



**Town of Windham
Planning Department**

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MEMO

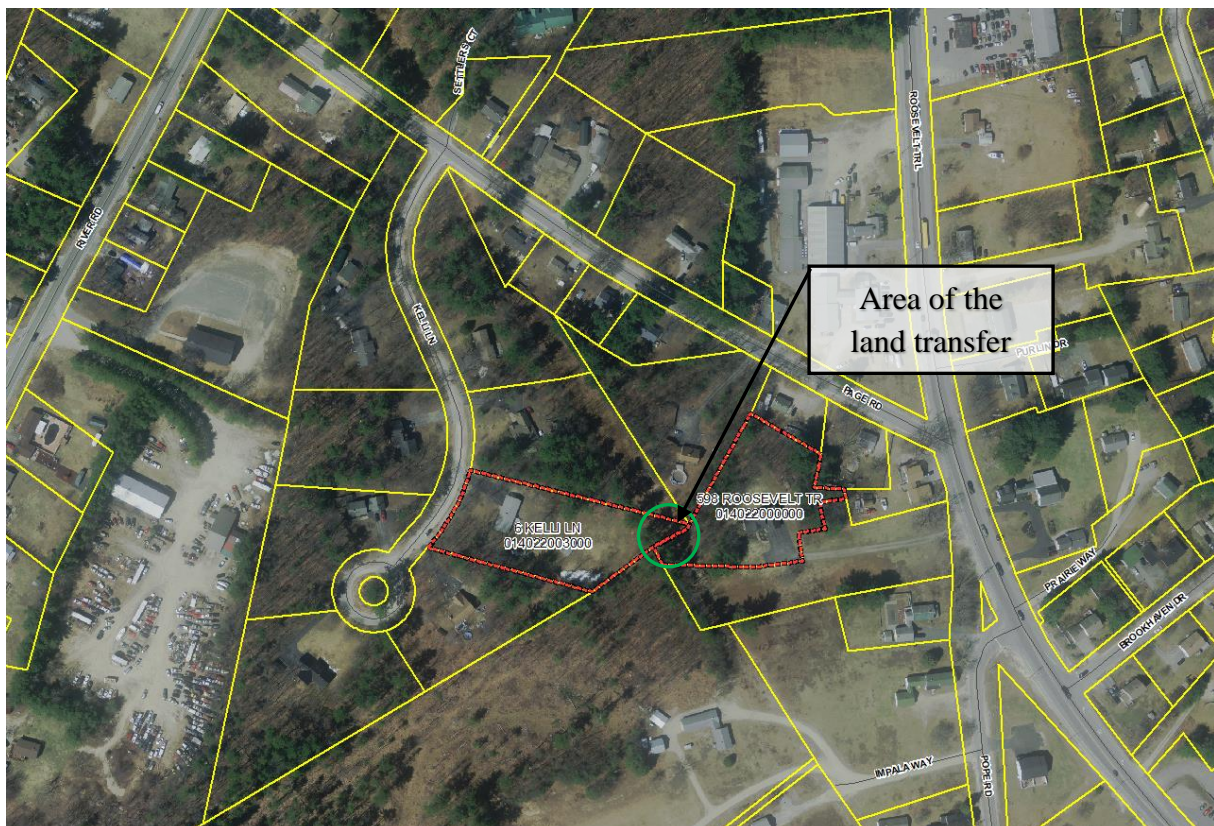
DATE: September 3, 2021

TO: Windham Planning Board
FROM: Steve Puleo, Town Planner
Cc: Matthew W. Ek, PLS, Sebago Technics, Inc.
Ms. Janet Morrell, Applicant

RE: 21-18 – Kelli Lane Second Amended Subdivision - Amended Subdivision Plan Review
Planning Board Meeting: September 13, 2021

Overview –

Janet Morrell requested a second amended subdivision approved for "after-the-fact" of in 2004 transfer of 5,372 square feet from Lot 3 in the Kelli Lane subdivision to abutting property. The Planning Board approved the original Kelli Lane Subdivision in 1987. In 1988, Custom Homebuilders obtained the first amended subdivision. This application request is for an "after the fact" approval to correct the land transfer between the properties at 6 Kelli Lane and 596 Roosevelt Trail. The Land transfer reduced the size of Lot from 56,387 SF to 51,015 SF, exceeding the 50,000 SF minimum lot size in the Farm District.



The aerial view shows the subject parcel relative to surrounding properties and street network.

Tax Map: 14 Lot 22-3; Zone: Farm Residential (FR).

SUBDIVISION REVIEW

Staff Comments:

1. Waivers: None requested

1. Complete Application: N/A with Second Amended Subdivision Plan

~~**MOTION:** The amended subdivision application for the Kelli Lane Subdivision is found complete regarding the submission requirements based on the application checklist. The Planning Board retains the right to request more information if the review criteria are not fully addressed.~~

2. Public Hearing: A public hearing for this amended subdivision is not required. At the Planning Board's discretion, amended subdivision applications do not require a public hearing.

3. Site Walk: A site walk for this project is not required.

Findings of Fact and conclusions for the

Windham Planning Board,

MOTION: The Final Subdivision application for Kelli Lane Subdivision, Second Amendment on Tax Map: 14, Lot 22-3 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

- The total land area of the first amended subdivision is 540,637 SF, and the road area occupancies 58,639 SF.
- The net residential area is 481,998 SF, and the net residential density is 50,000 SF per dwelling unit allowing a maximum number of dwelling units of 9.64. In 1987 Planning Board approved an eight (8) lot subdivision, and this amendment proposal will not change the number of approved lots.
- As mentioned in the introduction, the land transfer resulted in Lots 3 reduction from 56,387 SF to 51,015 SF, exceeding the minimum lot size in the Farm District (F) of 50,000 SF.
- All eight (8) lots of the subdivision are improved with single-family homes.
- This application is to correct and record the land transfer from the convey of 2004.

911.B. – Sufficient Water

- This amendment subdivision request will not change the demand for water supply for domestic needs.

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

- The application does not include new development, and no soil disturbance or soil erosion will occur.

911.D. – Sewage Disposal

- The application does not include new development and no change to the existing sewage disposal of Lot 3.

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

- This amended subdivision application does not involve new development as such no impacts the natural beauty, aesthetics, historic sites, wildlife habit, rare natural areas or public access to the shoreline are expected.

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 50,000 SF for standard 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 50,000 SF.
- The net residential density calculations are shown on the amended subdivision recording plan.

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 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.

911.G. – Financial and Technical Capacity

- The applicant has provided evidence of financial capacity and has retained Sebago Technic, Inc for professional and technical services as part of the amended subdivision application.
- The subdivision amendment will not require site work or the installation of new roads or utilities.

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

- The "after the fact" land transfer between Lot 3 and the abutting property will not impact groundwater.

- The subdivision amendment will not require site work or the installation of new roads or utilities.

911.I. – Floodplain Management

- The subject properties are not in a mapped FEMA Floodplain boundary area. The purpose of the "after the fact" amended subdivision review is to correct the land record.

911.J. – Stormwater

- Surface drainage and stormwater management are not affected by land transfer.

911.K. – Conservation Subdivision

- Subdivisions in Farm or Farm Residential zoning districts require Conservation or Country subdivisions.
- The original subdivision approval and the land conveyance pre-existed the creation of the Conservation Subdivision ordinance.

911. L. – Compliance with Timber Harvesting Rules

- The amendment to the subdivision will not involve timber harvesting activity.

911.M. – Traffic Conditions and Street

- The amended subdivision will not negatively affect the traffic condition or the street network of the area.

CONCLUSIONS (N/A)

1. The proposed amended subdivision **will not** result in water or air pollution.
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.~~ (N/A)
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** be maintained and protected to the maximum extent.
4. The proposed amended subdivision **has** sufficient water available for the reasonably foreseeable needs of the site plan.
5. The proposed amended subdivision **will not** cause soil erosion or reduce the land's capacity to hold water so that a dangerous or unhealthy condition results.
6. The proposed use and layout **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 amended subdivision **will** provide for adequate sewage waste disposal.
8. The proposed amended subdivision **conforms** to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
9. The developer **has** the adequate financial capacity to meet the standards of this section.
10. The proposed amended subdivision **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.~~ (N/A)

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.~~ (N/A)
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.~~ (N/A)
14. ~~All freshwater wetlands within the proposed amended subdivision **have/have not** been identified on the plan.~~ (N/A)
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.~~ (N/A)
16. The proposed amended subdivision **will** provide for adequate stormwater management.
17. If any lots in the proposed amended 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** a lot of depth to shore frontage ratio greater than 5 to 1. (N/A)
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 amended subdivision that crosses municipal boundaries, the proposed subdivision **will/will not** cause unreasonable traffic congestion or unsafe conditions concerning the use of existing public ways in an adjoining municipality in which part of the subdivision is located.~~ (N/A)
20. The timber on the reconfigured **properties was not** 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 August 19, 2021, 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. The applicant shall record the Planning Board signed the amended subdivision plan and provide the Planning Department with a copy of the record plan in a hard copy and an electronic format.