



PLANNING BOARD MEMO • MAJOR SITE PLAN & SUBDIVISION • SKETCH PLAN REVIEW

DATE: January 212, 2025

TO: Windham Planning Board
FROM: Steve Puleo, Planning Director
Cc: Dustin Roma, ; Agent
Mr. James Cummings, 25 River Road, LLC; Applicant

RE: 25-01 – Major Site Plan & Subdivision – Dolley Farms Subdivison – River Road – Sketch Plan Review – 25 River Road, LLC

Planning Board Meeting: January 27, 2025

Overview –

The application is for the development of a 44-unit residential condominium on a 32.8-acre parcel of vacant land. The property includes an existing well that serves the adjacent property. The development will feature an access driveway for the condominium complex. The subject property is further identified Tax Map: 5; Lot: 25, in Medium-Density Residential (RM) zoning district and located within the Presumpscot River watershed

A Development Review Team meeting took place on January 15, 2025. Comments received during the meeting are summarized in the memo below.

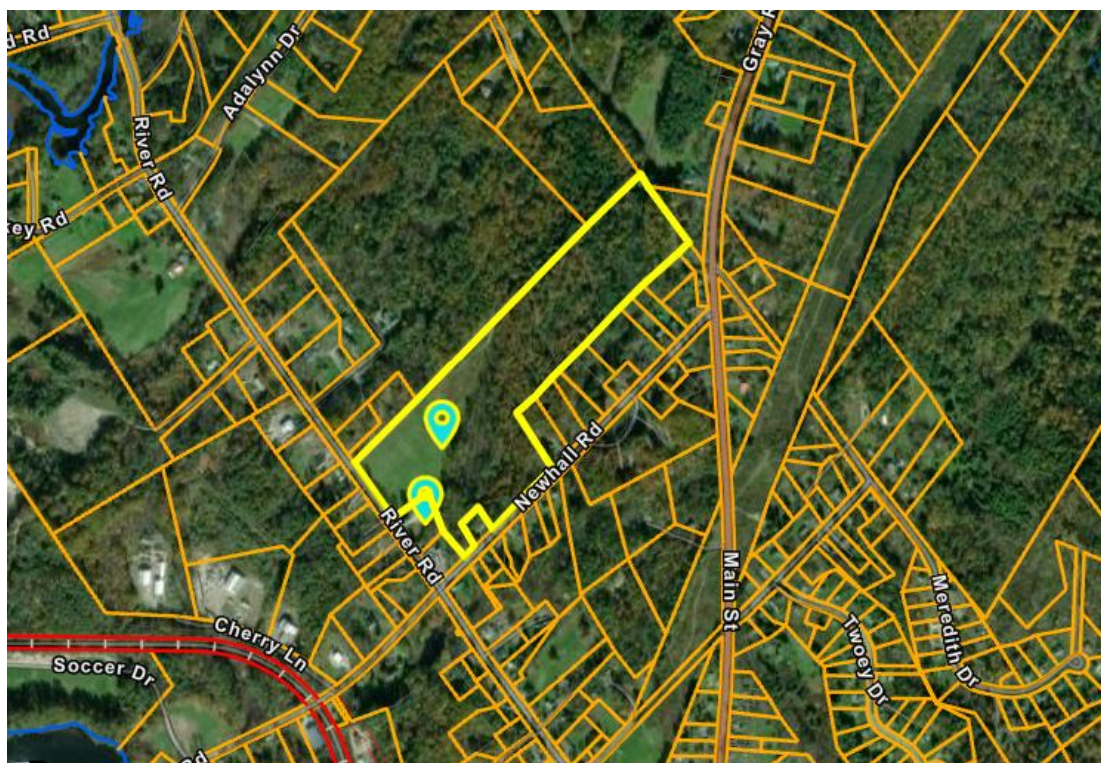


Figure 1: Aerial View of the subject parcel relative to surrounding properties and street network.

SUBDIVISION/SITE PLAN 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 Major Site Plan & Subdivision application for project 25-01 Dolley Farms Subdivision 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:

Waiver of Submission Requirements: The Planning Director, or designee, may waive any of the submission requirements of [§120-811](#) based upon a written request by the applicant. Such a request shall be submitted at the time of the preapplication conference for minor developments or as part of the sketch plan application for major developments. A waiver of any submission requirement may be granted only if the Planning Director, or designee, finds that the information is not required to determine compliance with the standards and criteria of the Land Use Ordinance.

None requested

Limitation of Waivers. The granting of a submission requirement waiver or site waiver may not conflict with, nor negate, any State Statutory requirements for the subdivision of land. Per [§120-908B\(2\)](#). The Board is not required to use any criteria in making its determination on the granting of a waiver of the submission requirements. Per [§120-908C](#). The Planning Board may waive the requirements of [§120-911](#) Performance and Design Standards when the applicants demonstrates that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met, and the public health, safety, and welfare are protected and provided the waivers do not have the effect of nullifying the intent and purpose of the land use ordinance. In granting site waivers, the Planning Board shall utilize the criteria in [§120-908C\(2\)](#).

None request.

3. Public Hearing: The planning board shall determine public hearing date.

4. Site Walk: The planning board shall determine if a site walk is necessary

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

MOTION: ~~[I move] the Major Site Plan & Subdivision application for the 25-01 Dolley Farms Subdivision development identified on Tax Map: 5; Lot: 25; Zone: Medium-density Residential (RM) zoning district and located in the Presumpscot River watershed is to be (approved with conditions/denied) with the following Findings of Fact, Conclusions, and Conditions of Approval.~~

FINDINGS OF FACT

Jurisdiction: The Dolley Farm Subdivision project is classified as a Major Site Plan & Subdivision, which the Planning Board is authorized to review and act on by [§120-903](#) of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted a copy of a Quitclaim Deed between Charles R, Haddock and 25 River Road, LLC, dated November 26, 2024, and recorded on November 27, 2024 at the Cumberland County Registry of Deeds in Book 41151 and Page 335.

ARTICLE 3 DEFINITIONS

Dwelling, Two-family: “A building containing two attached dwelling units. A two-family dwelling may, or may not, be attached to a nonresidential use.”

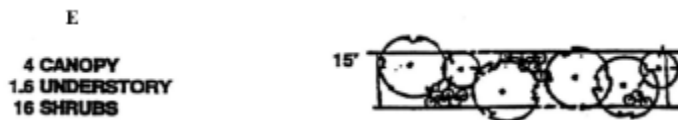
ARTICLE 4 ZONING DISTRICTS

- As shown on the Town of Windham [Land Use Map](#) approved by the Town Council, date April 9, 2024, Tax Map: 5; Lot: 25.
- The property is located in Medium-density Residential (RM) zoning district.

ARTICLE 5 PERFORMANCE STANDARDS

§120-511 – Buffer yards

Per [§120-511C\(2\)\(a\)](#) in Table 2, a Buffer Yard is required for other residential multifamily over 4 dwelling units a buffer yard E is required along the frontage of the development.



§120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS

§120-812A – Utilization of the Site

- The subject parcel is approximately 32.8 acres (1,428,768 SF) in size.
- The site fronts along River Road and has 425 feet of road frontage.

§120-812B – Vehicular Traffic

- (1)** The site is located on the easterly side of River Road. The applicant is proposing to new road connection to River Road. The southerly entrance is proposed to a Condominium driveway meeting the Town’s “Major Private Road” standard for design and construction.

A right-of-way requirement for an access driveway in the Multi-family performance standards, found in [§120-814B\(6\)\(b\)\[2\]](#).

- [\(a\)](#) The applicant does not expect to impact any road intersections within a half mile of the project.
- [\(b\)](#) For the *preliminary plan review*, the applicant shall provide a traffic analysis that the existing streets and intersections can be 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. **If the project generates 50 or more trips during either the a.m. or p.m. peak** hour, per [§120-811B\(2\)\(h\)](#), the applicant shall provide, for the *preliminary plan review*, a “traffic study,” prepared by a Maine licensed professional engineer, describing the impacts of the proposed project on the capacity, level of service and safety of adjacent streets.
- [\(3\)](#) The proposal site will be accessed driveway from River Road and Major Private Street
- [\(4\)](#) The applicant is a site designed to allow internal vehicular circulation in common with the other property owner for the safe movement of passenger, service, and emergency vehicles through the site. At the DRT meeting, the Deputy Chief requested the site design provide a water lines and hydrant. *For the preliminary plan review*, the applicant will show a design accommodating the FD request.

[§120-812C](#) – Parking and Loading

- [\(1\)](#) The applicant has designed a parking layout that accommodates for two (2) parking spaces.

[§120-812D](#) – Pedestrian Traffic

The applicant is proposing to provide a sidewalk along the front of the property.

[§120-812E](#) – Stormwater Management

- [\(1\)](#) The applicants shall provide for the *preliminary plan 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 MDEP Chapter 500 Stormwater Management Law. The applicant states that the number of impervious conditions and total disturbed will require a Site Location of Development Act permit for MDEP.

[§120-812F](#) – Erosion Control

- [\(2\)](#) The applicant shall have provided for the preliminary plan review an erosion and sedimentation control plan that will meet the Basic Standards per Section 4(A) of the MeDEP Chapter 500 Stormwater Rule

[§120-812G](#) – Water Supply Provisions

- (1) The existing building is served by a Portland Water District water main extended from the River Road ROW.
- The applicant shall provide for *the preliminary plan review* a PWD letter or email stating the system has capacity for the new proposed bakery and private warehousing uses.
 - At the Development Review Team meeting, the Deputy Fire Chief commented.

§120-812H – Sewage Disposal Provisions

- For *the preliminary plan review*, the applicant will provide an HHE-200 application with wastewater disposal system 11,880 GPD of capacity.

§120-812I – Utilities

- The applicant all utility connections (electrical, telephone, and telecommunication services) will be subsurface.
- A utility and grading plan shall be provided for *the preliminary plan review*.

§120-812J – Groundwater Impacts

- The building conversion is connected to the PWD public water system, and the wastewater disposal system is not anticipating a disposal system with a capacity of 2,000 gallons per day (GPD).

§120-812K – Water Quality Protection

- The applicant states development will help protect Windham's water quality by using a public water system, a state-approved wastewater disposal system that shall comply with the State's drink water standards, and stormwater management system to provide treatment to runoff. The day-to-day operations do not require substances that are hazardous, such as fuels, industrial chemicals, waste, etc.

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

- (1) No hazardous materials will be stored on site.

§120-812M – Shoreland Relationship

- The site is not in a shoreland zoning district.

§120-812N – Technical and Financial Capacity

- (1) The applicant has not provided an estimate of the project cost of development or financial capacity evidence. The applicant shall provide evidence of financial capacity for *the preliminary plan review*.
- (2) The applicant has hired DM Roma Consulting Engineers, for site planning, permitting, and engineering services for site development.

§120-812O – Solid Waste Management

- The condominium development will contract a private solid waste hauling company to manage the solid waste.

§120-812P – Historical and Archaeological Resources

- The applicant shall provide for *preliminary plan review* evidence from the State showing that there are no historic or archaeological resources onsite.

§120-812Q – Floodplain Management

- The site is not located in the mapped FEMA 100-year floodplain hazard.

§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 preliminary plan review.
- (2) The applicant shall connect all light poles and other exterior light fixtures underground.

§120-812S – Noise

- (1) The proposed condominium shall not exceed 55 dB between 7:00 AM to 10:00 PM and 45 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 will provide a landscaping plan and planting schedule for *preliminary plan review*.
- The applicant has not provided a location for a dumpster, if any, or a concrete pad, and screening for the dumpster enclosure. The applicant shall address this standard for the preliminary plan review.

§120-814 Multifamily development standards.

§120-814A – Building Architecture.

- (1) Architectural variety
 - (a) The building has a variety of techniques to visually break up the façade, a varied roof lines, and some variation in window sizes.
- (2) Facade.
 - (a) The building horizontal articulations are provided throughout the building, and rooflines incorporate varying heights and ridgelines.
- (3) Orientation.
 - (a) The building entrances shall be oriented to face the street.
 - (b) Buildings may be oriented to open space areas, provided that street frontages are developed consistent with above.

B. Site design.

- (1) Parking.
 - (b) Provisions are made for snow storage in the design of all parking areas. The areas used for snow does not conflict with proposed landscaping. The areas shall be sited to avoid problems with visibility, traffic circulation, drainage, or icing during winter months.

(2) Screening.

- (a) Utilities. Service areas, loading docks, delivery areas, trash receptacles, and mechanical equipment will be screened to minimize visibility from sensitive view-points such as public and private roadways, main entrances, residences outside the development, public open spaces, and pathways. Service areas shall be screened with architectural elements such as walls or fences. Screening may be further enhanced with evergreen trees, shrubs, and earth berms. Gates on utility enclosures shall be designed to prevent sagging.
- (b) Existing residential abutters. When new residential development is adjacent to an existing residential use, landscaping, including large evergreen trees, and/or garden features (e.g., trellis or supplementary fencing), will provide a buffer or screening between properties and obscure direct sightlines into private yard areas or windows on adjacent properties.

(3) Bicycle/pedestrian.

- (a) Internal traffic flow internal walkways.
- (c) Bicycle parking/racks.

[1] The development will provide facilities for the parking of bicycles at a ratio of 0.5 bicycle parking space per dwelling unit.

(4) Recreation and open space.

- (a) The applicant is providing 6,509 SF of recreational and 5.56 acres of open space with 2.34 acres of developed area. A raise garden beds, and garden shed for the residents will, also be provided.

(5) Landscape/lighting.

Site lighting will be comprised of pole mounted LED light fixtures to light the parking lot and building mounted fixtures to light the sidewalks surrounding the building. The pole mounted light fixture will include timers and dimmers in order to manage the site lighting consistent with a residential neighborhood.

(a) Landscaping.

- [1] A landscaping plan shows existing vegetation will be maintain for buffering purposes and additional plantings are designed to screen Anglers Road. The landscape design for the site features a community space on the northeastern corner and s sitting space, centered around raised beds.

§120-911 - SUBDIVISION PERFORMANCE STANDARDS

§120-911A – Basic Subdivision layout

- (1) The property has 34 acres or 1,43 SF exceeding the minimum lot size in the Medium-density Residential (RM) zoning district, per §120-409E.
 - (a) The applicant provided a net residential density calculation by deducting 46,900 SF of road R/W, 14,390 SF of steep slopes areas and 234,741 SF of poorly drained soils, and for the net area of 1,133,944 SF. The net residential density is 15,000 SF, equaling 75 dwelling units.
- (2) For the preliminary plan review, the applicant shall show where the proposed utilities will be located and shall be installed underground.

- (3) The applicant showed the location of the subdivision monuments on the sketch plan review sheet 1, exceeding the LUO requirements.

§120-911B – Sufficient water; water supply.

- (3) For the preliminary plan review, the applicant shall show water line locations.

§120-911C - Erosion Control and sedimentation control

- (1) For the preliminary plan review, the applicant shall provide a soil erosion and sediment control plan showing the use of erosion and sediment control best management practices (BMPs) at the construction site consistent with the minimum standards outlined in the Maine DEP Stormwater Rule Chapter 500 Appendix A – Erosion and Sediment Control, Appendix B – Inspections and Maintenance, Appendix C – Housekeeping. Erosion and Sedimentation Control. BMPs shall be designed, installed, and maintained in accordance with the standards contained in the latest revisions of the following Maine DEP documents.
- (2) For the preliminary plan review, the developer shall provide a statement for the Maine licensed professional civil engineer preventing soil erosion and sedimentation from entering water bodies, wetlands, and adjacent properties.
- (3) For the preliminary plan review, the applicant or developer shall consider the topsoil as part of the subdivision is not to be removed from the site.
- (4) Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. *The Board may require a developer to take measures to correct and prevent soil erosion in the proposed subdivision.*

§120-911D – Sewage disposal

- (2) The applicant is proposing a private sewage system for 44 condominium development. The preliminary plan review, the applicant submitted evidence of site suitability for subsurface sewage disposal prepared State of Maine Subsurface Waste Disposal Rules. The applicant shall provide evidence that the septic disposal field will meet the State's drinking water standards.

§120-911E – Impact Natural Beauty, Aesthetics, Historic Sites, Wildlife Habit, Rare Natural Areas, or Public Access to the Shoreline

- (1) The applicant is developing access from River Road to. By creating the access driveway in the general location of and road R/W for the major private street. The majority of the open space will remain intact, preserving the natural beauty and aesthetics.
- (a) For preliminary plan review, the applicant shall provide a note not allowing the clearing of trees where tree cover is depicted on the plan for at least five years. Mandatory buffer for stormwater or other reasons shown on the plan shall not be cleared of vegetation unless the Planning Board grants an amendment to the subdivision or maintenance that does not alter the purpose for which the buffer was required.
- Per the Assessor's, comment the property is the Maine Farmland Trust program will discontinue future participation in the program

- (2) For preliminary plan review, the applicant shall provide reservation or dedication and maintenance of open space, common land, facilities such as the stormwater management system, among others, and service in the form of homeowner's association documentation.

§120-911F – Conformance with Land Use Ordinances

Comprehensive Plan:

- The plan does meet the goals of the 2024 Comprehensive Plan.

Land Use Ordinance:

- There is a net residential density in the Farm zoning district of 15,000 SF.

Subdivision Ordinance

- The applicant has provided a landscaping plan.
- Standard notes, the standard conditions of approval, and approved waiver must be shown on the plans.
- For the preliminary plan review, a digital transfer of the subdivision plan data must be submitted for inclusion with the Town's GIS.

§120-911G – Financial and Technical Capacity

- (1) See above in the site plan performance standards for review.
(2) See above in the site plan performance standards for review.

§120-911H – Impact on Ground Water Quality or Quantity

- (1) For preliminary plan review, the applicant shall provide evidence that the subdivision shall not increase any contaminant concentration in the groundwater and shall meet the State's drinking water standards. A hydrogeological evaluation shall be required to demonstrate nitrates as nitrogen meet the maximum contaminant level.
- (2) For preliminary plan review, the applicant shall provide evidence the proposed will be connected to public water system.

§120-911I – Floodplain Management

- The subject property is not within a mapped FEMA Floodplain boundary.

§120-911J – Stormwater

- See Site Plan Performance Standard above for details.
- The responsibility of maintaining the stormwater management system will be assigned to the future Condominium Association, as per §120-911N.
- For final plan review, applicants must submit condominium documents such as a draft deed with covenants and restrictions, a bylaw, and a stormwater maintenance and inspection plan.

§120-911K – Conservation Subdivision

- (1) The applicant is not proposing a conservation subdivision, therefore this section is not applicable.

§120-911L – Compliance with Timber Harvesting Rules

- The applicant stated the subdivision will not involve timber harvesting activity.

§120-911M – Traffic Conditions and Street

- For preliminary plan review, the applicant shall provide a traffic summary, if the proposed PM hour trips ends are below 50 vehicle trips.

§120-911N – Maintenance of common elements.

- For the final plan review, the applicant shall provide draft condominium association documents for the Town Attorney's review and comment.

(SITE PLAN) CONCLUSIONS (*Preliminary plan review*)

1. ~~The plan for development **reflects/does not reflect** the natural capacities of the site to support development.~~
1. ~~Buildings, lots, and support facilities **will/will not** be clustered in those portions of the site that have the most suitable conditions for development.~~
2. ~~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/will not** be maintained and protected to the maximum extent.~~
3. ~~The proposed site plan **has/does not have** sufficient water available for the reasonably foreseeable needs of the site plan.~~
4. ~~The proposed site plan **will/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.~~
5. ~~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.~~
6. ~~The proposed site plan **will/will not** provide adequate sewage waste disposal.~~
7. ~~The proposed site plan **conforms/does not conform** to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.~~
8. ~~The developer **has/does not have** the adequate financial capacity to meet the standards of this section.~~
9. ~~The proposed site plan **will/will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.~~
10. ~~The proposed site plan **will/will not** provide for adequate stormwater management.~~
11. ~~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 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/does not** 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/have not** been identified on the plan.~~

14. ~~Any river, stream, or brook within or abutting the subdivision **has/has not** been identified on any maps submitted as part of the application.~~
15. ~~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, section 480-B, none of the lots created within the subdivision **has/do have** a lot of depth to shore frontage ratio greater than 5 to 1.~~
16. ~~The long term cumulative effects of the proposed site plan **will/will not** unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.~~
17. ~~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.~~
18. ~~The timber on the parcel being subdivided **has/has not** been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.~~

(SUBDIVISION) CONCLUSIONS *(For final plan review)*

1. ~~The development plan **reflects/does not 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/will not** be maintained and protected to the maximum extent.~~
4. ~~The proposed subdivision **has/does not have** sufficient water available for the reasonably foreseeable needs of the site plan.~~
5. ~~The proposed subdivision **will/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 **conforms/does not conform** to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan.~~
9. ~~The developer **has/does not have** the adequate financial capacity to meet the standards of this section.~~
10. ~~The proposed subdivision **will/will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.~~
11. ~~The proposed subdivision **will/will not** 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/does not** 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 **have/have not** 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 subdivision **will/will not** 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 (MAJOR SITE PLAN)

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated December 23, 2024 as amended TBD 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 [§120-815](#) of the Land Use Ordinance.
2. (SITE PLAN) 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.

CONDITIONS OF APPROVAL (MAJOR SUBDIVISION)

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated January 22, 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. Prior to the pre-construction meeting, a Condominium Association Bylaws, Convents, and Documentation for the care and maintenance of the access driveway and private street 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.
3. [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](#).
4. 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.