



Town of Windham
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STAFF REVIEW AND COMPLETENESS MEMO

DATE: June 15, 2024

TO: Laurie Bachelder, RCI, LLC
FROM: Steve Puleo, Planning Director
Cc: Development Team Review Committee
Jasmine Lopez, Planning Intern

RE: #24-12 – Major Subdivision and Site Plan – Edgewood Estates Subdivision – 4 Betty Lane –
Final Plan Review – RCI, LLC

Scheduled for Planning Board meeting: **July 1, 2024**

Thank you for submitting your application on June 5, 2024. The application status is **complete relative to the Planning Board submission requirements**. The staff has reviewed the application and found several outstanding items that need your attention before the Planning Board final plan review. Currently, the review is **scheduled for a July 1, 2024 meeting**. The Planning Board meeting is an "in-person meeting" held at the Town Council Chambers in the Town Hall located at 8 School Street. The meeting begins at 6:30 p.m., and your attendance is required.

Project Information:

The application is to develop a new conservation subdivision with a minor private road of 850' in length. The applicant will construct the road in the general location of the named private driveway, Betty Lane. The proposal is to provide six (6) building lots of about 30,00 SF in size, with the remaining 327,750 SF area as open space. Each parcel will have a private septic disposal field and well. The proposed utilities are to be installed underground. The property is further identified as Tax Map: 6; Lot: 26; Zone: Farm District (F) in the Pleasant River watershed.

Planning Department:

- Please add COA # 2, 3, and 4 and an approved waiver section on the subdivision recording plan, sheet 1.

CONDITIONS OF APPROVAL (REQUIRED)

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated January 22, 2024, April 22, 2024, as amended July 1, 2024 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 [§120-913](#) of the Land Use Ordinance.
2. Prior to the conveyance of any land in the subdivision, the applicants shall record the approved plan in the Cumberland County Registry of Deeds (CCRD) and the street on which the lot fronts are complete in accordance with these regulations up to and including the entire frontage, per [§120-915B\(1\)](#) and [\(2\)](#).
3. Prior to the pre-construction meeting, a Homeowner's Association Bylaws, Convents, and Documentation for the care and maintenance of the (private road) and/or open space areas shall be recorded in Cumberland County Registry of Deed (CCRD) and a copy of the recorded documentation shall be submitted to the Planning Department for verification.

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, [Section 120-1201C](#).
5. Before issuing building permits for Lots 1, 2, 3, and 4, the applicant or builder must have the town engineer verify the 50-foot conservation subdivision boundary buffer line pinned, staked or fenced in the field.

Town Engineer:

- The construction entrance shown on the plan sheets still appears to be too narrow and if built to those dimensions may not prevent tracking onto Chute Road so it should be shown as wider in the construction plans.
- One of my comments submitted on the preliminary plan was that Additional information on any nearby wells should be provided in order for this waiver to be considered if a waiver is granted from the requirement to perform a Hydrogeologic Evaluation per Land Use Ordinance 120-911.H. maybe I missed it but I didn't see that this information was submitted.
- I didn't see any calculations provided for the sizing of the roof drip edges, but the stormwater narrative says that they will be 4' wide. This width and the material thicknesses provided in the plans indicate that they are designed to meet MEDEP guidelines. However, the drip edge detail in the plans says min. 3'. The plans and report should be made consistent.

Attorney:

Issues with the Declaration:

1. The first paragraph of the documents refers to RCI Development Group as the "Association." This is incorrect. The second paragraph is correct in its reference to RCI as the "Developer."
2. There are references to RCI in the first and second paragraphs as a "limited liability corporation." The correct term under Maine law is "limited liability company."
3. The second paragraph refers to the property as being located in "Cumberland County, Maine." At a minimum, "Town of Windham" should be added to this. The street location (Chute Road) of the subdivision could also be added.
4. There are some references to "platting" in the document. These should be revised as the subdivision law no longer refers to "plats" and instead refers to "plans." Some of the references probably should say that they are seeking subdivision approval rather than seeking to "plat" the land.
5. The "Now, therefor" clause on the first page references an Exhibit A, which was not provided. It should probably instead reference the approved subdivision plan and information (name, location), with its Registry Book and Page numbers, or at least an indication that the plan will be recorded around the same time as the recording of the Declaration.
6. Section I states that property owners are to exercise as much care as is possible to retain vegetation. Is the Town okay with this? There is no obligation to replace or replant anything. The same is true for the buyer on Lots 1, 2, and 3. It just says that they will be maintained. This doesn't appear to be consistent with Note 12 on the Plan, which is more restrictive about allowed cutting; the two should be consistent. The Town will enforce violations of the plan and so lot owners should be on notice of those requirements.
7. In Section II, there is a reference to "Common Elements," which I don't think is a defined term. In any event, it should specifically refer to the stormwater treatment areas, including the new

soil filter basins. To the extent that that any specific maintenance is required or a schedule is established for maintenance, that should be set forth here or there should be a reference to an attachment with the requirements.

8. Section II.C needs to be revised. It says that the Association shall maintain the road until it is accepted by the Town. Plan Note 17 says that Betty Lane is to remain private and will not be accepted or maintained by the Town.
9. Section IV.G states that the Developer can modify, amend, repeal, or change any of the terms of the Declaration prior to the actual organization or incorporation of the Association. Any changes to the document would need to be reviewed by the Town to ensure that it remains consistent with requirements of the subdivision approval. The documents are part of the approval, and any changes have to be reviewed and approved.

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. If I receive more comments, I will send them to you ASAP. We will need your response by June 24, 2024. Please feel free to call me with any questions or concerns at (207) 777-1927 or email me at <mailto:sjpuleo@windhammaine.us>.