



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Planning Board

Monday, September 9, 2024

6:30 PM

Council Chambers

1. Call to Order – Chair’s Opening Remarks

2. Roll Call and Declaration of Quorum

Chair, Marge Govoni, called the meeting to order. Other members present were: Evert Krikken, Shonn Moulton, Kathleen Brown, Anne Daigle, and Rick Yost.

Planning Director, Steve Puleo, and Town Planner, Evan O’Connor, were also present.

3. Approval of Minutes –meeting August 26, 2024

The minutes of August 26, 2024 were not yet completed and would be available for the September 23, 2024 meeting.

Public Hearings

4. [PB 24-081](#) #20-21: Amended Subdivision - Second Amended Nelson Meadows Subdivision - Final Plan Review - 7 Hayfield Lane – John Collins
The proposed second amendment to the Nelson Meadows subdivision is to revise the secondary conservation building setback on Lot 18 to the surveyed field conditions of the pond adjacent to the lot. A 50' setback from the resource was identified in the subdivision approval of April 2021, in which the conditions are now accurately reflected in the second amended subdivision plan by adjusting the building setback from the resource. Tax Map: 13, Lot: 14-18; Zone: Farm-Residential (FR) located in the Highland Lake Watershed.

Attachments: [20-21 AMD MJR SUB PB MEMO NELSONMEADOWS 090324](#)
[20-21 AMD MJR SUB APPL NelsonMeadowsAmended 08262024.pdf](#)
[20-21 AMD MJR SUB PLAN NelsonMeadowsAmended 08262024.pdf](#)

John Collins, the property owner, was present representing the application.

Steve Puleo explained the amendment was requested because the resource, a pond, had reduced in size significantly, but the 50 foot buffer area around it had not been changed accordingly. One house had been built in that area, partially outside of the building envelope.

- *A soil scientist had determined where the adjusted upland edge of the pond was located. The adjusted buffer would place the house within a corrected building envelope.*
- *The pond wasn’t a natural resource; it had been a dug farm pond.*

Evert Krikken made a motion that the Amended Subdivison application for project

#20-21-2 Second Amended Nelson Meadows project was found complete in regard to the submission requirements based on the application checklist, but the Planning Board retained the right to request more information where review criteria were not fully addressed.

Seconded by Shonn Moulton.

Vote: All in favor.

Public Comment

There was no public comment. Public comment was closed.

Evert Krikken made a motion that the Amended Subdivision 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 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 Subdivision, 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.*

Seconded by Kathleen Brown.

Vote: Five in favor. Anne Daigle opposed. No one abstained.

New Business

- 5. [PB 24-082](#) #24-25: Major Subdivision & Site Plan - Andrews School Redevelopment - Sketch Plan Review - 55 High Street- Great Falls Construction
The application is a mixed-income development consisting of eighteen affordable apartments for senior housing. This project also includes associated parking areas, internal vehicular drive aisles, pedestrian pathways, a centralized open green space, and stormwater treatment area. Tax Map: 37, Lot: 24; Zone: Village Commercial (VC) located in the Upper Presumpscot River watershed.

Attachments: [24-25 MJR SUB-SP SKP PB MEMO AndrewSchool 082824 upd](#)
[24-25 MJR SUB-SP SKP SR&C AndrewSchool 082824 upd](#)
[24-25 MJR SUB-SP SKP APPL AndrewSchool 082724.pdf](#)
[24-25 MJR SUB-SP SKP PLAN AndrewSchool 082724.pdf](#)
[24-25 MJR SUB-SP SKP PLNSET AndrewSchool 082724.pdf](#)

Tyler Norod, from Westbrook Housing was present. Westbrook Housing had been awarded a town-issued RFP for redevelopment of the Andrews School. They proposed to partner with Great Falls Construction to construct 18 apartments of affordable 55-plus housing.

Apartments would be located in three, two-story four-unit buildings, and one two-story six-unit building. The project was designed to best take advantage of available funding opportunities.

Other Business

6. Adjournment

Kathleen Brown made a motion to adjourn.

Seconded by Anne Daigle.

Vote: All in favor.