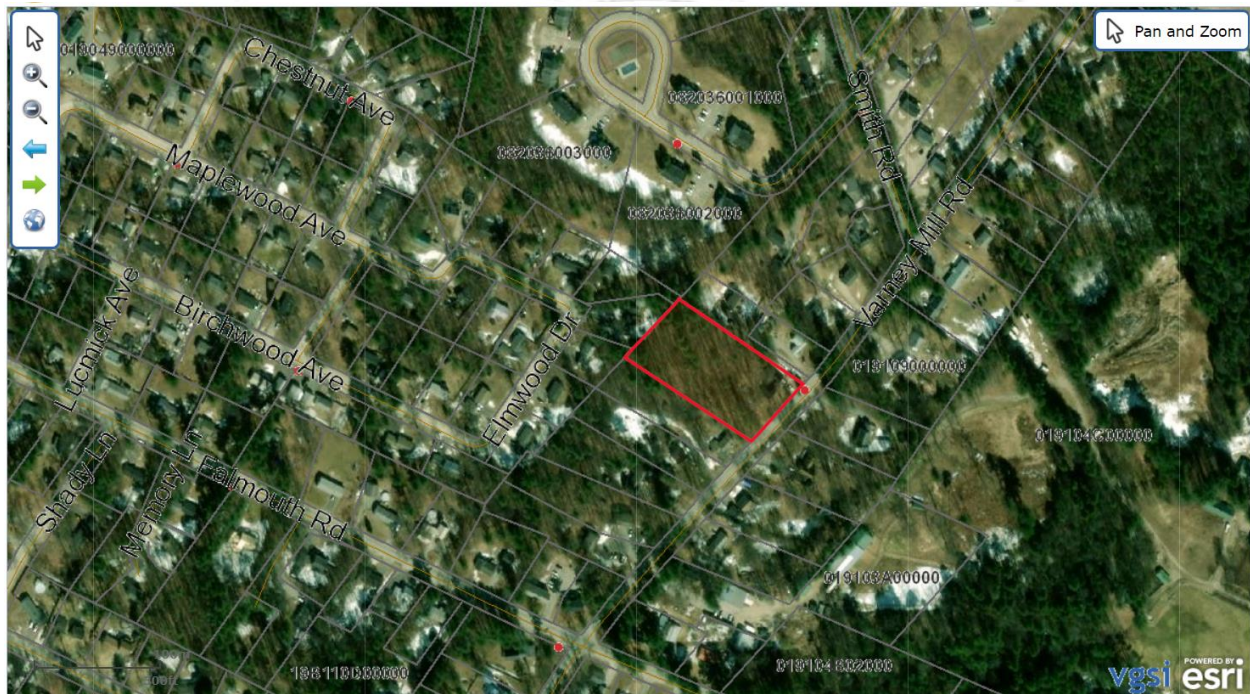
DATE: April 22, 2021

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

RE: 21-06 216 Varney Mill Road – Minor Subdivision, Sketch Plan
Planning Board Meeting: April 26, 2021

Overview –

This application is for a four-unit (2 duplex) residential subdivision on a 1.6 acre portion of a 2.05 acre property located at 216 Varney Mill Road. The property is currently developed with a single-family home. The applicant proposes to create a new lot for the existing home that will not be considered part of the subdivision if it is conveyed prior to a final plan application submission.



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

Tax Map 19; Lot 43A, Zone: Medium Density Residential (RM).

SUBDIVISION REVIEW

Staff Comments:

1. Jurisdiction: The project is classified as a Minor Subdivision as there are 4 dwelling unit proposed, which the Planning Board is authorized to review and act on by Section 903.A. of the Town of Windham Land Use Ordinance.
2. Title, Right or Interest: The applicant submitted a Property Deed which appears to reference the subject property.
3. In an email dated February 1, 2021, Mark Arienti, P.E.
4. Waivers: None
5. Complete Application: *N/A with Sketch Plan.*

~~**MOTION:** The application for project 21-06 216 Varney Mill 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.~~

6. Public Hearing: No public hearing has been scheduled for this project. The Planning Board must determine whether to hold a public hearing on the application.
7. Site Walk: A site walk must be scheduled for this project. Staff will schedule a site walk after a final plan application is submitted.

Findings of Fact and conclusions for the

Windham Planning Board,

~~**MOTION:** The Subdivision application for 21-06 216 Varney Mill Road Subdivision on Tax Map: 19, Lot: 43A 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.

B. WATER

- All dwelling units will be served by public water from an existing main in Varney Mill Road.
- 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 Varney Mill Road immediately adjacent to the subject property, just to the north of the driveway for the existing single-family home at 216 Varney Mill Road. Existing hydrant locations are less than 1,000 feet from the development.

C. SOIL EROSION AND STORMWATER

- A surface drainage 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.
- 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.

D. TRAFFIC

- A new 100 foot long road will serve the development. 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).
- The site is accessed off of Varney Mill Road, a paved public street. Sight distance for the access drive should be shown for both directions along Varney Mill Road on the Final Plan.
- A Driveway Opening Permit issued by the Public Works Department is required prior to the start of construction.
- Town-approved street names shall be shown on the 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.
- In an email dated April 22, 2021, Mark Arienti, P.E. noted that the hammerhead should be the same width as the road, that site distance on Varney Mill Road should be confirmed, and that a road opening permit will be needed for connection to the water main in Varney Mill Road. Road restoration details should be shown on the final plan.

E. SEWERAGE

- The development will be served by two private subsurface wastewater disposal systems, one for each building.

- Soil test pit analysis must be included with the Final Plan submission. Test pit locations must be shown on the plan.

F. SOLID WASTE

- The final plan submission should describe how solid waste generated by residents at the site is to be collected and disposed of and how stumps and demolition debris will be disposed of.

G. AESTHETICS

- The property is currently developed with a single-family dwelling and is otherwise 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).
- 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.
- The existing tree line is shown on the sketch 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 in the Residential Growth Area.
- Land Use Ordinance:
 - The lot meets the dimensional standards of the Medium Density Residential (RM) District (minimum 20,000 square feet on public water and 100 feet of road frontage).
 - Front, side and rear setbacks are shown on the plan.
 - Net residential density calculations are shown on the plan.
 - The development is subject to the following Section 1200 Impacts Fees, to be paid at with the issuance of a building permit: North Route 302 Road Improvements Impact Fee, Recreation Impact Fee, Open Space Impact Fee, Public Safety Impact Fee, Municipal Office Impact Fee.
- Subdivision Ordinance
 - 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.
 - Draft condominium association documents must 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 division of Lot A shown on the sketch plan must be completed and recorded in the Registry of Deeds prior to Final Plan approval or must be shown as a numbered lot in the subdivision on the Final Plan and be subject to subdivision review.
- The plan shows all parcels in common ownership within the last 5 years.
- Others:
 - Chapter 221 Street Naming and Addressing: Following consultation with the Assessing Department, a proposed road name for the subdivision access drive must 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 Final Plan submission.
- Evidence of technical capacity must be provided as part of the Final Plan submission.

J. RIVER, STREAM OR BROOK IMPACTS

- The property is located in the Pleasant River watershed.
- 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 April 5, 2020, as amended April 13, 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.