



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Draft

### Planning Board

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Monday, March 10, 2025

6:30 PM

Council Chambers

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#### 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: Shonn Moulton, Christian Etheridge, Anne Daigle, and Kathleen Brown.*

*Planning Director Steve Puleo, and Senior Planner Amanda Lessard were also present.*

#### 3. PB 25-006 Approval of Minutes - The Meeting of February 24, 2025

Attachments: [Minutes 2-24-2025 - draft](#)

*Shonn Moulton made a motion to approve the minutes from February 24, 2025.*

*Seconded by Christian Etheridge.*

*Vote: All in favor.*

### Continuing Business

#### 4. PB 25-007 #23-21 - Amended Site Plan - New Middle School - Modification to Condition of Approval #5

At the March 25, 2024, Planning Board meeting, RSU 14 received approval to construct a four-story, 125,000 SF Windham Raymond Middle School. The applicant is requesting a modification to Conditions of Approval #5 to require a Maine Department of Transportation (MDOT) Traffic Movement Permit (TMP) prior to the issuance of an occupancy certificate rather than a building permit. The properties are identified as Tax Map 11, Lots 48, 49A, and A-1, located in the Village Residential District (VR) within the Presumpscot River watershed.

Attachments: [23-21\\_PB\\_MEMO\\_AMD\\_SP\\_RSU14-NewMiddleSchool\\_030425.pdf](#)

[23-21\\_AMSP\\_FP\\_APPL\\_WindhamRaymondMiddleSchool.pdf](#)

[23-21\\_AMSP\\_FP\\_SP\\_WindhamRaymondMiddleSchool\\_021825.pdf](#)

*Marge Govoni disclosed that she was a member of the School Board and also on the building committee for this project.*

*Kathleen Brown made a motion to allow Ms. Govoni to participate in discussion of the application.*

*Seconded by Anne Daigle.*

*Vote: All in favor.*

*Christopher Howell, Superintendent of Schools for RSU 14, explained a condition of their approval required them to obtain a traffic movement permit from MDOT before issuance of a building permit.*

- *They were ready to start construction at the beginning of April.*
- *As part of the MDOT permit, they were required to secure construction easements from abutting property owners. There was a few more months of work to do regarding the easements.*
- *They requested an amendment to the condition of approval that would allow them to acquire the traffic movement permit before an occupancy permit would be issued instead of the building permit.*

*Kathleen Brown made a motion that the major site plan application for project #23-21 RSU 14 New Middle School application 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.*

*Kathleen Brown made a motion that the amended Major Site Plan application for RSU 14 New Middle School (Project #23-21), requesting a modification to Condition of Approval #5, requiring the Maine Department of Transportation (MDOT) Traffic Movement Permit (TMP) prior to the issuance of a Certificate of Occupancy, be approved with conditions. The subject property is further identified as Tax Map 11, Lots 48, 49A, and A-1, located in the Village Residential District (VR). This decision is based on the following Findings of Fact, Conclusions, and Conditions of Approval.*

#### **FINDINGS OF FACT**

*Jurisdiction: The RSU 14 New Middle School proposal is classified as a Major Site Plan, which the Planning Board is authorized to review of the development of 125,000 SF and site improvements and act on by §120-805A(2)(a) of the Town of Windham Land Use Ordinance.*

*Title, Right, or Interest: The applicant has submitted a copy of a Quitclaim Deed without Covenant from Town of Windham to Regional School Unit No. 14, dated December 19, 2023, and recorded on December 19, 2023 at the Cumberland County Registry of Deeds in Book 40533 and Page 84 for Map 11 Lot 48. The applicant submitted a copy of a Quitclaim Deed without Covenant from Presumpscot Regional Land Trust to Regional School Unit No. 14, dated February 21, 2025, and recorded on February 23, 2024, at the Cumberland County Registry of Deeds in Book 40623 and Page 33 for Map 11 Lot 49A-1. The applicant submitted a copy of a Quitclaim Deed without Covenant from Regional School Unit No. 14 to Presumpscot Regional Land Trust, dated February 22, 2024, and recorded on February 23, 2024, at the Cumberland County Registry of Deeds in Book 40623 and Page 36 for Map 11 Lot 49A.*

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

- *As shown on the Town of Windham Land Use Map approved by the Town Council, date August 15, 2023, Tax Map: 11; Lots: 48, 49A, and 49A-1 and in the Village Residential District (VR).*

- *The applicant is proposing Public Building use as permitted in the VR District §120-415.1B(19).*

## ARTICLE 5 PERFORMANCE STANDARDS

### §120-543 – Public buildings

- (A) *Public building use shall not be required to meet the dimensional or district standards of the applicable zoning districts.*
- (B) *The Planning Board may require a new public building to provide landscaping, fences, screening or buffering on the lot between any lot occupied by a residential dwelling.*

### §120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS

#### §120-812A – Utilization of the Site

- *The new school site is comprised of a 10.16-acre parcel (11/48) which was formerly owned by the Town of Windham and used by the Town as material and aggregate storage area and 42.95-acre parcel (11/49A-1) for a total area of approximately 53 acres. The Pringle Wildlife Preserve (11/49A) is located to the west and at the corner of the roundabout with Windham Center Road and River Road.*
- *The properties fronts along Windham Center Road. Along River Road, the applicant is swapping a 50-foot-wide setback buffer (1.50 acres) along the easterly boundary line Pringle Wildlife Preserves for a 75-foot-wide by 617-foot long (1.063 acres) for the parent drop drive.*
- *The applicant is proposing a 24-foot-wide access drive from River Road to a parent drop loop with 60 parking spaces. The school buses and staff access will be along a 24-foot-wide access drive from Windham Center Road to a 41-space parking area north of the school and on south of the school, there will be bus loop and 195-space parking area for staff. The second access drive will lead to a 47-space parking area for visitors, gardeners, and school events. West of the school building, the applicant is proposing 20-foot-wide gated emergency access road as well as a 20-foot-wide gated emergency access road on the south side of the building, connecting the parent drop off drive and the bus drop off loop.*
- *The new middle school will serve 1,200 students in grades 5 through 8 with a 155 staff. The building will be 4-stories and have approximate footprint of 125,000 SF. The building will also include traditional education spaces, a gymnasium with seating for 1,200 people, and an auditorium for 600 people. The school is planning for outdoor education opportunities with outdoor classrooms and elevated boardwalks crossing the preserved wetlands on the school site. Community access is planned to allow access to the Land Trust preservation area by maintaining the existing drive to a relocated barn, athletic field, and community garden.*
- *The 43 -acre parcel is developed as an equestrian farm with open fields and riding corral. The southern portion of the project site along the route to River Road is mainly forested areas.*

#### §120-812B – Vehicular Traffic

- (1) *The site is located on the southern side of Windham Center Road and 500 feet east of the River Road and Windham Center Road roundabout circle.*
- (a) *The applicant has applied for a Traffic Movement Permit (TMP) from Maine Department of Transportation (MDOT), see Conditions of Approval #5.*
- *RSU 14 has been working closely with the MDOT who has indicated that the project plans are acceptable for the MDOT Traffic Movement Permit (TMP). Once property easements along River Road and Windham Center Road are secured the TMP can be issued.*

(b) For the final plan review, the applicant shall provide a traffic analysis provide evidence the existing streets, and intersections are expected to carry traffic generated by the development.

(2) The access is designed to have minimum sight distance, according to MDOT and Appendix B Street Design and Construction Standards, to avoid hazardous conflicts with existing turning movements, to avoid traffic congestion, and to prevent queuing of vehicles entering and exiting the site.

(3) The sites will be accessed through two driveways from Windham Center Road, approximately 75 and 24-foot-wide driveways and an approximately 75-foot-wide driveway to River Road.

(a) The applicant proposed new or realigned curb cut to public ways. Therefore, the applicant shall be required, before the construction activity occurs, to obtain "opening permits" from the Town's Department of Public Works.

(4) The applicant is a site designed to allow internal vehicular circulation for the safe movement of passenger, service, and emergency vehicles through the site.

#### §120-812C – Parking and Loading

(1) The applicant has designed a parking layout that accommodates total of 343 parking spaces that will be 10' x 20' in size.

(2) The applicant states that the proposed number of parking spaces is adequate to provide parking and will meet the parking needs of the public-school use.

#### §120-812D – Pedestrian Traffic

- As part of the project's TMP and the Town of Windham future sidewalk improvement plan, the applicant is proposing to install sidewalks from Meyer's Farm Road, along the north side of Windham Center Road, to the school access drive. A crosswalk with a flashing beacon will connect to a six-foot (6') wide sidewalk along the access drive to the north entrance of the school. The sidewalk will extend along the south side of Windham Center Road from the school's main access driveway to the roundabout. The applicant is proposing a network of walkways and elevated boardwalks throughout the campus connecting different amenities such as playgrounds, sitting areas, outdoor classrooms, ballfields, etc. There will be walks along the parent entrance from River Road. The sidewalk will be extended along the west side of River Road to Presumpscot Road and on the east of River Road to Sterling Drive. As part of the TMP application, a speed reduction on River Road from 50 MPH to 35 MPH at Sterling Drive, before the parent access driveway to the roundabout.

#### §120-812E – Stormwater Management

(1) The applicants shall provide for final review a stormwater management system design for the collection and disposal of all the stormwater that runs off of parking areas, roofs, travel ways, and other surfaces.

(f) Major site plans, regardless of size, shall comply with Sections 4C(2) and 4C(3) of the General Standards of the DEP Chapter 500 Stormwater Management Law. The applicant has applied for a Site Location of Development Act (SLODA) review to the Maine Department of Environmental Protection (Maine

- The sites are located in the Town's Urbanize Area and regulated by the MS4 (Municipal Separate Storm Sewer System) and will need to comply with §201-21 Post-construction stormwater management plan compliance.
- The Town Engineer raised a concern at the Development Review Team meeting on January 10th, that if the snow is storage is located next to the stormwater infiltration basin, guardrails may be required to keep the snow from being plowed into the stormwater BMP.

#### §120-812F – Erosion Control

(2) The applicant shall have provided for the final plan review an erosion and sedimentation control plan that will meet the Basic Standards per Section 4(A) of the MeDEP Chapter 500 Stormwater Rules.

#### §120-812G – Water Supply Provisions

(1) The existing building is served by a Portland Water District water mains extension from the Windham Center Road and the River Road ROW.

- The applicant shall provide, for the final plan review, a PWD letter or email stating their system has capacity for the new middle school campus.
- At the Development Review Team meeting, the Deputy Fire Chief commented, “the site is more 1,000 feet from a public hydrant within the River Road ROW and more than 900 feet from a public hydrant within the Windham Center Road ROW. The Fire Department is requesting the applicant to install a private yard to the Town’s standards.”

#### §120-812H – Sewage Disposal Provisions

- The applicant has not provided their HHE-200 Subsurface Wastewater Disposal System application. For the final plan review, the applicant shall provide the permit, design, and evidence from a Certified Site Evaluator that the existing system and the future septic can accommodate the existing and new middle school.

#### §120-812I – Utilities

- The applicant states all utilities will be installed underground (electrical, telephone, and telecommunication services).
- A utility and grading plan shall be provided for the final plan review.

#### §120-812J – Groundwater Impacts

- The proposed wastewater disposal system is anticipating being treated via pump station to a force main piping system within the River Road to the PWD wastewater treatment being constructed at Sposedo Road.

#### §120-812K – Water Quality Protection

- The new middle school site is not located in a direct watershed of a body of water most at risk from development, identified by the MeDEP. The applicant is in SLODA review which will require phosphorus control plan.

#### §120-812L – Hazardous, Special and Radioactive Materials

(1) The proposed new middle school operations do not anticipate handling, storing, or using any materials identified by the federal or state as hazardous, special, or radioactive. The applicants have provided a list of any materials that would fit in those categories for the final plan review and have made provision for safe storage and handling of the materials.

#### §120-812M – Shoreland Relationship

- The site is not located in the Shoreland Zone.

#### §120-812N – Technical and Financial Capacity

(1) The applicant has provided an estimate of the project cost of development or financial capacity evidence. The applicant has provided evidence of financial capacity for the final plan review.

(2) The applicant has hired Stantec Consulting Services, for site planning, permitting, and engineering services for the development of the new middle school and site improvements.

#### §120-812O – Solid Waste Management

- *To ensure proper disposal, the waste will be stored inside the building in a solid waste container until it can be transported to a licensed disposal facility.*

#### §120-812P – Historical and Archaeological Resources

- *For the final plan review, the applicant shall provide evidence from the State showing that there are no historic or archaeological resources onsite.*

#### §120-812Q – Floodplain Management

- *The sites are not located in the mapped FEMA 100-year floodplain hazard area.*

#### §120-812R – Exterior Lighting

- (1) *The applicant will provide an acceptable lighting plan with hooded or shielded fixtures, cut sheets, and locations for review for the final plan review.*
- (2) *The applicant shall connect all light poles and other exterior light fixtures underground or through the building for wall mounted fixtures.*

#### §120-812S – Noise

- (1) *The proposed Contractor service uses shall not exceed 65 dB between 7:00 AM to 10:00 PM and 55 dB between 10:01 PM to 6:59 AM.*
- (3) *No construction activities are allowed between the hours of 10:00 PM and 6:00 AM.*

#### §120-812T – Storage of Materials and Screening (Landscape Plan)

- *The applicant has not provided a landscaping plan, a planting schedule, or a location for snow storage. The applicant shall address these standards for the final plan review.*
- *The applicant has not provided locations for dumpsters. If dumpsters are used, a concrete pad, and screening for each dumpster enclosure is required. The applicant shall address these standards for the final plan review.*

#### CONCLUSIONS (Required)

1. *The 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 site plan has sufficient water available for the reasonably foreseeable needs of the site plan.*
5. *The proposed site plan will 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 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 site plan will provide adequate sewage waste disposal.*
8. *The proposed site plan 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 site plan will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.*
11. *The proposed location and height of buildings or structure walls and fences, parking, loading, and landscaping shall be such that it will not interfere with or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonably affect its value.*

12. On-site landscaping does provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.
13. All freshwater wetlands within the proposed subdivision have been identified on the plan.
14. Any river, stream, or brook within or abutting the site has been identified on any maps submitted as part of the application.

**CONDITIONS OF APPROVAL (REQUIRED)**

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated January 2, 2024, March 25, 2024, and as amended March 10, 2025 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 or §120-815 of the Land Use Ordinance.
2. In accordance with §120-815C(1)(b) of the Land Use Ordinance, the Construction of improvements covered by any site plan approval shall be completed within two years of the date upon which the performance guarantee is accepted by the Town Manager. If construction has not been completed within the specified period, the Town shall, at the Town Manager's discretion, use the performance guarantee to either reclaim and stabilize the site or to complete the improvements as shown on the approved plan.
3. The approval is subject to the requirements of the Post-Construction Stormwater Ordinance, Chapter 201 Article II. Any person owning, operating, leasing, or having control over stormwater management facilities required by the post-construction stormwater management plan must annually engage the services of a qualified third-party inspector who must certify compliance with the post-construction stormwater management plan on or by June 1st of each year.
4. Before the required pre-construction meeting with staff and before any land use activities begin, the applicant shall provide to the town planner the Site Location of Development Act and Natural Resources Protection Act permits from the Maine Department of Environmental Protection (MDEP).
5. Before issuing certificate of occupancy, the applicant shall provide the town planner with a Traffic Movement Permit from the Maine Department of Transportation (MDOT).

Seconded by Shonn Multon.

Vote: All in favor.

## **New Business**

**5. [PB 25-004](#)**

25-05 Major Site Plan - Smith Cemetery Expansion - 513 Gray Road - Sketch Plan Review - Town of Windham

The Town is proposing to expand the existing 3.1-acre Smith Cemetery on to the abutting 23.95 acre parcel on Route 202. The proposed expansion will develop 2.75 acres to provide space for 335 new family plots and 1750 single burials, the latter in a Veterans Niche Wall and a Columbarium Niche Wall and be accessed by two new driveways on Gray Road. Subject property is identified as Tax Map: 12, Lots: 49-1, 49-2 & Tax Map: 46, Lot: 13A in the Windham Center (WC) and Farm (F) zoning districts and the Black Brook watershed.

Attachments: [25-05\\_MJR\\_SP\\_SKP\\_PB\\_MEMO\\_SmithCemeteryExpand\\_030625](#)

[25-05\\_MJR\\_SP\\_SKP\\_APPL\\_SmithCemeteryExpansion\\_022225.pdf](#)

[25-05\\_MJR\\_SP\\_SKP\\_PLN\\_SmithCemeteryExpansion\\_022225.pdf](#)

*Town Engineer, Mark Arient explained the existing cemetery was out of room for new plots.*

- *The expansion was proposed on abutting property.*
- o *The existing access would be continued, and a new entrance would be constructed off of Route 202.*
- o *The expansion would provide 353 new plots for conventional burials and construction of two niche walls for the interment of 1,750 cremains.*
- o *A 600 square foot building for equipment storage was also proposed.*

*Amanda Lessard explained:*

- *There were no wetland impacts*
- *There were no waiver requests.*
- *The proposed uses were allowed in the zones and not subject to design guidelines.*

*Board Comment*

- *Was there a special ordinance for cemeteries?*
- *Where would things left on the grave be taken after removal?*
- *Were the trees between the abutting properties on those properties?*
- *Abutters should be asked if they wanted a buffer.*
- *Were there any plans for lighting?*

## 6. [PB 25-005](#) 25-06 - Major Subdivision & Site Plan - 421 Falmouth Road Condos - 421 Falmouth Road - Sketch Plan Review - Robie Holdings, LLC

The application is for an 11-unit single-family residential condominium development of a 22.75 acre property. The development will have an access driveway and be served by public water, shared private wastewater disposal systems, and underground utilities. Subject property is identified as Tax Map: 19; Lots: 104 & 90G; Zone: Village Residential (VR) and Farm (F) in the Pleasant River watershed.

Attachments: [25-06\\_MJR\\_SUB\\_SP\\_SKP\\_PB\\_MEMO\\_421FalmouthRdCondos\\_030](#)

[625](#)

[25-06\\_MJR\\_SUB\\_SP\\_SKP\\_PLANS\\_421 Falmouth Rd](#)  
[Condos 2025 2 17](#)

[25-06\\_MJR\\_SUB\\_SP\\_SKP\\_APPL\\_421 Falmouth Rd](#)  
[Condos 2025 2 17](#)

*Dustin Roam from DM Roma Consulting Engineers was present representing the application. He described the project.*

- *The development property consisted of two lots. One currently had a single family home on it which would be demolished. The properties were in separate zoning districts.*
- *They proposed to build 11, single-family detached homes on a shared condominium driveway, built to a major private road standard with access from Falmouth Road.*
- *Dwellings would be served by public water.*
- *They proposed two leach fields.*
- *There were small pockets of wetlands, and a stream on the property.*
- *An existing snowmobile trail crossed the property, and it would be used additionally for passive recreation. There were two bridge crossings of the stream.*
- *They requested a waiver of the requirement for a high intensity soil survey*

- *DEP stormwater and NRPA permits were required.*

*Amanda Lessard explained:*

- *The net residential density between the two zoning districts rounded to 14 units; floodplain area may require a slight adjustment.*
- *No additional development would be allowed on the properties unless an amendment was granted.*
- *The high intensity soil survey waiver could be approved, provided supporting data was submitted.*

*Board Comment*

- *Would they still be held to the current residential density calculation if it came back in the future?*
- *Why did they propose a hammerhead rather than a cul-de-sac?*
- *How many bedrooms would the homes have?*
- *It was a safety issue to not be able to pull off the road at the cluster mailbox.*
- *What was the road width? Would it have shoulders?*
- *They should consider a bus shelter.*

## 7. [PB 25-008](#)

#25-07: LUO Amendments to Article 1, 3, 8, and 9 - Stormwater Consistencies with Maine DEP Ch. 500 for Municipal Delegated and Capacity Review Authority.

The town is proposing amendments to Chapter 120 Land Use Ordinance (LUO) in Article 1 General, Article 3 Definitions, Article 8 Site Plan, and Article 9 Subdivision to align the town's stormwater and site development provisions with the Department of Environmental Protection (DEP) stormwater rules and other state regulations to qualify for delegated authority status.

**Attachments:** [25-07 PB MEMO LUOAmendmentsForDelegated Review 022025.pdf](#)  
[25-07 COC REDLINE LUOAmendmentsForDelegated Review 022025.pdf](#)

*Steve Puleo explained the purpose of the amendment was to align the town's stormwater and site development regulations with Maine DEP standards so as to obtain delegated authority. Under this authority the town could:*

- *Issue stormwater and site development permits locally.*
- *Streamline the review process and reduce the time period for application review.*
- *Maintain local oversight for permit compliance*
- *Additional ordinance amendments would be required going forward.*

*Board Comment*

- *Would the cost of town review be passed on to the applicant?*
- *Was there any downside/liability?*

## Other Business

*Planning Board Rules*

*Board Comment*

*The rules would change for the first meeting in April:*

- *The meeting would begin at 6:00 pm*
- *Remaining agenda items would be reviewed at 9:30 pm.*

- *No additional items would be considered after 10:00 pm.*

*Election of Officers*

*Kathleen Brown nominated Marge Govoni for Chair.*

*Seconded by Shonn Moulton.*

*Vote: All in favor.*

*Anne Daigle nominated Evert Krikken for Vice Chair.*

*Seconded by Shonn Moulton.*

*Vote: All in favor.*

## **8. Adjournment**

*Shonn Moulton made a motion to adjourn.*

*Seconded by Christian Etheridge.*

*Vote: All in favor.*