

APPLICATION COMPLETENESS & STAFF REVIEW COMMENTS MEMO

DATE: June 2, 2026

TO: Dustin Roma PE, DM Roma Consulting Engineers
Ron Goddard, Row Even, LLC

FROM: Amanda Lessard, Assistant Town Manager

Cc: Steve Puleo, Planning Director
Windham Planning Board

RE: #25-27 Eventide Subdivision (formerly 100 River Road Subdivision) – Major Subdivision – Preliminary Plan Review – 100 River Road – Row Even, LLC

Scheduled for Planning Board meeting: **June 8, 2026**

Thank you for submitting your preliminary application on April 6, 2026 and June 1, 2026. The application is **incomplete**. The staff has reviewed the application and found several outstanding items listed below under “**Preliminary Subdivision Application Completeness**”. Your application has been advertised and **scheduled for a public hearing and review on June 8, 2026**, however **staff will recommend that the Board postpone or continue the hearing** in accordance with Windham Land Use Ordinance [§120-907B\(4\)](#) that states that an application will not be placed on a Planning Board agenda until it has been determined complete by the Planning Department and the application will not be considered by the Board **until the additional information is submitted**. The Planning Board meeting is an "in-person meeting" at the Town Council Chambers in the Town Hall located at 8 School Street. The meeting begins at 6:00pm, and your attendance is required.

Revisions from the May 15, 2026 memo appear as underlined text below. Previous comments that have been addressed have been deleted.

Project Information:

The application is to develop a 17-lot conservation subdivision on 27.92 acres with a new road built to public standards. Lots will be 30,000 square feet, with the remaining 13.87 acres as open space. Lots will be served by private subsurface wastewater disposal systems, on-site wells and underground utilities. Subject property is identified as Tax Map: 1; Lot: 8 (portion), 8-1, 8-2; Zone: Farm (F) in the Presumpscot River watershed.

Preliminary Subdivision Application Completeness

- [§120-910C\(3\)\(b\)](#) A landscape plan, including a list of proposed plant species and their size at the time of installation and maturity. The plan should include street trees required by [§120-911E\(1\)\(b\)](#).
 - In the June 1 response to comments the applicant requested a waiver of the submission requirement. The Director of Planning does not support the request waiver. See additional comments below.
- [§120-910C\(3\)\(e\)](#) Traffic impact analysis. The vehicle traffic information provided expects the subdivision to generate 161 vehicle trips per day so a traffic impact analysis is required.

- In the June 1 response to comments the applicant requested a waiver of the submission requirement. The Director of Planning does not support the request waiver. See additional comments below.

Staff Review Comments

The memo will be updated as staff comments are provided.

Planning Department

1. Revise the symbology of the grading, drainage & stormwater management easements on the plan so the extent and boundaries are more easily visible.
 - a. The stormwater management easement areas are still not as clear as they could be. Please cross hatch the easement area.
2. Sheet D-2 Typical Roadway Sections show a 24' paved roadway, 10' travel lane & 2' paved shoulder. To comply with the Minor Local Street Standard in §120-911M(5)(a)[6][b], if a sidewalk is not required the applicant shall construct either a sidewalk or a street with a widened shoulder. The details should be revised.
 - a. The revised detail shows a 26' wide paved surface and 1' gravel shoulders. The Minor Local Street Standard depicted in Appendix B requires a 2' secondary gravel shoulder without curb. The detail should be revised.
3. The proposed septic location on Lot 15 (TP-18) is in an area where wells are allowed. The well exclusion boundary should be revised.
 - a. In the June 1 response to comments, Response #10 stated that the well exclusion boundaries have been revised on Lots 14 and 15, however on the plan it still appears that wells could be located within 100 feet of TP -18 on Lot 15 and TP -17 on Lot 17.
4. Provide a plan for the site development of each lot as required by [§120-911K\(4\)\(e\)](#). The application shall illustrate the placement of building envelopes and the treatment of spaces, paths, roads, service and parking and in so doing shall take into consideration all requirements of § 120-911K and of other relevant sections of these regulations.
 - a. In the June 1 response to comments, Response #15 is that the proposed building footprints and driveway location were included on the Post-Development Stormwater Map. The referenced map was not included with the submission.
5. Based on the well exclusion area shown on the plan, wells on several lots will need to be located beyond the treeline shown on the plan. Is the installation of wells in these areas accounted for in the assumed developed area of these lots?
 - a. In the June 1 response to comments, Response #11 states that wells located beyond the tree clearing limit shown on the plan would be a temporary disturbance, doesn't require permanent revegetation and is not considered developed for the purposes of evaluating stormwater impacts. Add a note to the plan that well installation shall not alter the treeline or revegetation will be required.
6. Landscape Plan required under [§120-910\(C\)\(3\)\(b\)](#), the applicant has submitted a waiver request in lieu of providing a detailed plan, stating that general notes regarding street trees and limited buffering would satisfy the intent of the ordinance. The Planning Director does not support this approach and therefore does not meet the submission requirements of [§120-910](#). The Landscape Plan is a required component of a Major Subdivision application because it serves as the primary mechanism for demonstrating how the project complies with the design intent of [§120-911](#), particularly the Conservation Subdivision standards found in [§120-911K](#) and the

requirements for open space, buffering, and site design. The Landscape Plan should meet the following:

- a. The current submission lacks a comprehensive and coordinated planting plan.
 - b. The submission does not identify plant species, sizes, spacing, or the extent of planting areas.
 - c. The plan does not delineate required perimeter buffer treatments.
 - d. The submission does not demonstrate how visual impacts to River Road or abutting residential properties will be mitigated through landscaping or screening.
 - e. The plan does not show how landscaping is integrated with stormwater management areas and the open space system, which is necessary to evaluate both functional and visual performance under the ordinance.
 - f. The narrative statements and generalized notes provided by the applicant are insufficient to satisfy the requirement.
 - g. The submission does not allow the Planning Board to make findings regarding compliance with §120-911 design and buffering standards.
 - h. Accordingly, a full Landscape Plan must be provided to meet the completeness requirements of §120-910(C)(3)(b).
7. The Planning Director does not support the requested waiver from the Traffic Impact Analysis requirement under §120-910(C)(3)(e). The applicant has acknowledged that the proposed subdivision is expected to generate approximately 161 vehicle trips per day, which exceeds the ordinance threshold of 140 trips per day that triggers the requirement for a traffic analysis. The requirement is mandatory under the ordinance and is not discretionary absent clear evidence that the standard can be satisfied without the analysis, which has not been demonstrated in this case. The Traffic Study shall address the following:
- a. The Traffic Impact Analysis is directly tied to the Planning Board’s ability to evaluate compliance with the performance standards of §120-911, including those related to access management, roadway function, and public safety.
 - b. The subdivision proposes a new intersection on River Road, and the Town Engineer has identified concerns related to access spacing, including a substantial deficiency between the proposed entrance and an adjacent driveway.
 - c. Without a formal Traffic Impact Analysis, the Planning Board does not have the necessary data to evaluate level of service, turning movements, vehicle conflicts, sight distance conditions under projected traffic volumes, or the cumulative impacts of the development on the surrounding transportation network.
 - d. The applicant’s response relies on narrative justification suggesting that traffic volumes are low and that impacts will be minimal; however, this qualitative explanation does not meet the requirements of §120-910(C)(3)(e).
 - e. The submission does not provide the quantitative analysis needed to demonstrate compliance with §120-911 safety and design standards.
 - f. The ordinance requires that such impacts be evaluated using accepted engineering methodologies to ensure that development does not adversely affect traffic operations or create safety hazards.
 - g. The application does not provide sufficient information for the Planning Board or its technical consultants to make these determinations.
8. Recommended MAJOR SUBDIVISION CONDITIONS OF APPROVALS:

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated November 3, 2025 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 [§120-913](#) of the Land Use Ordinance.
2. 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.
3. The development is subject to the following [Article 12 Impact Fees](#), to be paid with the issuance of building permits: [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 [§120-911N\(5\)](#) of the Land Use Ordinance, the homeowners' association documents shall be approved as to form by the Town Attorney and recorded in the Cumberland County Registry of Deeds within 90 days of the date that the subdivision plan is recorded in the Cumberland County Registry of Deeds. Evidence of such recording shall be provided to the Planning Department. No lots shall be sold in the subdivision prior to recording of such homeowners' association documents and all deeds shall reference the declaration establishing the homeowners' association.
5. Before issuing building permits the applicant or builder must have the town engineer verify that the 50-foot conservation subdivision exterior boundary buffer line is pinned, staked, or fenced in the field.

Third Party Consulting Engineer

Review for the Town's delegated [DEP Stormwater Capacity](#).

9. See attached Engineering Review Memorandum from LJB dated June 2, 2026.

Town Engineer

10. The Applicant has requested a Waiver from the requirement for minimum access spacing, which at a speed limit of 45 mph is 265-ft, per Town ordinance Ch. [120-911\(M\)\(2\)\(a\)](#) and Table 2 of [Appendix B](#). The spacing to the nearest existing neighboring access is only 70'. The Applicant has proposed closing two of the existing entrances on its parcel just to the south to minimize the number of accesses on the subdivision lot, but this does not address the proximity of the proposed new entrance and the existing access just to the north. The Town ordinance

for access spacing incorporates by reference the [Maine DOT Highway and Driveway Entrance Rules](#), which do allow for waivers of the spacing requirements if certain conditions are met, but all these conditions do not appear to be met and 70' is too tight for me to approve a waiver. The Applicant should revise the design to increase the distance between the new entrance and the abutting driveway to the north.

11. The Applicant has requested a waiver from the stormwater flooding standard (120-911(J)(6)) since the estimated peak runoff rates for post-development exceed the pre-development runoff rates at Study Point SP-5 for the 10-yr and 25-yr storms. This flow enters an 18" concrete culvert under River Rd. The peak pre vs. post flowrates at all the other study points and at the 2-yr storm for SP-5 are fine, but I am concerned about the increased post - development flow for the larger storms at this outfall. For the 10yr storm the increase is 1.59 cfs (17%), which I don't believe is insignificant, and this increased flow could adversely impact the road embankment that it discharges onto or the abutting property. The 25-yr post-development peak flow is also increased by 6.3%. I would suggest further evaluation of ways to reduce the peak discharges for the 10-yr and 25-yr storms at this location and/or at a minimum obtain a drainage easement to allow for this discharge onto the abutting property across River Road.
12. The Applicant has estimated that the proposed subdivision will generate 161 trips on a typical weekday, which exceeds the 140 trip/day threshold that requires that the Applicant conduct a traffic analysis per § 120-910C(3)(e). Therefore the Applicant will need to include a Traffic Analysis as part of their application.
13. The Applicant has indicated that they want to offer the road to the Town as a public road when construction is complete, however the road design does not meet the public road standard. The land use ordinance at § 120-911M(5)(b)[6][b] states that major local streets and minor local streets have to provide either a shoulder or a sidewalk to provide for safe pedestrian or bicycle travel. The Applicants design does not include a sidewalk up to STA 12+00 and only the standard 2' paved shoulder plus a 2' gravel shoulder, and from 12+00 to the end the design includes a 2' paved shoulder with curb and no secondary shoulder at all. The ordinance requires at a minimum, an additional one foot of paved shoulder, on each side of the street. The proposed design does not meet the requirements for a public road.
14. The Conservation subdivision requirements state that there is a 50' buffer strip from the external perimeter of the property line that is naturally vegetated or landscaped. The current design includes stormwater BMPs within the 50' buffer area in Lots 1-4. In order to conform with this portion of the ordinance, the underdrain soil filters would need to be moved or some other alternate BMP included in the design.

As staff review comments related to compliance with any applicable review criteria become available, I will send them to you ASAP. We will need your response by June 5, 2025 or earlier to be included in the Planning Board agenda. 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. Please feel free to call me with any questions or concerns.

DELEGATED REVIEW STORMWATER APPLICATION CHECKLIST

Applicant: Row Even, LLC			
Project Name: Eventide Subdivision			
Town: Windham			
Application Type:	<input checked="" type="checkbox"/> Stormwater	<input type="checkbox"/> Site Law	
Application Status:	<input checked="" type="checkbox"/> Preliminary	<input type="checkbox"/> Final	
Watershed Name: Presumpscot River			
Watershed Type:	<input type="checkbox"/> UIS	<input type="checkbox"/> Phosphorus	<input checked="" type="checkbox"/> Neither

Project Area Information

	Existing to Remain ¹ Square Feet (Acres)	New / Proposed Square Feet (Acres)	Total Square Feet (Acres)
Impervious (Im)	0.0 (0)	104,499 (2.40)	104,499 (2.40)
Landscaped (Land)	0.0 (0)	338,090 (7.76)	338,090 (7.76)
Developed (Dev) ²	0 (0)	442,589 (10.16)	442,589 (10.16)

1- If area is not subject to treatment, provide reason and show in a separate column in the Water Quality Calc table. **Areas shown as separate column in Water Quality Calc Table. Project is only treating proposed impervious and developed areas.**

2- Developed area = Impervious Area + Landscaped Area

A. BASIC STANDARD

1. **Erosion and Sedimentation Controls** (Appendix A, page 32 of Chapter 500)

- Guidance in Department [ESC BMP Manuals](#)

1. **Inspection & Maintenance** (Appendix B, page 37 of Chapter 500) Construction Phase:

Show on Plans the following:

- Responsibility for inspection and maintenance
- Construction schedule (how long will it take and in what sequence/critical path to build)
- Inspection frequency
- Scope of inspection
- Inspector qualifications
- Define storm event that triggers a wet weather inspection during construction (0.5" of rain in 24 hours)
- Documentation (3 years minimum)



STRUCTURAL



FALL PROTECTION
SAFETY



TRANSPORTATION



SITE DESIGN



SURVEY



WATER
RESOURCES



TECHNOLOGY
& INNOVATION



Post-Construction: Include in written I&M Plan the following:

- Responsibility for inspection and maintenance
- Inspection frequency for each BMP
- Inspection form for each BMP
- Inspector qualifications
- Define post-construction storm event that triggers a wet weather inspection (1" of rain in 24 hours)
- Documentation (5 years, minimum)
- Project is subject to Department 5-Year Recertification

2. Good Housekeeping (Appendix C, page 41 of Chapter 500)

- Show all seven elements on Plans.

Basic Standards Review:

- The submitted information appears to meet the Basic Standards of MaineDEP's Chapter 500.
- The submitted information does not appear to meet the Basic Standards of MaineDEP's Chapter 500. See notes below.

Comments:

1. Provide a construction schedule/sequence within the Erosion and Sediment Control Notes within the Plan Set.
2. Add a note to the Erosion and Sedimentation Control Notes to define post-construction wet weather event as 1-inch of rain in a 24-hour period in accordance with the MaineDEP Stormwater Application Checklist published March 3, 2021.

B. GENERAL STANDARD

- Must provide the following on WQ Treatment Plan:** All BMPs with subcatchments including time of concentration (Tc) lines, flow lengths and flow types.

1. Soil Explorations (test pit completed by a certified soil scientist) at each proposed BMP

- Include test pit summary table on detail plan. **See Note 1**
- If there is potential ledge, address in design.
- If shallow groundwater, address in design.

2. Treatment Standards (modify to fit project): Fill out the following table for the applicable standards that apply.



Applicable Standard	Section in Ch. 500	Required Treatment (Im / Dev)	Area Eligible		Area Treated		Provided Treatment %	
			Im	Dev	Im	Dev	Im	Dev
General Standard	4(C)(2)(a)(i)	95% / 80%						N/A
Increased Runoff Treated ¹	4(C)(2)(a)(ii)	90% / 80% min						N/A
% Parcel Developed ²	4(C)(2)(a)(iii)	90% / 75% min	104,499	442,589	98,788	339,282	94.5%	76.7%
Redevelopment ³ (Dev Area)	4(C)(2)(d)	0% min (SW) 50% min (Site)						N/A
Linear	4(C)(5)(c)	75% / 50% min						N/A
Other: Offsite Treatment/Mitigation								N/A
Project Total Area =			104,499	442,589	98,788	339,282	94.5%	76.7%

1- If proposing to treat more than the first flush, state why meeting Ch. 500, § 4(C)(2)(a)(i) is not practicable.

2- Reduced % based on portion of parcel developed. **Calculations have been provided demonstrating the proposed development area is less than 60% of the total developable area of the parcel (41% development of the parcel is proposed).**

3- Include pollutant impact ranking calculations (current and proposed) and a figure showing the Redevelopment window.

3. Proposed BMPs: Please provide the following information on the Table below for EACH BMP.

BMPs Proposed	#	Pretreatment	Sizing calcs	Detail on Plans ¹	CPV Draindown Time	HydroCAD
UDSF FB-1	FB-1	Grassed Swale, 4 CB Sumps	Included	Included	24-48 Hours	Included
UDSF FB-2	FB-2	4 CB Sumps, 2 DMH Sumps, 1 Type F Basin Sump	Included	Included	24-48 Hours	Included
UDSF FB-3	FB-3	Grassed Swale	Included	Included	24-48 Hours	Included
UDSF FB-4	FB-4	Grassed Swale	Included	Included	24-48 Hours	Included
UDSF FB-5	FB-5	Grassed Swale	Included	Included	24-48 Hours	Included
Roof Dripline Filter	N/A	N/A (Roof Runoff)	Included	Not Included (see Note 3)	N/A	N/A

1- BMP details (cross sections, elevation sections, plan view)



Link to Stormwater Design BMP Volumes I, II, III

<https://www.maine.gov/dep/land/stormwater/stormwaterbmps/index.html>

- Provide Construction Oversight Notes. **Included**
- If BMP is unlined, review and satisfy (Appendix E Sections 4(b) and 4(c), page 50 of Chapter 500). **N/A**
- Treatment buffers (Appendix F, page 56 of Chapter 500): must provide sample deed restriction (Appendix G, page 64 of Chapter 500). **N/A**
- Infiltration must satisfy Appendix D, page 44 of Chapter 500. **N/A**
- Is conveyance designed to a 10-year, 24-hour storm? **Yes**
- Is a drainage easement required for any areas to be flooded? **N/A**
- Discharge to a public storm sewer system: Must provide authorization from the authority. **N/A**

If proposing Proprietary BMPs, provide:

- Letter from vendor approving sizing and siting **N/A**
<https://www.maine.gov/dep/land/stormwater/stormwaterbmps/index.html>.
- Executed 5-Year I&M Agreement with a provider approved by vendor. **N/A**
- Narrative section and specific inspection forms in the written I&M Plan. **N/A**
- Pervious pavement: Must provide Executed 5-Year I&M Agreement and vacuum equipment used. **N/A**

General Standards Review:

- The submitted information appears to meet the General Standards of MaineDEP's Chapter 500.
- The submitted information does not appear to meet the General Standards of MaineDEP's Chapter 500. See comments below.

Comments:

1. Soil test pits for each proposed UDSF were submitted with the Application. All UDSFs propose to use two 10 mil or one 20 mil HDPE liner, and no infiltration is proposed. Provide a test pit summary table within the detail sheets of the plan set for all test pits associated with a stormwater BMPs.
2. For FB-2, FB-3, and FB-5 provide 20-feet of horizontal separation between the principal outlet pipe of the UDSF's and the emergency spillways in accordance with Chapter 500, Appendix E, 3.B. – Emergency Spillways.
3. Provide a note on the Subdivision Plan requiring roof drip edges along all front and rear rooflines as demonstrated in the water quality calculations.
4. The Stormwater Treatment Table references a wetpond in the table's footnotes. Revise to only refer to the proposed BMPs.
5. Provide calculations that demonstrate SD-11 is capable of conveying the 10-year, 24-hour storm event.
6. Provide a detail for the 24-inch wide diversion berms.



C. PHOSPHORUS STANDARD

MUST provide on the WQ Treatment Plan: BMPs with subcatchments including time of concentration (Tc) lines, flow lengths and flow types;

Provide export calculations clearly showing distinct BMPs: Phosphorus Table Calculations [Worksheet 4 july 2015.xlsx](#).

Phosphorus Standards Review:

- The submitted information appears to meet the Phosphorus Standards of MaineDEP's Chapter 500.
- The submitted information does not appear to meet the Phosphorus Standards of MaineDEP's Chapter 500.
- The project does not trigger review under the Phosphorus Standards of MaineDEP's Chapter 500.

Comments: This project is not located within a lake watershed, so it is not required to meet the Phosphorus Standard of Chapter 500. Runoff from the project is tributary to the Presumpscot River.

D. FLOODING STANDARD

- Add pre- and post- peak flow rates table to post development plan for storms (2-, 10-, 25-year).
- Is primary access road passable up to a 25-year, 24-hour storm?
- If requesting a waiver of the Flooding Standard, must state justification for the waiver.
- HydroCad or other runoff model
 - If post peak flow rate is > pre-peak flow, a waiver request will be needed with justification Ch. 500, § 4(F)(3)(a) or (b),
 - If discharging to wetland see Chap. 500, § 4(l).

Flooding Standards Review:

- The submitted information appears to meet the Flooding Standards of MaineDEP's Chapter 500.
- The submitted information does not appear to meet the Flooding Standards of MaineDEP's Chapter 500.
- The project does not trigger review under the Flooding Standards of MaineDEP's Chapter 500.



Comments:

1. The project results in the creation of less than 3 acres of impervious area and less than 20 acres of developed area. This project is not required to meet the MaineDEP Flooding Standards. However, the Town of Windham Land Use Ordinance requires the project to meet the Flooding Standards.
2. Although not required for the Stormwater Law permit, to meet the Flooding Standards required through the Town's Ordinance, we offer the following comment:
 - a. The emergency spillway of UDSF's FB-1, FB-2, and FB 4&5 is activated during the 25-year, 24-hour storm event. The 2-, 10-, and 25-year, 24-hour storm events shall be directed through the principal outlet without activating the emergency spillway per Appendix E.3.(a) – Principal Spillways.

E. REVIEW SUMMARY

- The submitted Maine Department of Environmental Protection Stormwater Law Permit appears to meet the standards of MaineDEP's Chapters 500, 501, and 502.
- The submitted Maine Department of Environmental Protection Stormwater Law Permit does not appear to meet the standards of MaineDEP's Chapters 500, 501, and 502.

Comments:

1. Address comments listed in the Basic Standard and General Standard sections of this review.
2. Although not regulated through the Town's Delegated Review Authority, it appears that a Maine Construction General Permit from Maine Department of Environmental Protection will be required for this project.

If there are any questions regarding the above review, please contact our office at (207) 772-2515.

Signature: Will C. Haskell

Signature: Ben Nault

Name: Will Haskell, PE

Name: Ben Nault, EI