



**Town of Windham
Planning Department**

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MEMO

DATE: September 7, 2021

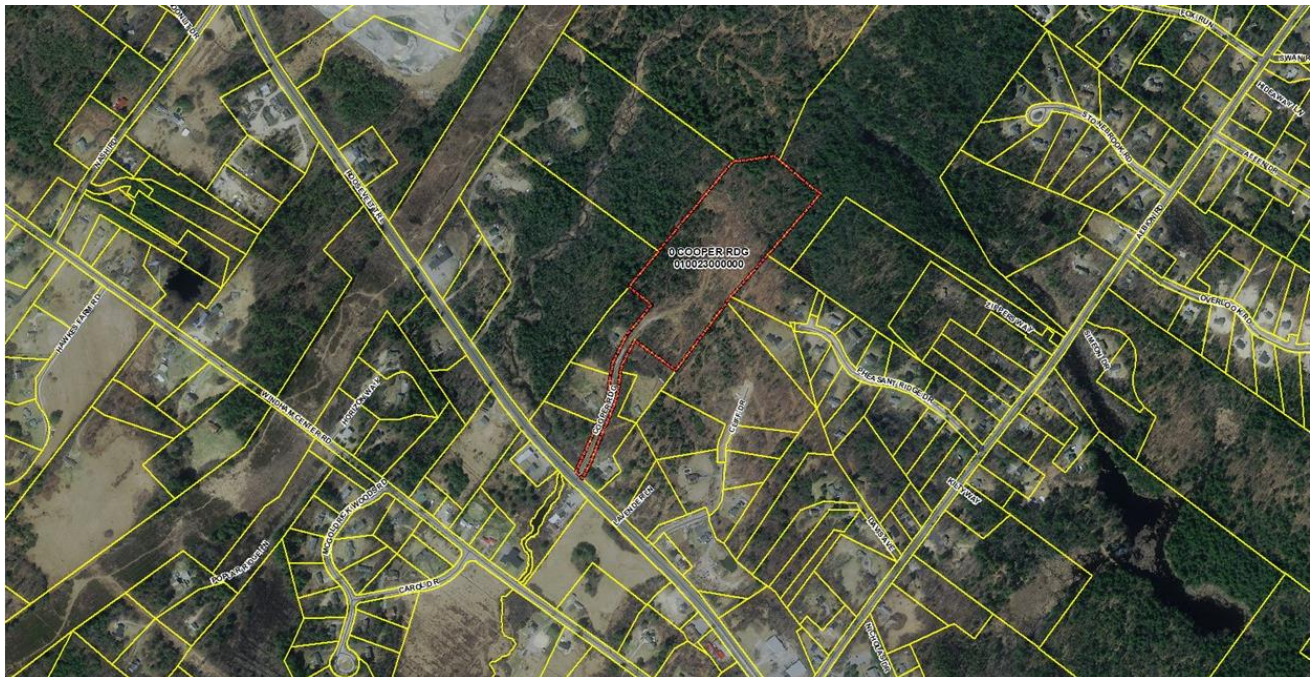
TO: Windham Planning Board
FROM: Steve Puleo, Town Planner
cc: Travis Letellier and Brandon Binette, Northeast Civil Solutions, Inc.
Scott and Lea Hennigar, Applicant
Development Review Team

RE: 21-17 Cooper Ridge Road Subdivision. Major Subdivision Sketch Plan Review
Planning Board Meeting: September 13, 2021

Overview –

The application is for a major subdivision sketch plan review for a proposed five (5)-lot Conservation Subdivision with a private road. The location of the property is on Cooper Ridge Road. *Note: Public comment during the sketch plan review is not allowed unless requested by the Planning Board.*

A Development Review Team held a meeting on August 27, 2021. Comments received during the meeting are reflected in the memo below.



An aerial view of the subject parcel relative to surrounding properties and the street network.

Tax Map: 10 Lot: 23, Zone: Farm (F) district

The Board shall review the submission to determine if the information provides a clear understanding of the site and identifies opportunities and constraints that help determine how it should be used and developed. Ordinance procedure requires the applicant to use the design process summarized below, which is described in detail in Section 911.K.3.(a):

- First, the Open Space areas shall be delineated on the sketch plan. It should include all primary conservation areas and some secondary conservation areas with the highest resource significance. The applicant has not yet delineated secondary conservation areas.
- Then, open space design considerations should include setbacks, the inclusion of the highest value natural resources, the context of the resources concerning neighboring properties, connectivity, size, and potential boundary markings
- Then, building sites shall be tentatively located, considering all prescribed setbacks, such as 100 feet from primary and 50 feet from secondary conservation areas; 100 feet from existing streets, and 50 feet from the external property perimeter.
- Then, the alignment of the streets and the creation of a trail system to complement the Open Space areas should promote connectivity of the open space and building sites.
- Then, based on the tentative building locations, the lot lines shall be drawn.

SUBDIVISION REVIEW

Staff Comments:

1. Waivers Requested: *The applicant requested the following waivers of submission requirements. Per Section 907.A.3.(f) The Board shall act on any requests for waivers from the Preliminary Subdivision Plan submission requirements during Sketch Plan review. Per Section 908.B.2. The Board is not required to use any criteria in making its determination on the granting of a waiver of the submission requirements.*

a) **Section 910.C.1.(c)(1) – High Intensity Soil Survey.**

The applicant states that the soils on the property are all relatively because of the uniformity of the soil throughout the entirety of the site. The soil types indicated on the medium intensity survey are nothing unusual and better results would not be obtained from a high intensity soil survey. All wetlands are delineated and located. Onsite septic soils will be tested prior to final submission to ensure soils.

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

~~MOTION:~~ ~~The major subdivision sketch plan application for project Cooper Ridge Road conservation subdivision is found complete regarding the submission requirements based on the application checklist. The Planning Board retains the right to request more information where review criteria are not fully addressed.~~

3. Public Hearing: A public hearing has been scheduled for this project. The Board must determine whether to hold a public hearing on the Preliminary Plan.
4. Site Walk: A site walk has not been scheduled for this project. *Staff propose scheduling it in the next few weeks so that feedback can be incorporated into the Preliminary Plan submission.*

Findings of Fact and conclusions for the

Windham Planning Board,

MOTION: ~~The major subdivision plan application for project Cooper Ridge Road conservation subdivision on Tax Map: 18, Lot 52 is to be (approved with conditions/denied) with the following findings of fact and conclusions.~~

FINDINGS OF FACT

911. - SUBDIVISION REVIEW

911.A. – Basic Subdivision layout

1. Lots:

- The total land area of the conservation subdivision is 618,405 SF, and the road area occupancies 94,758 SF, and there are 50,205 SF of wetlands or very poorly drained.
- The net residential area is 473,442 SF, and the net residential density in the Farm District (F) is 60,000 SF per dwelling unit allowing a maximum number of dwelling units of 7.89. The note section of the subdivision sketch plan indicates that the net residential density is based on an 80,000 SF per lot, per Section 406.A.5.(b), the net density calculations should be based on 60,000 SF (see above). The applicant shall provide the correct net residential for the Planning Board preliminary application review.
- The applicant's sketch plan shows a five (5)-lot subdivision with lots ranging from 36,248 SF to 43,960 SF.
- Deed restrictions or a note on the recording plan shall be provide prohibiting future divisions on the final plan for review.
- Lot numbers and addresses should appear on the final plan for review.

2. Utilities:

- The single-family will have private water wells and septic systems and test pits information shall be shown on the final plan for review.
- The size, type, and location of public utilities, such as storm drains, streetlights, electric lines, telephones lines, fire hydrants, etc. shall be provide on the final plan for review.
- All utilities shall be installed underground.

3. Monuments:

- Street line monuments shall be shown on the final plan for review.

911.B. – Sufficient Water

1. Water supply:

- There is no public water supply within Roosevelt Trail fronting the Cooper Ridge road. Lot design shall permit placement of wells, subsurface wastewater disposal areas, and reserve site subsurface wastewater disposal area in compliance with the

Maine Subsurface Wastewater Rules and the Well Drillers and Pump Installers Rules for the final plan review.

- In residential subdivisions where the Fire Department identifies the need for water storage. During the Development Review Team meeting, Deputy Fire Chief John Wescott stated residential sprinkler systems are required for each single-family residence and provide a 300-gallon storage tank in the basement. A note will be included in the subdivision plan for the final plan for review.
- A hydrogeologic assessment must be submitted as part of the Preliminary Plan submission 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.
- This subdivision is not located over a significant sand and gravel aquifer or in a "Direct Watershed of a Lake Most Risk," as defined by the DEP.
- If applicable, the Maine DEP rules on Significant Wildlife Habitat at Chapter 335 state that: "Significant vernal pool habitat consists of a vernal pool depression and that portion of the critical terrestrial habitat within 250 feet of the spring or fall high watermark of the depression. An activity that takes place in, on, or over a significant vernal pool habitat must meet the standards of this chapter." The applicant should show the 250' significant vernal pool habitat setback on the Plan.

911.C. - Erosion Control and Impact on Water Bodies

- Soil erosion and sediment control plan must be submitted as part of the Preliminary Plan.
- Show double soil erosion control measures installed upland from the wetland areas during the construction of the private road upland of the wetland areas and on development of the single-family building lots. A note shall be added to the subdivision plan for the final plan review.
- For the Preliminary Plan review, a wetland delineation report and vernal pool assessment showing the location of total amount wetland areas on the site and total amount of wetlands altered for the development of the road.
- The applicant shall submit with the final plan a Natural Resource Protection Act (NRPA) Permit-by-Rule (PBR) for any wetland alteration less than 4,300 SF in size.
- The applicant should demonstrate that the project will not adversely impact any river, stream, or brook.
- At the Development Review Team meeting on August 27, 2021, Amanda Lessard, Planning Director, added that the building envelopes should include the 100' setback required by the Conservation Subdivision ordinance.

911.D. – Sewage Disposal

2. Private Systems:

- The proposed lots will be served as private septic systems.
- The Preliminary Plan submission shall include the location and results of test pits performed by a Maine Licensed Site Evaluator or Certified Soil Scientist. At least one test pit per lot.

911.E. – Impact Natural Beauty, Aesthetics, Historic Sites, Wildlife Habit, Rare Natural Areas or Public Access to the Shoreline

1. Preservation of Natural Beauty and Aesthetics:

- 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 at least five (5) years from the date of Planning Board approval, per Section 903.E.1.(a).
- Street trees must be planted at least every 50-feet along the length of the new subdivision street, per Section 903.E.1.(b).
- Aerial images indicate that the area proposed to be developed is mostly vegetated with trees. The applicant must show the existing tree line for review in the Preliminary Plan submittal.

2. Reservation or Dedication and Maintenance of Open Space and Common Land, Facilities and Services:

- All open space common land, facilities, and properties shall be owned by the owners of the lots by means of [Home]owners' Association (HOA). An association's principal purpose is for conservation or preservation of in "essentially" its natural state.
- A draft HOA documentation, such as Bylaws and Declaration of Convents for the Preliminary Plan for review.

911.F. – Conformance with Land Use Ordinances

Comprehensive Plan:

- The plan does meet the goals of the 2017 Comprehensive Plan.

Land Use Ordinances:

- The minimum lot size of 30,000 SF for conservation subdivision lots in the F zoning district.
- Lots meet the lot frontage requirement of 100 feet for the F Zone.
- The net residential density requirement is 60,000 SF.
- The net residential density calculations are shown on the final subdivision recording plan.
- The applicant should indicate how solid waste will be handled as part of the Preliminary Subdivision Plan review.

Subdivision Ordinance:

- The Tax Map and Lot numbers are shown on the amended final plan.
- The data of the amended subdivision plan shall be compatible with the Town's GIS system in the a .DWG file format and provided to the Town prior to release or the signed recording plan.
- The building setback requirements are shown on the final plan submission for all lots.
- 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, and stormwater infrastructure.
- The Preliminary Subdivision plan should show all parcels in common ownership within the last 5 years.
- The Final Plan shall include a boundary survey, certified by a Maine Licensed Professional Surveyor.

Others:

- Refer to Chapter 221 - Street Naming and Addressing: A street name approved by the Town Addressing Officer shall be shown on the Final Plan.

911.G. – 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.

911.H. – Impact on Ground Water Quality or Quantity

1. Ground Water Quality:

- A hydrogeologic assessment prepared by a Maine Licensed Site Evaluator or Certified Geologist 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, per Section 910.C.1.(3).

2. Ground Water Quantity:

- Any water table drawdowns beyond the subdivision boundaries shall not adversely impact the groundwater supply availability to existing wells nor cause structural damage.
- The proposal shall not result in a lowering of the water at the subdivision boundaries by increasing runoff with a corresponding decrease in the infiltration of precipitation. The applicant shall meet one of the flowing standards; Sections 911.H.2.(b)(1), (2) or (3).

911.I. – Floodplain Management

- The applicant shall provide evidence that the subdivision is not located in a designated mapped FEMA Floodplain Boundary as part of the Preliminary Plan review.

911.J. – Stormwater

- The project shall be reviewed in compliance with the stormwater standards included in the Maine Department of Environmental Protection (DEP) Chapter 500 including basic, general, phosphorus, flooding, and other standards.
- If a stormwater permit is required, the applicant shall provide the permit in the final plan submission for review of the approved DEP stormwater permit for the project.

911.K. – Conservation Subdivision

3. Procedure for Conservation Subdivisions:

- The applicant should develop primary and secondary conservation areas in conformance per Section 911.K.3.a.iv.
- Open space design shall to the greatest extent possible protect the site features identified in the Existing Resources Inventory and Site Analysis sketch plan.
- If vernal pool habitat is identified, the applicant shall meet the Maine DEP Chapter 335: Significant Wildlife Habitat requirements. A plan shall be provided for review with the preliminary plan submittal.
- Per Section 911.K.3.(a)(2)e., the boundaries of Open Spaces shall be marked by natural features wherever possible, such as hedgerows, stone walls, edges of woodlands, streams, or individual large trees. Where no such existing demarcations

are present, additional plantings, fences, or other landscape features shall be added to enable residents or the public, if applicable, to distinguish where the Open Space ends and private lot areas begin. These boundaries should be shown on the Preliminary Plan.

- Building envelopes should be shown on the plan that meets the requirements of Sections 911.K.3.(a)(3) and provided for the Preliminary Plan review.
- Road alignment and design shall meet the requirements at Section 911.K.3.(a)(4), for the Preliminary Plan review.

4. Basic Standards for Conservation Subdivisions:

- The applicant has provided building envelopes on the proposed lots and illustrated the placement of the building on the lot in the sketch plane review. The application will provide treatments of spaces, paths, roads, services, and parking areas as part of the Preliminary Plan review.
- For the Conservation Subdivisions not serviced by public water supply, the applicant shall demonstrate on the plan possible location of subsurface wastewater disposal field and a well on each lot.

5. Arrangement of Lots:

- The Planning Board shall consider the diversity and originality of the lot layout and encourage the best possible relationship between the proposed development and the land under consideration.
- The applicant shall provide evidence, for the Preliminary Plan review, how the seven (7) factors were considered for the arrangement of lots, per Section 911.5.(b)1. through 7.

6. Open Space Requirements for Conservation Subdivisions:

- The applicant shall provide a note for review on the Preliminary Plan stating, “Open Space – Reserved for Recreation, Agricultural, and/or Conservation Purposes.” Per Section 911.6.(a).
- The applicant shall provide evidence, for the Preliminary Plan review, how the open space areas meet “Minimum Amount Required,” per Section 911.6.(b)1. and 2.
- The applicant shall provide a “Priorities for Land Included in Open Space” analysis. for the Preliminary Plan review, per Section 911.6.(c)1. and 2.
- Open Space not retained by the subdivider shall provide one principal access point of a minimum width 20-feet from the road network and a secondary access point of a minimum of 10-feet. The Planning Board shall review and approve the size and location of the principal and secondary access points.
- The Planning Board shall consider the proposed location of the Open Space areas should consider the relation to and logical connection to other Open Space areas on abutting properties

911. L. – Compliance with Timber Harvesting Rules

- 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.

911.M. – Traffic Conditions and Street

1. General Standards:

- The applicant's sketch plan shows the designed transportation system of the subdivision provides safeguards to hazards, avoids traffic congestion, safe and convenient circulation for vehicles, bicyclists, and pedestrians, is compatible with the estimated Average Annual Daily Traffic of the street, and has a positive relationship to the natural setting.

2. General Access Standards:

- Access to Roosevelt Trail shall meet access permitting requirements of the Maine Department of Transportation "Highway Driveway and Entrance Rules." For Preliminary Plan review, the applicant shall provide evidence Cooper Ridge Road meets entrance rules and a State permit shall be provided for the final plan submittal.
- The existing private road intersects Roosevelt Trail and serves three (3) single-family houses (the applicant should confirm the number of existing dwellings on Cooper Ridge Road) will be improved and extended to serve the proposed five (5)-lot subdivision and will meet the applicable Private Road Standard in Section 911.M.5.(5).

3. General Internal Subdivision Street Standards:

- 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.
- No right-of-way to the abutting property is shown on the plan.
- All internal subdivision streets shall be designed to coordinate with existing, proposed, and planned streets. The proposed Cooper Ridge Road subdivision abuts the existing Pheasant Ridge subdivision. As part of the Pheasant Ridge subdivision approval, Pheasant Ridge Drive's right-of-way extends to the property boundary of the Cooper Ridge Road subdivision. During the Development Review Team meeting of August 27, 2021, the Planning Director, Amanda Lessard, requested the applicant shows how a dedicated right-of-way could be connected to the existing Pheasant Ridge Drive's right-of-way.
- The applicant is proposing a dead-end street with a cul-de-sac terminus, per Section 911.M.5.(b)(5).
- Town-approved street names shall be shown on the Final Plan.
- A streetlight should be considered at the intersection of Roosevelt Trail and Cooper Ridge Road.

4. Specific Access Standards:

- The applicant will construct the improvements of the existing Cooper Ridge Road perpendicular to Roosevelt Trail.
- The applicant shall provide, for the Preliminary Plan review, evidence the Minimum Sight Distance standards are being met.
- The applicant shall provide for the Preliminary Plan review traffic volume estimate as defined by the latest edition of the Trip Generation Manual published by the Institute of Transportation Engineers.

5. Specific Street Design and Construction Standards

- For Preliminary Plan review, the applicant shall submit to the Board a detailed construction drawing showing plan view, profile, and typical cross-section of the proposed private road.
- All private roads shall be designated and be signed indicating the road is private and not publicly maintained.
- Per Section 911.M.5.(a)(3)(i), "Plans for the street which are not proposed to be accepted by the town shall be to the Director of Public Works and Town's consulting engineer for review and comment."
- All properties served by the private, including the existing properties, shall have adequate access for emergency vehicles and shall conform to the approved local street numbering system.
- The final subdivision shall have a note stating the following:
"All roads in this subdivision shall remain private roads to be maintained by the developer, lot owners, or road association, and shall not be offered for acceptance, or maintained, by the Town of Windham until they meet all municipal street design and construction standards."
- A paved apron shall be constructed when a gravel private road connects to the public street, the applicant shall show a detail of the paved connection for review for the Preliminary Plan submittal.
- The applicant is proposing a 2,000-foot-long roadway with a cul-de-sac at the terminus. The road is to be built to the Minor Private Road standards and will remain a private road and maintained by the HOA.
- The Minor Private Road Standard requires 18' of gravel travel way, with both shoulders with 2' of gravel. The applicant should provide a proposed road profile with the Preliminary Plan Submission and request any necessary waivers from the applicable road standards.
- The applicant has shown on the sketch plan a proposed hammerhead turn of approximately 1,000-feet from Roosevelt Trail, per Section 911.M.5.(b)(5)b) and requested by Deputy Chief John Wescott at the Development Review Team meeting held on August 27, 2021.
- Per Section 911.M.5.(b)(5)b)2), the existing Cooper Ridge Road shall meet the design and construction standards contained in Section 900 to the greatest practical. The applicant shall provide evidence for the Preliminary Plan review on how they will meet the private road standards.

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 subdivision has/does not have sufficient water available for the reasonably foreseeable needs of the subdivision.~~

5. ~~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.~~
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 subdivision **will/will not** provide adequate sewage waste disposal.~~
8. ~~The proposed subdivision **conforms/does not conform** to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan.~~
9. ~~The developer **has/does not have** the adequate financial capacity to meet the standards of this section.~~
10. ~~The proposed subdivision **will/will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.~~
11. ~~The proposed subdivision **will/will not** provide for adequate stormwater 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.~~
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 stormwater 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 **has/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. ~~The 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 July 19, 2021, 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 Staff Review Committee or the Town Planner in with Section 913 of the Subdivision Ordinance.

2. Homeowner's Association Bylaws, Convents, and Documentation for the care and maintenance of the private road and open space areas shall be recorded in Cumberland County Registry of Deed (CCRD) prior to the pre-construction meeting and a copy of the recorded documentation shall be submitted to the Planning Department for verification.