



## PLANNING BOARD MEMO • AMENDED SUBDIVISION • FINAL PLAN REVIEW

DATE: September 9, 2024

TO: Windham Planning Board  
FROM: Evan O'Connor, Town Planner  
Cc: Steve Puleo, Planning Director  
John A. Collins, Applicant

RE: #20-21-2 – Amended Subdivision – Second Amended Nelson Meadows – 7 Hayfield Lane –  
Final Plan Review

Planning Board Meeting: September 9, 2024

### Overview –

The proposed amendment to the original Nelson Meadows Subdivision is to revise the secondary conservation building setback on Lot 18 to reflect field conditions of the pond with the adjacent Open Space-1 Lot. The proposed 50' setback to the resource, as originally intended by the subdivision approval, has been reflected on the Second Amended Subdivision Plan  
Tax Map: 13; Lot: 14-18; Zone: Farm Residential (FR) zoning district and located in the Highland Lake watershed.

*Figure 1: Aerial View of the subject parcel relative to surrounding properties and street network.*



## **SUBDIVISION REVIEW**

PLEASE NOTE: The staff memo is a reference guidance document, and suggested topics for board discussion are listed; ~~the strikethrough text is items for the final review~~; ***bold and italic text represent unaddressed existing and/or new staff comments***; or plain underlined text are items that have been addressed by the applicant; and *italic text is for information or previously reviewed and/or approved items*.

Staff Comments:

1. Complete Application:

**MOTION:** [I move] the Amended Subdivison application for project #20-21-2 Second Amended Nelson Meadows 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. Waivers:

No waivers are being requested at this time.

3. Public Hearing: The Planning Board will hold a public hearing on September 9, 2024

4. Site Walk: The Planning Board may decide to hold a site walk.

**MOTION:** [I move] the Amended Subdivison application for the #20-21-2 Second Amended Nelson Meadows development identified on Tax Map: 13; Lot: 14-18; Zone: Farm Residential (FR) zoning district and located in the Highland Lake watershed is to be **(approved with conditions/denied)** with the following Findings of Fact, Conclusions, and Conditions of Approval.

### **Findings of Fact, Conclusions, and Conditions of Approval for the Windham Planning Board:**

#### **FINDINGS OF FACT**

**Jurisdiction:** The Second Amended Nelson Meadows project is classified as a Amended Subdivison, which the Planning Board is authorized to review act on by [§ 120-913B\(2\)](#) of the Town of Windham Land Use Ordinance.

**Title, Right, or Interest:** The applicant has submitted a copy of a QUITCLAIM DEED between Grondin Corporation, a Maine Corporation and John A. Collins, dated April 29, 2020, and recorded on June 2, 2021 at the Cumberland County Registry of Deeds in Book 211 and Page 211.

#### **ARTICLE 4 ZONING DISTRICTS**

- As shown on the Town of Windham [Land Use Map](#) approved by the Town Council, Tax Map: 13; Lot: 14-18; Zone: Farm Residential (FR) zoning district and located in the Highland Lake watershed.
- The existing use is a residential subdivision where single family lots are developed.

- The applicant is pursuing an amendment to adjust the construction envelope to more accurately portray the field conditions of the secondary conservation resource.

**THE FOLLOWING FINDINGS OF FACT FROM THE AMENDED SUBDIVISION REVIEW OF RELATIVE CRITERIA IN [§120-911](#) SUBDIVISION PERFORMANCE STANDARDS.**

**[§120-911A](#) – Basic Subdivision layout**

- The layout of the subdivision will not change with this amendment.
- The amendment is to adjust the secondary conservation setback to more accurately reflect the field conditions of the farm pond.

**[§120-911E](#) – Impact on wildlife habitat**

- The existing developed lot will not impact any natural habitats.

**[§120-911E\(2\)](#) – Reservation or dedication of open space**

- There is no amendment to the approved open space/common land as part of this subdivision amendment.

**[§120-911F](#) – Conformance with Land Use Ordinances**

Comprehensive Plan:

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

Subdivision Ordinance:

- Digital transfer of the subdivision plan data must be submitted with an electronic copy to the Town and as well for the Town's GIS data transfer, after the amended plan is recorded at the Cumberland County Registry of Deeds.

**[§120-911G](#) – Financial and Technical Capacity**

- The applicants are self-funding the amended subdivision application.

**[§120-911J](#) – Stormwater Management**

- The amendment will not change the impervious surface coverage or the amount of disturbed area, so no changes in the existing stormwater management plan are required.

**(SUBDIVISION) CONCLUSIONS (*Final Plan Review*)**

1. The development plan **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** be maintained and protected to the maximum extent.

4. The proposed subdivision amendment **has** sufficient water available for the reasonably foreseeable needs of the site plan.
5. The proposed subdivision amendment **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 amendment **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 amendment **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
11. The proposed subdivision amendment **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/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** 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 amendment **have** 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 amended 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, §480-B](#), none of the lots created within the subdivision **has/does 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, §8869, sub§14](#).~~

CONDITIONS OF APPROVAL (REQUIRED)

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated August 26, 2024, and amended on September 9, 2024, as 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 or [§120-912](#) of the Land Use Ordinance.

2. The signed subdivision recording plan shall be recorded three years from the date of the final approval at the Cumberland County Registry of Deeds (CCRD), per [§120-915B\(1\)](#) and [\(2\)](#), completed before any further parcel conveyances.