

## APPLICATION COMPLETENESS & STAFF REVIEW COMMENTS MEMO

DATE: May 6, 2025

TO: Dustin Roma PE, DM Roma Consulting Engineers  
James Cummings, 25 River Road LLC

FROM: Amanda Lessard, Senior Planner/Project Manager

Cc: Steve Puleo, Planning Director  
Windham Planning Board

RE: #25-01 – Major Site Plan & Subdivision – Dolley Farm Subdivision – River Road – Preliminary Plan Review – 25 River Road, LLC

Scheduled for Planning Board meeting: **May 12, 2025**

Thank you for submitting your preliminary application on April 22, 2025. The application is **incomplete**. The staff has reviewed the application and found one outstanding item listed below under “**Preliminary Subdivision Application Completeness**” that **need your attention by May 8, 2025** before the Planning Board preliminary plan review is scheduled, in accordance with Windham Land Use Ordinance [§120-907B\(4\)\(b\)](#). Your application is tentatively **scheduled for a public hearing and review on May 12, 2025**. The Planning Board meeting is an "in-person meeting" at the Town Council Chambers in the Town Hall located at 8 School Street. The meeting begins at 6:00pm, and your attendance is required.

Revisions from the May 1, 2025 memo appear as underlined text below.

### **Project Information:**

This application is for a 42-unit residential condominium development on a 33.5-acres property. The development will have an access drive to the 21-duplex buildings. All units will be served by private on-site septic systems, and public water will be extended 400-feet in River Road to service the dwellings. A widened paved shoulder on River Road is proposed to be constructed to provide improved pedestrian access to the intersection of River Road and Gambo/Newhall Roads.

Tax Map: 5; Lot: 25; Zone: Medium-density Residential (RM) zoning district in the Presumpscot River watershed. Uses: Dwelling, two-family.

### **Preliminary Subdivision Application Completeness**

- [§120-910C\(1\)\(q\)](#) Technical Capacity: Norway Savings Bank affirmed financial capacity of Jim Cummings and Jay Hackett, who are not listed as applicants. Identify the principals of 25 River Road, LLC by name on the application form and provide a statement specific to those individuals prior experience and appropriate training relating to the nature of the development. Specify prior experience relating to developments that have received permits from the Town.
  - 25 River Road, LLC principal Jim Cummings provided an email on March 5 regarding the ownership of the LLC and listing of recent projects completed by the principals.

## **Staff Review Comments**

*The memo will be updated as staff comments are provided during the week of May 5, 2025*

### **Planning Department**

*As the application is for Preliminary Subdivision Review, the submission has not been fully reviewed against the Site Plan Review standards of Article 8.*

1. The application narrative describes this project as a multi-phase development. Where the plans submitted do not explicitly propose a phased development that the Planning Board could approve under [§120-912C](#) and [§120-914A\(6\)](#), future submissions should remove this language from both the application narrative and net residential density calculations shown on the subdivision plan.
2. There is a discrepancy between the parcel acreage on the survey (33.41 acres) and the subdivision/site plan (33.5 acres). Update plans and net residential density calculations as appropriate.
3. Site Plan Review Waiver Request: [§120-808](#) Waivers does not authorize the Planning Board to waive the requirements of [§120-814](#) Multifamily development standards, only requirements of [§120-812](#) Performance Standards. For final plan review, the applicant should show on the site plan the distances between driveways and provide an explanation where and why it is not possible to separate curb cuts by a minimum of 75 feet as required by [§120-814B\(6\)\(c\)](#).
4. For final plan review, the HHE-200s for disposal fields A, C, and D should include the Fuji Clean CEN-21 advanced treatment.
5. The proposed pole-mounted cobra-head light on the existing utility pole on River Road south of the Dolley Farm Road is too far from the intersection to comply with [§120-911M\(3\)\(d\)](#).
6. On the Site & Landscaping Plan, no landscaping is proposed along River Road. The Multifamily Development Standards narrative in the submission states that the existing mature trees along River Road will be preserved except for the driveway entrances. Show tree line of existing trees along River Road on the subdivision plan or propose street trees along River Road in accordance with [§120-911E\(1\)\(b\)](#).
7. Per [§120-911E\(1\)\(a\)](#), the subdivision plan shall, by notes on the final plan and/or deed restrictions, not allow the clearing of trees in areas where tree cover is depicted on the plan for a period of at least five years from the date of Planning Board approval.
8. Staff are concerned that the paved shoulder proposed along River Road will increase vehicle travel speed and not provide adequate safety to pedestrians and recommends that the Planning Board request review and recommendation from the Town's consulting traffic engineer.
9. For final plan review, in accordance with [§ 120-911M\(5\)\(a\)\[4\]](#), "Where the applicant proposes improvements within existing public streets, the proposed design and construction details shall be approved, in writing, by the Director of Public Works or the Maine Department of Transportation, as appropriate."
10. For final plan review, obtain permission to discharge stormwater runoff in the Town storm drainage system.
11. Does the location of the septic disposal field need NRPA permit for disturbance within 25' of the wetlands?
12. Sheet D-2 Typical Roadway Section without curbing shows a 1' gravel shoulder. To comply with the Major Private Road Standard in [Appendix B](#), this detail should show a 2' gravel shoulder. Are there any sections of the proposed access drives without curbing?

13. Section 21 – Multifamily Development Standards

- a. Buildings adjacent to River Road shall have entrances oriented to face the existing street as required by [§120-814A\(3\)\(a\)](#).
- b. The proposed evergreen trees along a portion of the southern property line does not fully provide a buffer or screening to the existing residential abutter at 469 River Road required by [§120-814B\(2\)\(b\)](#).
- c. For final plan review, the site plan shall designate, within the common open space, the required amount of contiguous area and the proposed constructed amenities for passive use or active areas required by [§120-814B\(4\)\(c\)](#).

14. Recommended MAJOR SUBDIVISION CONDITIONS OF APPROVALS:

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated December 23, 2024 as amended [*the date of the final plan approval*] and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board. Any variation from such plans, proposals, supporting documents, and representations is subject to review and approval by the Planning Board or the Town Planner in accordance with [§120-912](#) of the Land Use Ordinance.
2. In accordance with [§120-914B\(5\)](#) of the Land Use Ordinance, the Construction of improvements covered by any subdivision plan approval shall be completed within two years of the date upon which the performance guarantee is accepted by the Town Manager. The developer may request a one-year extension of the construction completion deadline prior to the expiration of the period. Such request shall be in writing and shall be made to the Planner. The Town Manager may require an update to the schedule of values and the amount of the guarantee when accepting an extension of the construction period. If construction has not been completed within the specified period, the Town shall, at the Town Manger's discretion, use the performance guarantee to either reclaim and stabilize or to complete the improvements as shown on the approved plan.
3. In accordance with [§120-911N\(5\)](#) of the Land Use Ordinance, the condominium association documents shall be recorded in the Cumberland County Registry of Deeds within 90 days of the date that the subdivision plan is recorded in the Cumberland County Registry of Deeds. Evidence of such recording shall be provided to the Planning Department. No units shall be sold in the subdivision prior to recording and all deeds shall reference the declaration establishing the condominium association.
4. [Recreation Impact Fee](#), [Open Space Impact Fee](#), [Public Safety Impact Fee](#); and [Municipal Office Impact Fee](#). All fees will be determined and collected for any building, or any other permits necessary for the development, [§120-1201C](#).

**Assessing Department**

15. This looks good on my end.

**Fire Department**

- 13 With respect to Dolly Farm Subdivision, we'll need two fire hydrants in the subdivision. One fire hydrant at the intersection of River Road and Dolly Farm Road, and another fire hydrant at the intersection of Dolly Farm Road and Thayer Drive.

## Town Engineer

### Stormwater

14. The subdivision will result in 112,850 SF of impervious area and 251,165 SF of developed area so it will need a Stormwater permit from Maine DEP. The stormwater analysis provided by the Applicant shows that 95% of the impervious area will be treated and 75% of the developed area using two underdrain soil filters, roof drip edges on the buildings and a meadow buffer for a portion of Thayer Road, which meets Maine DEP General Standards in Ch. 500. I spot-checked the input data in the Hydro CAD computations and find that the assumptions for the stormwater model appear to be consistent with the plans.
15. Reviewed the water quality calculations and agree that the project meets Chapter 500 General Standards for water quality based on the type and sizing of stormwater BMPs proposed. For water quantity, Windham Ordinance § 120-911J(6) requires that post-development flows are less than or equal to the predevelopment flow for all subdivisions. The stormwater flow analysis provided by the Applicant, as summarized in Table 1 of the Stormwater Management Report shows that this condition is met except with SP-2 for the 2-yr storm where the post-development flow exceeds the predevelopment flow by 18%. The flow from the subcatchments that contribute to SP-2 enters the drainage ditch along River Road in the Town Right-of way and an increase the potential for erosion into that ditch. The Applicant should evaluate ways of reducing this flow.
16. Since the existing contours appear to be derived from LIDAR, the Applicant should conduct field a survey of stormwater management facility areas in order to determine actual ground conditions at the ponds and buffers. The ground survey will help confirm that the contours don't concentrate stormwater at buffer areas.

### Traffic/Roads

17. The Applicant submitted a traffic assessment that indicates that the subdivision will generate 270 trips during a typical weekday. Since this exceeds 140 trips per day, the Applicant will need to submit a traffic impact analysis per § 120-910C(3)(e). The submitted "Traffic Assessment" appears to include all the items specified for a traffic impact analysis in § 120-910C(3)(e) except for "effect upon the level of service of the street giving access to the site and neighboring streets which may be affected".
18. On Thayer Drive the plans show a 1-ft gravel shoulder, but Windham's Road standards (Appendix B, Table 3 of the Land use Ordinance) require a 2-ft gravel shoulder so this should be corrected.
19. The Applicant proposes to widen River Road by adding a 5-ft shoulder for a distance of approximately 400 feet south from the Dolley Farm Road entrance to the convenience store property (Duck farm Variety). The current width including shoulder is 31 feet. The developer should consider providing a sidewalk instead of a paved shoulder since widening the road another 5 feet may just encourage higher speeds in an area with a number of homes and a few businesses where higher speeds are not desirable.

### Other

20. There are some existing trees along the front of the property next to River Road, but the plans don't show existing trees, or a clearing line shown. Please clarify what will be done here.
21. The Applicant proposes to install a cobrahead streetlight on River Road on the southerly side of the subdivision, but it is 100-ft from the center of the Dolley farm Road entrance, which appears to be too far away to provide adequate lighting. An alternative for lighting this entrance should be explored.
22. Driveway and street opening permits will need to be obtained from Windham Public Works prior to construction of the driveways and installation of the water main extension.

**Public Works**

23. Widening River Road another 5-ft would not work in that area and that a sidewalk is a much better/safer option, as well as expanding it to Newhall Road with the addition of a pedestrian cross walk.

As staff review comments related to compliance with any applicable review criteria become available, I will send them to you ASAP. We will need your response by May 8, 2025 or earlier. Thank you for your attention to these matters. Provide one copy of your response to staff comments with all revised application materials and one (1) plan set. Email an electronic copy of your response letter, supporting documentation, and plan set. As Please feel free to call me with any questions or concerns at (207) 207-894-5900 x 6121 or email me at [allessard@windhammaine.us](mailto:allessard@windhammaine.us).