



Town of Windham
Planning Department
8 School Road
Windham, Maine 04062
Tel: (207) 894-5960 ext 2
Fax: (207) 892-1916
www.windhammaine.us

MEMO

DATE: October 20, 2021

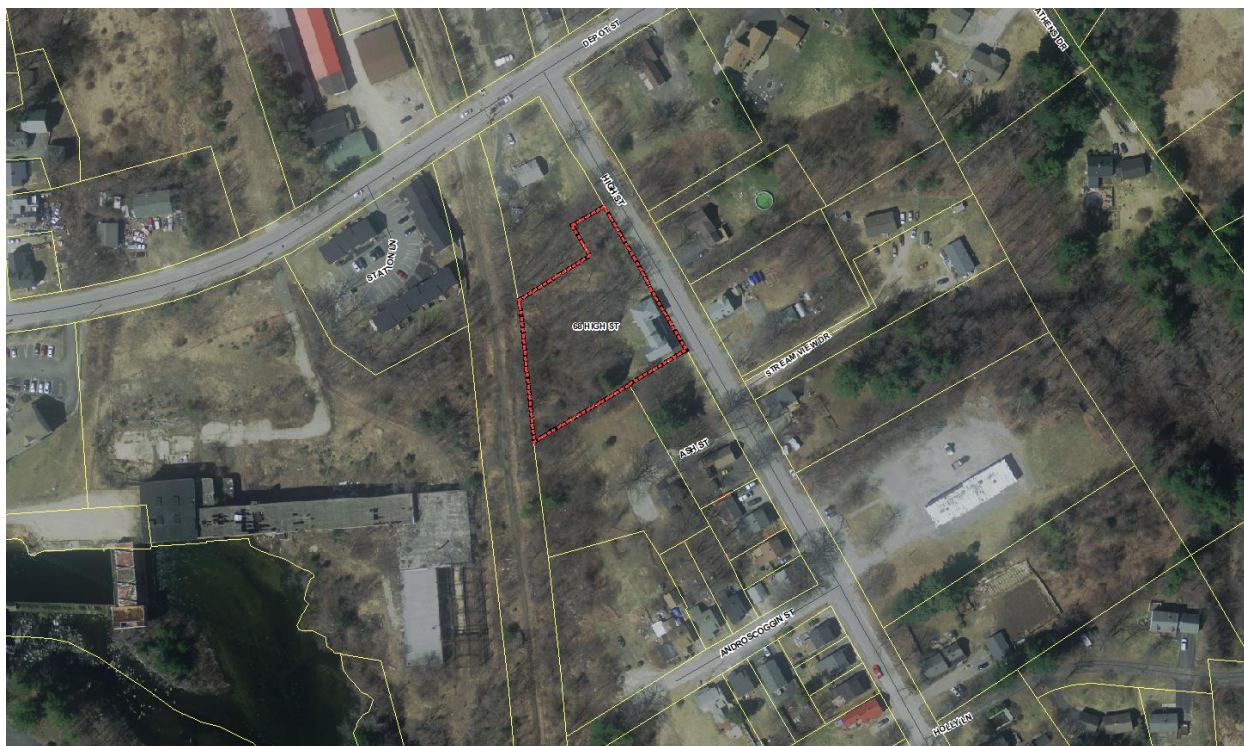
TO: Windham Planning Board
FROM: Steve Puleo, Town Planner
Cc: Dustin Roma, DM Roma Consulting Engineers
Mr. James Cummings, Applicant
Development Review Team

RE: 21-12: 68 High Street - Minor Subdivision, Sketch Plan Review
Planning Board Meeting: October 25, 2021

Overview –

21-12: 68 High Street Subdivision. Minor Subdivision Plan review. The application is for a proposed 3-lot subdivision by creating one single-family lot and a duplex lot for development. The original lot with an existing building will remain as a two-unit dwelling. The property in question is located at 68 High Street.

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



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

Tax Map: 37; Lot: 13; Zone: Village Center (VC).

MINOR SUBDIVISION REVIEW

Staff Comments:

1. Waivers: *None requested*
 - a. At the Development Review Team Meeting, the applicant stated that they would seek any waivers from the Planning Board.

1. Complete Application: *The staff finds the final minor subdivision plan application complete for review. The Board should determine if they have received sufficient information to address the review criteria.*

MOTION: The minor application for the 68 High Street Apartments project 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: Planning Board public hearing was scheduled for October 25, 2021.
3. Site Walk: A site walk was scheduled for October 25, 2021.

Findings of Fact and conclusions for the

Windham Planning Board,

MOTION:-The minor subdivision application for the 68 High Street 3-lot subdivision on Tax Map: 37, Lot 21 is to be (**approved with conditions/denied**) with the following findings of fact and conclusions.

New comments related to the amended site application have been added to the staff memo dated August 23, 2021, and appear as underlined text. Portions that are no longer part of the application are ~~struck through~~.

FINDINGS OF FACT

911. - SUBDIVISION REVIEW

911.A. – Basic Subdivision layout

- The size of the existing parcel is 42,149. The site has 10,200 SF of steep slopes (> 25%).
- The net residential area is 42,149 SF and the net residential density is 2,500 SF per dwelling unit allowing a maximum number of dwelling units of 12.
- The applicant is proposing one new single-family building lot, one new duplex building lot, and one lot for the existing duplex. The applicant states the lots will be sold and developed by another party.
- The Planning Board should consider adding a Condition of Approval to require the development of the duplex to amend the minor subdivision to a major subdivision the lot with proposed duplex is developed after the development of the lot with the single-family or the additions of more dwelling units exceed five (5) units within a five (5) year period.

(The existing two-unit property at 68 High Street was split and sold to a new owner and the applicant is proposing to create two (2) building lots with no construction.)

- The minor subdivision is not expected to result in undue air or water pollution.
- The applicant shall provide monuments at the lot boundary corners of Lot 1, 2, and 3 along the street ROW. The Town suggests the Planning Board required a pin or monument to be placed at the northeast corner of the subdivision.
- During the Development Review Team meeting, Assessing Department will provide addresses and map-lot numbers for the final plan review. The applicant has not provided property addresses for the new lot or Map Lot number from the Assessing Office with their final application. The Planning Board shall require addressing and Map Lot information on the final subdivision recording plan to be verified by the Town Planner prior to the release of the signed recording plan.

911.B. – Sufficient Water

- The Portland Water District (PWD) has a water supply line in the High Street ROW and is available for future connections to the single-family home and duplex.
- The applicant has not provided the PWD "Ability to Server" letter in the final submission. The Planning Board shall require the PWD "Ability to Serve" letter and verified by the Town Planner prior to the release of the signed recording plan.
- The closest fire hydrant is within 1,000 feet of the proposed subdivision.

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

- A surface drainage plan or stormwater management plan must be submitted for the final plan review regarding the construction of the single-family and duplex buildings.
- The applicant provided a stormwater runoff plan from the new buildings by collecting and filtering the surface drainage through roofline drip edge Best Management Practices. The runoff will be collected and discharged through the foundation drains located at the rear of the building. The surface runoff from the driveways will be directed to High Street and picked up in the existing storm drain. The Town discharges the road runoff drainage through an existing stormwater culvert outfall on the High Street property.
- The applicant is proposing a drainage easement for the Town as part of the subdivision approval.
- Soil erosion and sediment control plan was submitted with the final plan review regarding the construction of the single-family and duplex buildings. The applicant shows the installation of silt fencing locations on sheet 4 of 5 of the plan set.
- During the final review, the Town Engineer requested the applicant provide a proposed grading plan. The applicant intends to sell the lots and is not proposing to build the buildings or engage in site work. The Town Engineer suggests adding a note to the subdivision plan requiring grading details for each lot will be included as part of the building permit process.

911.D. – Sewage Disposal

- The proposed single-family and duplex structures will be connected to the Portland Water District (PWD) sewer located in the High Street ROW.
- The applicant has not provided the PWD "Ability to Server" letter in the final submission. The Planning Board shall require the PWD "Ability to Serve" letter and verified by the Town Planner prior to the release of the signed recording plan.

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

- The applicant will provide more information relating to the natural resource impacts for the final review.
- The property does not have shoreline frontage.
- The applicant did not show the limits of tree clearing as part of the final plan submission for the single-family and duplex buildings. A note should be added to the subdivision recording 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 applicant has not provided the required note limiting the clearing of trees on the subdivision recording plan. The Planning Board should require the addition of the note to the signing plan and verified by the Town Planner.

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 5,000 SF for standard lots in the VC zoning district.
- Lots meet the lot frontage requirement of 50 feet for the VC Zone.
- The net residential density requirement is 2,500 SF.
- The net residential density calculations are shown on the subdivision recording plan.
- Single-family and duplex are permitted use in the VC zoning district.

Subdivision Ordinance

- The applicant did not provide Tax Map and Lot numbers from the Tax Assessor for the final plan submission review.
- Subdivision plan data, compatible with the Town GIS, has not been submitted in the final plan submission.
- The building setback requirements are shown on the final plan submission for all lots. Per the Code Enforcement Officer, the rear yard setback for Lot 3 is the boundary measuring 49.41-feet.
- ~~For the final plan review, the applicant shall describe how solid waste will be collected and disposed of.~~ The solid waste generated during construction will be hauled from the site and disposed of at a licensed waste handling facility. Residents will use the Town's curbside trash collection service.
- The applicant will show the proposed driveway location and building envelopes for Lots 2 and 3 the final plan review.

911.G. – Financial and Technical Capacity

- ~~Evidence of financial capacity must be provided as part of the final plan review.~~ The applicant is proposing the sell the lots. The costs of recording the subdivision plan are nominal, and the applicant is self-funding.
- ~~Evidence of technical capacity must be provided as part of the final plan review.~~ The applicant contacted DM Roma Consulting Engineer for permitting management and site

design. The Planning Board required the subdivision record plan to be stamped and signed by a State of Maine License Survey prior to the Planning Board signing the recording plan.

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

- No impacts on groundwater are expected from the future development of the structures that will be connected to the Portland Water District (PWD) water supply and sewage disposal system.

911.I. – Floodplain Management

- The subject property is not in a mapped FEMA Floodplain boundary.

911.J. – Stormwater

- The applicant has provided see Section 911.C. - Erosion Control and Impact on Water Bodies above for details. A surface drainage plan or stormwater management plan for the single family and duplex buildings final plan review.
- The Town Engineer has reviewed the proposed stormwater drainage plan and has accepted the plan to use roofline drip edge filters and to allow driveway runoff to sheet flow in the High Street ROW. The Town Engineer suggested a Condition of Approval and plan note concerning the requirement for roofline drip edge filter, construction details, and the specific location to be reviewed during the building permit process.
- The applicant shall provide a draft stormwater easement for the existing municipal storm drain. The applicant has not provided a drainage easement for the Town's stormwater culvert outfall.
- The Town Engineer states, "the [stormwater] culvert referenced above should have a drainage easement granted to the Town to allow for maintenance of the culvert on the subdivision's property. Also, the subdivision plan states that stormwater runoff from the driveways will flow into the road ROW where it will go into the Town drainage system. Generally, the Town requires developments to manage runoff on-site. The applicant should consider previous pavers of equivalent that would allow for this."
- The applicant responded the easement area is shown in the plans and is not proposing to build structures, only to sell the new lots. The subdivision plan illustrates possible locations of the driveways, general structure footprints, and utility connections. The applicant proposes to install a plunge pool at the end of the stormwater culvert to control the stormwater runoff from the road, spreading the flow and allowing better infiltration.
- The Town Engineer stated that the existing area has resulted in erosion and that a plunge pool would help minimize future soil erosion. He also suggests using pervious pavers for the driveway reducing the amount of runoff to the road ROW. The Town Engineer supports using the driveway pavers and the plunge pool BMPs to minimize possible soil erosion from the stormwater culvert outfall.

911.K. – Conservation Subdivision

- Conservation subdivisions are permitted in Farm or Farm Residential zoning districts only.

911.L. – Compliance with Timber Harvesting Rules

- The applicant of the 3-Lot subdivision will not involve timber harvesting activity. All tree removal will be limited in scope and minimal.

911.M. – Traffic Conditions and Street

- The applicant states the minor subdivision will generate approximately three (3) peak-hour trip ends. The small amount increase of traffic expected will not adversely the are road network. The placement of driveways will not adversely impact vehicular movement on the High Street.
- All driveway curb cuts will require a "driveway opening" permit from Public Works Department.

CONCLUSIONS

1. The subdivision plan for development **reflects** the natural capacities of the site to support development.
2. Buildings, lots, and support facilities **will** 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** be maintained and protected to the maximum extent.
4. The proposed subdivision **has** sufficient water available for the reasonably foreseeable needs of the subdivision.
5. The proposed subdivision **will** not cause any 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** 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** provide for adequate sewage waste disposal.
8. The proposed subdivision **conforms** to a duly adopted subdivision 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 subdivision **will** not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
11. The proposed subdivision **will** 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** 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** 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/does not have** a lot of 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 October 4, 2021, amended October 18, 2021, and supporting documents and oral representations submitted and affirmed by the applicant and conditions. If any conditions are imposed by the Planning Board and any variations from such plans, proposals, 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 minor subdivision approval shall be amended to a major subdivision approval if the development of the duplex occurs prior to the single-family or the addition of dwelling units exceed a total of five (5) dwelling units within a five (5) year period after the Planning Board approval.
3. The applicant shall install a monument at the northeast corner of the subdivision.
4. The applicant shall prior the PWD "Ability to Serve" letter and verified by the Town Planner prior to the release of the signed subdivision recording plan.
5. The applicant shall add a note to the subdivision plan requiring grading details for each lot and prior to the issuance of the building permit, the applicant shall provide with the building permit application review and approval an erosion control plan.
- 6.
7. The applicant shall add a note subdivision plan requiring the use of roofline drip edge filters for the new residential structures and prior to the issuance of the building permit, the applicant shall provide with the building permit application review and approval the construction details of filters and showing specifically the filter locations.
8. Prior to the release of the signed subdivision recording plan, the applicant shall provide to the Town Planner an executed and recorded drainage easement with the Town of Windham for the Town's High Street stormwater culvert and outfall plunge pool.