



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Planning Board

Monday, September 8, 2025

6:00 PM

Council Chambers

1. Call to Order – Chair’s Opening Remarks

2. Roll Call and Declaration of Quorum

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

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

3. [PB 25-052](#) Approval of Minutes - The meeting of August 25, 2025

Attachments: [Minutes 8-25-2025-draft.pdf](#)

Shonn Moulton made a motion to approve the minutes from August 25, 2025.

Seconded by Kathleen Brown.

Vote: All in favor.

Public Hearings & Continuing Business

4. [PB 25-053](#) #25-16 Meredith Woods Subdivision - Major Subdivision - Preliminary Plan Review - Meredith Drive - Meredith Way, LLC
- The application is to develop a 5-lot conservation subdivision with a paved minor private road 810 feet in length. Lots will range in size from 30,047 SF to 32,227 SF, with the remaining 16.86 acres as open space. Lots will be served by private subsurface wastewater disposal systems, public water and underground utilities. Subject property is identified as Tax Map: 6; Lot: 38-E02; Zone: Farm (F) and Stream Protection (SP) in the Black Brook watershed.

Attachments: [25-16 MeredithWoods_PB_MEMO_MJR_SUB_PP_090525.pdf](#)
[25-16_MJR_SUB_PP_RESPONSE_MeredithWoods_2025_8_31.pdf](#)
[25-16_MJR_SUB_PP_PLANS_REV_MeredithWoods_090325.pdf](#)
[25-16_MJR_SUB_PP_AC&SR_MEMO_MeredithWoods_082825.pdf](#)
[25-16_MJR_SUB_PP_PLANS_REV_MeredithWoods_08252025.pdf](#)
[25-16_MJR_SUB_PP_APPL_MeredithWoods_081825.pdf](#)

Steve Roberge from SGR Engineering, was present representing the application. He explained their proposal:

- An amendment to the Lampron Subdivision in order to develop a five lot subdivision on lot 2.
- The access road would be 22 feet wide, and about 800 feet long, ending in a cul-de-sac.
- The subdivision was to be served by public water, underground electricity, and private septic systems.
- Stormwater from the development would be contained in catch basins and piped to a soil filter pond. Road water would go from catch basins to drainage ditches, to the Mystic Woods open space area and then to wetlands.

Amanda Lessard reviewed the plan:

- The road was a back-lot right-of-way driveway that had been built without approval. Development of the right-of-way was part of the current application.
- There was a corrected total of 19.62 acres of open space.
- The stormwater plan required modification to show how developed area on each lot would be managed.
- No waivers were required.
- The Portland Water District's Ability to Serve letter had not yet been received.

Evert Krikken made a motion that the Major Subdivision application for project #25-16 Meredith Woods Subdivision 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 Kathleen Brown.

Vote: All in favor.

Public Comment

There was no public comment. Public comment was closed.

Board Comment

- Concern regarding screening of the properties to the road had been addressed.
- What was the Fire Department's opinion regarding the hydrant?
- Who controlled the title and interest in the open space?
- What about trash pick-up on the private road?
- At the next meeting, would the Board be able to do preliminary and final review?

5. [PB 25-054](#)

#24-25 Andrew School Redevelopment/WDCJCS Subdivision - Amended Major Subdivision & Site Plan - Final Plan Review - Academy Street/55 High Street - Great Falls Construction Inc & Westbrook Development Corp. The application is for 17 market-rate apartments in two buildings. The plan amends the October 28, 2024 approval by continuing the mixed-income development consisting of 18 affordable apartments for senior housing, to bring a new total of 35 units on the 2.39 acre property. This project also includes associated parking areas, internal vehicular drive aisles, pedestrian pathways, subsurface stormwater treatment measures and the completion of the centralized open space area. The development will be served by public water and sewer. Subject property is identified as Tax

Map: 37; Lot: 24; Zone: Village Commercial (VC) in the Presumpscot River watershed.

Attachments: [24-25 AMD MJR SUB-SP FP PB MEMO AndrewSchool 090525.pdf](#)
[23-18 AMD MJR SUB-SP FP SR&C WDCJCS 090325.pdf](#)
[24-25 AMD MJR SUB-SP FP PLANS AndrewSchool 2025-08-18.pdf](#)
[24-25 AMD MJR SUB-SP FP APPL AndrewSchool 2025.08.18.pdf](#)
[PUBLIC COMMENT 2025-04-15 S Morrison.pdf](#)

Amy Bell-Seagle, from Sebago Technics, was present representing the application. Also present were Tyler Nord, Westbrook Development Corporation; John Smith, Great Falls Construction, and Michael Coyne, Archtype Architects.

Ms. Bell-Seagle explained:

- *They had the DEP stormwater permit.*
- *Four buildings had previously been approved. This application would add two additional buildings, one with five units and the other with 12 units. These would be two-bedroom, market rate apartments,*
- *There was a open space in the center of the lot.*

Amanda Lessard:

- *This project was a rental condominium development with two developers.*
- *Staff wanted the town's attorney to find the condo documents acceptable before any conveyances.*
- *The DEP permit was issued to Great Falls Construction, but the condo association was ultimately responsible.*

Evert Krikken made a motion that the Amended Major Subdivision & Site Plan final application for project #24-25 Andrew School Redevelopment project was found complete in regard to the submission requirements based on the application checklist, but the Planning Board retained the right to request more information where review criteria were not fully addressed.

Seconded by Kathleen Brown.

Vote: All in favor.

Public Comment

There was no public comment. Public comment was closed.

Board Comment

- *Please explain why selling to another entity was prohibited.*
- *Which buildings were going to be part of the condo association? How would the condo units be deeded?*
- *How would the use of the middle open space be determined? Could the small space of lawn between the buildings be added to the open space?*
- *How was buffering along the property line accomplished?*
- *Utilization of the lot was good.*
- *Was there a way to prevent vehicles from getting onto the green space? Could some curbing be located there?*
- *What were the backs of the buildings like?*

- *Why were the balconies not functional?*

Evert Krikken made a motion that the Amended Major Subdivision & Site Plan final plan application for the #24-25 Andrew School Redevelopment/WDCJCS Subdivision identified on Tax Map: 37; Lot: 24; Zone: Village Commercial (VC) and located in the Presumpscot River watershed is to be approved with conditions with the following Findings of Fact, Conclusions, and Conditions of Approval.

FINDINGS OF FACT

Jurisdiction: The Andrew School Redevelopment project is classified as a Major Subdivision & Site Plan, which the Planning Board is authorized to review and act on by §120-905A(2) of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted a copy of a Purchase and Sales agreement between the Town of Windham and Westbrook Development Corporation and Great Falls Builders, INC., dated October 23, 2024.

ARTICLE 3 DEFINITIONS

Dwelling, Multifamily: "A building containing three or more dwelling units. A multifamily dwelling may 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: 37; Lot: 24.*
- *The property is located in Village Commercial (VC) zoning district.*
- *Multifamily dwellings are a permitted use found in § 120-415B.*

ARTICLE 5 PERFORMANCE STANDARDS

§120-511 – Buffer yards

C(3)(b) Commercial Districts (C-1, C-2, C-3, C-4, VC and WC Districts): use Buffer Yard G.

§120-541 – Net residential area of acreage

- *B. The net residential area or acreage of a lot proposed for subdivision, as defined, shall be calculated by subtracting the eight (8) items listed in the subsection from the gross acreage of a lot and dividing the resulting net residential area of the parcel by the net residential density standard of the appropriate zoning district (see Article 4, Zoning Districts).*

§120-911 - SUBDIVISION PERFORMANCE STANDARDS

§120-911A – Basic Subdivision layout

(1) *The subject property size is 104,108 SF (2.39 acres) exceeding the minimum lot size in the Village Commercial (VC) zoning district for lots connected to public water and sewer, per §120-405E(1).*

(a) *The applicant provided a net residential density calculation by deducting 4,287 SF of steep slopes from the gross area of 104,108 SF. The net residential density is 2,500 SF, equaling 39 dwelling units.*

(2) *Utilities are shown on the provided subdivision plan.*

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

(3) The applicants have shown connection with the public water system on the provided subdivision plan. The Portland Water District issued an "Ability to Serve" letter dated October 29, 2024 constituting approval of the water system for the 35 proposed dwelling units.

§120-911C - Erosion Control and sedimentation control

(1) The applicants have provided 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.

(3) 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.

§120-911D – Sewage disposal

(2) The applicant has provided an "Ability to Serve" letter from Portland Water District dated October 29, 2024 approving connection to the PWD managed sewer collection system in High Street for the 35 proposed dwelling unit.

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

(1) The applicants are developing the access driveway and dwelling units in the open space of the site, preservation the natural beauty and aesthetics.

(a) The applicant has provided 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.

(b) The applicant has included a landscape plan with the application.

(2) The final plan identifies areas of open space and the condominium association documents identifies that the association is responsible for the common areas that includes the open space.

§120-911F – Conformance with Land Use Ordinances

Comprehensive Plan:

- The plan does meet the goals of the 2024 Comprehensive Plan. The property is located in the South Windham Growth Area.

Subdivision Ordinance

- The applicants have provided a landscaping plan.
- Standard notes, the standard conditions of approval, and the approved waiver must be shown on the plans.
- A digital transfer of the subdivision plan data must be submitted for inclusion with the Town's GIS.
- Per §120-913B(3)(d) the plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.

§120-911G – Financial and Technical Capacity

(1) The Applicants have provided two bank letters, from Kennebunk Savings Bank, and Gorham Savings Bank, showing sufficient financial resources to construct, operate, and

maintain all aspect of the proposed development.

(1) The applicant has provided evidence of technical capacity. The applicants have contracted Sebago Technics, Inc. to manage the permitting and design of the development.

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

(1) The applicant has provided evidence that the subdivision shall not increase any contaminant concentration in the groundwater and shall meet the State primary drink water standards.

(2) The proposed development will connect to available water supply provided by the Portland Water District (PWD) that has an existing main along High Street. The scale of this development is not anticipated to adversely impact the overall quality or quantity of available water supply.

§120-911I – Floodplain Management

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

§120-911J – Stormwater

- The project will require a Chapter 500 Stormwater Management Law permit for MeDEP.*
- A Stormwater Permit from Maine DEP dated August 18, 2025 was included with the final plan submission.*
- The applicant has provided condominium documents include a draft deed for the units with covenants and restriction, by-laws, and stormwater maintenance and inspection plan, among other requirements. The Stormwater Permit states that the applicant (Great Falls Construction) will be responsible for the maintenance of all common facilities including the stormwater management system. See condition of approval #9.*
- The site is located in the Town's Urbanize Area and regulated by the MS4 (Municipal Separate Storm Sewer System). The applicant states that the site disturbance is anticipated to be more than an acre and will be subjected to the annual maintenance and inspection report to the Town, see COA #4.*
- The Stormwater Management Plan submitted indicates that the proposed development includes water quality treatment that complies with Maine DEP Ch. 500 Redevelopment Standard and the Town of Windham's Subdivision Ordinance through the use of a subsurface sand filter and drip edge filters for the 6 building units.*
- The Town Engineer comments dated March 16, 2025:*
 - o A flow modeling analysis was conducted to show that the peak flows after development at three analysis point's will be less than or equal to the predevelopment peak flows, which demonstrates compliance with Windham's Subdivision ordinance § 120-911J.*
 - o The plans show both the subsurface sand filter and roof drip edge filters discharging to the municipal storm sewer system on High Street, the former to a new drain manhole DMH-3 and the latter to an existing catch basin in High Street just opposite to where Androscoggin St. comes in. Details specific to these drain connections will need to be provided in a construction plan set before construction occurs.*
- On March 20, 2025 the applicant provided a response to comments and a revised plan with an updated Detail-Outlet Control Structure (OCS-4) to reflect how it was modeled in the Hydro-CAD.*
- On March 31, 2025 the Town Engineer commented that his concerns were addressed by the applicant's response letter and revised detail for the sand filter outlet control structure.*
- The final plan submission included a letter dated 17 July 2025 from the Town Engineer and Public Works Director authorizing the storm drain connection to the Town MS4.*

- *Street opening permits from Windham Public Works for all utility connections that involve excavations of High Street. This includes both storm drain connections, the water lines, sewer line and gas line. The contractor will need to notify the Windham Public Works Department in advance of connection of sewer service lines and storm drain line to existing infrastructure in High Street. It may be good to add to the call-out notes on Plan Sheet C-103.*

§120-911K – Conservation Subdivision

- (1) The development is in the VC district and therefore is not required to meet the conservation subdivision ordinance.*

§120-911L – Compliance with Timber Harvesting Rules

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

§120-911M – Traffic Conditions and Street

- *A Traffic Memorandum was submitted by the Applicant that concludes that proposed traffic levels are below the threshold for requiring a Maine DOT Traffic Movement Permit (TMP) (10 peak hour trips for the 17 condo units and 5 peak hour trips for the 18 senior affordable units, totaling 15 peak hour trips). The applicant requested a waiver from the requirement to submit a Traffic Impact Analysis under the Town's Subdivision ordinance (116 trips/day for the 17 condo units and 58 trips/day for the 18 senior affordable units, totaling 174 trips/day).*

- *The access drive, Academy Street, entrance onto High Street aligns with the intersection with Androscoggin Street and sight distance is measured to be 270 feet looking to the left and exceeding 700 feet looking to the right. Both exceed the required minimum 200 feet for the 25 MPH posted speed.*

- b) The applicant has requested a waiver from § 120-911M(5)(b)[7] Street Connection Requirements, that requires that subdivisions with 31 or more units have a minimum of 2 connections of the subdivision street with an existing public street. The Planning Board granted the waiver on April 14, 2025.*

§120-911N – Maintenance of common elements.

- *The applicants provided draft condominium association documents for the Town Attorney's review. The condominium association documents shall be recorded in the Cumberland County Registry of Deeds within 90 days of the date that the subdivision plan is recorded. See COA #8.*

§120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS

§120–812A – Utilization of the Site

- *The subject parcel is approximately 2.4 acres (104,544 SF) in size.*
- *The site is currently utilized for overflow parking by neighbors. The site currently is an open area with paved and graveled portions, with a building to be demolished.*
- *The site provides 258.86 feet of frontage along High Street.*

§120–812B – Vehicular Traffic

- (1) The site is located on the easterly side of High Street. The entrance is proposed to be a Condominium access driveway meeting the Town's "Major Private Road" standard for design and construction. A right-of-way is not required 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) The applicant provided a traffic analysis that the existing streets and intersections can be expected to carry traffic generated by the development. See Subdivision Review.*

- (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. See Subdivision Review.

(3) The proposed site will be accessed by an access driveway from Falmouth Road.

(4) The site is 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.

§120–812C – Parking and Loading

(1) The applicant has designed a parking layout that provides 57 parking spaces for the 35 dwelling units (1.6 spaces/unit).

§120–812D – Pedestrian Traffic

The applicant is proposing to provide a network of sidewalks that provide both internal connectivity and link externally to a sidewalk to be installed on the west side of High Street. Please see the plan information submitted for specific locations and details of the proposed layout.

§120–812E – Stormwater Management

(1) The applicants shall provide for 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 development will require a Stormwater Permit MaineDEP. See Subdivision Review.

§120–812F – Erosion Control

(2) The applicant shall have provide an erosion and sedimentation control plan that will meet the Basic Standards per Section 4(A) of the MeDEP Chapter 500 Stormwater Rule. See Subdivision Review.

§120–812G – Water Supply Provisions

(1) This proposed residential development will connect to existing public water infrastructure that is available along High Street. See Subdivision Review.

§120–812H – Sewage Disposal Provisions

- This proposed residential development will connect to existing public sewer infrastructure that is available along High Street. See Subdivision Review.*

§120–812I – Utilities

- This proposed development includes utility connections for electrical, water, and sewer services. There is also natural gas service available in High Street. The applicant has not determined whether it will require connection to natural gas for any of its HVAC systems and reserves the right to do so as necessary in the future as construction plans are further refined. All proposed utilities are located underground, including the electrical service which is accomplished from connecting to the existing overhead lines along High Street, then drawn underground near the site's frontage.*

§120–812J – Groundwater Impacts

- The proposed development will connect to available water supply and sewer collection provided by the Portland Water District (PWD) that has an existing infrastructure along High Street. The scale of this development is not anticipated to adversely impact the overall quality or quantity of available water supply.*

§120–812K – Water Quality Protection

- *This project will utilize available public water supply from the existing connection along High Street and will incorporate a stormwater management system to provide treatment of runoff. Collection is in a closed subsurface sand filter and discharged to Town's MS4.*

§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

- *See Subdivision Review.*

§120–812O – Solid Waste Management

- *The proposed development will handle and process solid waste privately through a licensed solid waste contractor. Internally, each of the proposed units will contain private bins to collect generated waste and the selected contractor will haul to a licensed facility.*

§120–812P – Historical and Archaeological Resources

- *According to the National Register of Historic Places, the Town's Comprehensive Plan, and available local historical archives, there are no portions of the subject property or surrounding properties that are of significant historical or archaeological significance. A letter dated October 28, 2024 from the Maine Historic Preservation Commission (MHPC), stated that the proposed undertaking will not impact any historic property as defined by Section 106 of the National Historic Preservation Act.*

§120–812Q – Floodplain Management

- *See Subdivision Review.*

§120–812R – Exterior Lighting

- (1) *The applicant has provided a lighting plan that meets Town standards for residential developments and ensures safety while minimizing light pollution.*
- (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 states that the project does not contain any exposed storage areas, machinery, or areas used for the storage or collection of automobile parts.*
- *Trash totes/bins will be stored within a shed-like structure attached to each building. A dumpster location and enclosure detail are shown on the plan. Above ground utilities will also be screened, which are detailed on the Landscape Plan.*

§120-814 Multifamily development standards.

A. Building Architecture. The applicant provided building elevations for as part of the final plan application.

- (1) *Architectural variety*

(a) The two additional buildings has a variety of techniques to visually break up the façade. Two colors and materials are proposed for each building. These buildings also differ in architectural style from the 4 buildings approved in 2024.

(2) Facade.

(a) The buildings have vertical and horizontal articulations are provided throughout the building, with rooflines of varying heights and ridgelines. The primary façades facing High Street meets the 25% fenestration requirement, ensuring adequate window and door coverage. These two additional buildings shown on the amended plan do not have frontage along High Street, thus the 25% fenestration does not apply.

(3) Orientation.

(a) The building entrances will be oriented to face the internal private drives.

(b) The facades of the 4-Unit buildings facing High Street have porches which create a front-facing orientation.

B. Site design.

(1) Parking.

(a) The development provides 57 parking spaces, includes 6 ADA-compliant spaces distributed throughout the site. The parking areas are located directly off the internal private drive (Academy Street).

(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. There are no service areas, loading docks, delivery areas, trash receptacles, and mechanical equipment associated with this development.

(b) Existing residential abutters. Evergreen and deciduous plantings are proposed along the northern property line and a combination of fencing and evergreen trees are proposed along the southern property line. In lieu of a buffer along the eastern property line the applicant has met with and agreed to plant a buffer on the abutter's property. In addition, approximately 300 feet of undeveloped woods remain between the eastern property line and the abutter's residence. Existing vegetation near the frontage on the southwest corner of the parcel will be preserved.

(3) Bicycle/pedestrian.

(a) Internal traffic flow internal walkways. Internal walkways connect the entrances of each building to the existing sidewalk located along the western side of High Street.

(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. A total of (9) bike racks provide parking for eighteen (18) bicycles.

(4) Recreation and open space.

(a) The applicant must designate and permanently reserve a minimum of 15% of the total lot area as usable common open space. Within the common open space, a minimum of 1,500 square feet (250 square feet/each of the first 10 units, plus 50 square feet/unit above 10 units) of contiguous area with constructed amenities for passive use (e.g. outdoor courtyards, seating areas, or family picnic area with amenities such as landscaping, lighting, weather protection and other features that encourage use year-round) or active areas (e.g., children's play areas, play fields, and community gardens). The open space requirement table on the site plan notes that 15,848 square feet of open space is provided. A central open space lawn area of 7,683 square feet is shown on the plan with a note that type, size and location of the recreation amenity will be determined in collaboration with the residents.

(5) Landscape/lighting.

A plan for site lighting and landscaping must be provided for final plan review.

(a) Landscaping. The project incorporates a comprehensive landscape plan that includes a mixture evergreen and deciduous trees, shrubs, and ornamental grasses to promote

seasonal interest, provide shade, and accent building entrances.

(c) *Lighting.* There are a total of 15 lights mounted on 15 ft tall poles, placed a location shown on the photometric plan that avoid conflicts with landscaping. Additional there are 6 building mounted lights near service areas and entrances, and a total of 18 canopy lights over porches at building entrances. All illumination shall be controlled with cutoffs that primarily direct light downward.

(6) *Access drive standards.*

(b)[1] Access drives shall be designed to conform to the standards for "major private roads" in these regulations, including the standards contained in Table 3, Table 4, and the applicable cross sections in Appendix B Street Standards.

(c) Curb cuts on the access drive must be separated by a minimum of 75 feet where possible.

SUBDIVISION CONCLUSIONS

1. The development plan reflects the natural capacities of the site to support development.

1. Buildings, lots, and support facilities will 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 be maintained and protected to the maximum extent.

3. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the site plan.

4. The proposed subdivision 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 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 subdivision will provide adequate sewage waste disposal.

7. The proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan.

8. The developer has the adequate financial capacity to meet the standards of this section.

9. The proposed subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

10. The proposed subdivision will 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 not interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable 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 subdivision has 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, §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.

16. 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. (N/A)

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. (N/A)

18. The timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, §8869, sub§14.

SITE PLAN CONCLUSIONS

- 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 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 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 site plan will provide for 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 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 site plan will provide for adequate stormwater management.*
- 12. The proposed location and height of buildings or structure walls and fences, parking, loading, and landscaping shall be such that it will not interfere with or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value.*

APPROVED WAIVER

The approved waiver of § 120-911M(5)(b)[7] Street Connection Requirements, allows for the subdivision with 35 units to have only 1 connection of the subdivision street with an existing public street.

CONDITIONS OF APPROVAL

- 1. Approval is dependent upon and limited to the proposals and plans contained in the application dated March 3, 2025, as amended March 20, 2025 and August 18, 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 §120-912 or §120-815 of the Land Use Ordinance.*
- 2. Per §120-912G, No subdivision plan shall be released for recording at the Registry of Deeds until the required performance guarantee has been posted. If an approved plan is not recorded in the Registry of Deeds within three years of the original approval, it shall become null and void.*
- 3. In accordance with §120-815C(1)(b) and §120-914B(5) the Land Use Ordinance, the Construction of improvements covered by any site plan approval and any subdivision plan 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. 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 Manager's discretion, use the performance guarantee to either reclaim and stabilize or to complete the improvements as shown on the approved plan.

4. Approval is subject to the requirements of the Post-Construction Stormwater Ordinance, Chapter 201. 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.

5. 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 (MASTER FEE SCHEDULE)

6. The applicant shall provide to the Director of Planning and the Director of Public Works approval to connect to the Windham's MS4 System and offer to Town Council any of the stormwater pipes and manholes location in High Street.

7. Prior to receiving authorization to connect the private stormwater management system with the Town's stormwater collection system, the applicant shall provide a written approval from the Town Engineer to the Town Planner.

8. In accordance with §120-911N(5) of the Land Use Ordinance, the condominium association documents, including but not limited to the condominium declaration, bylaws, plat, and plans, 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. Except for sales of condo lots between Westbrook Development Corporation, Great Falls Construction, or any related entities for the purpose of developing the project, no units shall be sold in the subdivision prior to recording of such condominium association documents and all deeds shall reference the declaration establishing the condominium association.

9. The applicant shall provide the Planner with a copy of the approved and recorded transfer of Maine DEP Stormwater Permit to the Condominium Association.

10. In lieu of a performance guarantee for the construction of the project improvements required for the development no lot or parcel of land may be conveyed, except for sales of condo lots between Westbrook Development Corporation, Great Falls Construction, or any related entities for the purpose of developing the project, and no building permits shall be issued by the Code Enforcement Officer until the completion of all streets, utilities and other required improvements in accordance with this plan and all applicable laws, ordinances and standards associated. If the applicant wishes to convey or obtain a building permit prior to all project improvements being completed in accordance with this plan and all applicable laws, ordinances and standards, a performance guarantee equal to the cost of the remaining improvements shall first be approved by the Town Manager, in consultation with the Planning Director, and submitted to the Town.

Seconded by Kathleen Brown.

Vote: All in favor.

New Business

6. [PB 25-055](#) #23-18 Windham Village Apartments - Second Amended Subdivision & Site Plan - Final Plan Review - Stillwater Drive - Windham Village Apartments, LLC.
- The applicant is proposing to amend the approval to develop a 14 building, 172 dwelling unit apartment complex initially approved by the Planning Board on July 1, 2024, to create a condominium development and revise the building elevations for the 4 buildings with 48 units proposed to be condo units to be sold. The property is identified as Tax Map: 70; Lot: 1-A01; Zone: Commercial I (C-1) in the Presumpscot River watershed.

Attachments: [23-18 AMD2 MJR SUB-SP PB MEMO WindhamVillageApartments_090425.pdf](#)
[23-18 AMD2 MJR SUB-SP FP SR&C WindhamVillageApts_090325.pdf](#)
[23-18 AMD2 MJR SUB-SP APPL PLANS WindhamVillageApt_8.2.25.pdf](#)

Drew Gagnon, Gorrill-Palmer was present representing the application. They proposed to have subprojects rather than phasing it.

- *The first 48 unit subproject would be in buildings 11, 12, 13, and 14.*
- *The 30% oversized parking stalls had been removed from the plan.*
- *Some dumpster pads and enclosures had been moved to better serve the project.*

Amanda Lessard explained:

- *This amendment didn't add any dwelling units.*
- *No abutter comment had been received.*
- *Condo documents had been reviewed, and some revisions were made.*
- *It appeared that one of the dumpsters was in the access drive.*
- *A slightly different color scheme was proposed for some buildings over what had been approved.*

Evert Krikken made a motion that the amended subdivision and site plan application for the Windham Village Apartment project was found complete in regard to the submission requirements based on the application checklist, but the Planning Board retained the right to request more information where review criteria are not fully addressed.

Seconded by Kathleen Brown.

Vote: All in favor.

Board Comment

- *Mixed ownership on a project this large was a good idea.*
- *What change was there to the façades?*
- *Was there clarification on the possibility of converting some units to condos later?*
- *What colors would the various buildings be? Did trim color count? A second color on the siding was required.*
- *Who would be responsible for the different phases? Had the town attorney approved it?*
- *What were the amenities?*
- *Was there anything in the ordinance to address the need for three-bedroom units?*
- *How would the buildings be heated? Please provide screening to the mechanicals.*

Evert Krikken made a motion that the Second Amended major subdivision and site plan application for #23-18 Windham Village Apartments development identified as Tax Map: 70, Lot 1-A01 is to be approved with conditions with following Findings of Fact, Conclusions, and Conditions of Approval.

FINDINGS OF FACT

Jurisdiction: Windham Village Apartments project is classified as an Amended Major Subdivision and Site Plan, which the Planning Board is authorized to review and act on by §120-913 and by §120-803A(1) of the Town of Windham Land Use Ordinance.

Title, Right or Interest: The applicant has submitted a copy of a Short Form Quitclaim Deed with Covenant between B33 Windham II LLC and Windham Village Apartments LLC dated June 27, 2024, and recorded on July 10, 2024 at the Cumberland County Registry of Deeds in Book 40857 Page 252.

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 70, Lot 1A is located in the Commercial I (C-1) District.*
- The detached multifamily dwelling residences are permitted use in the C-1 District §120-410B.*

§120-911 - MAJOR SUBDIVISION PERFORMANCE STANDARDS

§120-911J – Stormwater

(2) The development will create over 3-acres of non-vegetated area within the Shaw's Plaza development, as such, the project will be required to obtain MeDEP Site Location of Development Act (SLDA) permit.

- The Maine DEP Site Law Permit dated May 30, 2024 is recorded at the Cumberland County Registry of Deeds in Book 40805 Page 253.*
- The draft condominium documents provided state that the association shall maintain and take all actions required to comply with the Site Law Permit. The permit states that the applicant (Windham Villages Apartments LLC) will be responsible for the maintenance of all common facilities including the stormwater management system. See condition of approval #8.*

§120-911N – Maintenance of common elements.

- The applicant provided draft condominium association documents.*
- The condominium association documents shall be recorded in the Cumberland County Registry of Deeds within 90 days of the date that the subdivision plan is recorded. See condition of approval #7.*

§120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS

§120-812C - Parking and Loading

- The amended plan for the development will provide 349 parking spaces, of which 14 are accessible. The parking layout revised the previously approved 338 proposed parking spaces (14 accessible and 102 oversized) based on the Town Council Order 25-043 effective May 30, 2025, removing the requirement for 30% oversized spaces.*

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

- The amended subdivision site plan shows the location of 4 dumpster enclosure*

areas. One of the dumpster locations has been relocated from across from Building 11 to Across from Building 6. The dumpster pad should be revised to not be located within the Access Drive ROW.

§120-814 – MULTIFAMILY DEVELOPMENT STANDARDS.

§120-814A – Building Architecture

(1) Architectural variety. The applicant has provided architectural rendering and designs for the 4 condo buildings (located in the southwestern corner of the parcel) intend to have revised color scheme and accents. The revised color scheme for the condo buildings appears to have only one color of siding and black trim. The apartment buildings were previously approved with two colors of siding and white trim on each building.

CONCLUSIONS

1. The proposed subdivision and site plan will not result in undue water or air pollution.
2. The proposed subdivision and site plan has sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed subdivision and site plan will not cause an unreasonable burden on an existing water supply.
4. The proposed subdivision and site plan 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 subdivision and site plan will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed subdivision and site plan will provide for adequate sewage waste disposal.
7. The proposed subdivision and site plan will not cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed subdivision and site plan will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed subdivision conforms with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer has adequate financial and technical capacity to meet the standards of this section.
11. The proposed subdivision and site plan is not situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed subdivision and site plan will not alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed subdivision is not situated entirely or partially within a floodplain.
14. All freshwater wetlands within the proposed subdivision and site plan have been identified on the plan.
15. Any river, stream, or brook within or abutting the subdivision has been identified on any maps submitted as part of the application.
16. The proposed subdivision and site plan will provide for adequate storm water 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, section 480-B, none of the lots created within the subdivision have/do not have a lot depth to shore frontage ratio greater

than 5 to 1. (N/A)

18. *The long-term cumulative effects of the proposed subdivision 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. (N/A)*

20. *Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.*

CONDITIONS OF APPROVAL

1. *Approval is dependent upon and limited to, the proposals and plans contained in the application dated June 3, 2024, July 1, 2024, November 25, 2024, January 27, 2025 as amended August 22, 2025 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board and any variation from such plans, proposals and supporting documents, and representations are subject to review and approval by the Planning Board or the Town Planner in with §120-814 and §120-815 of the Site Plan and §120-913 of the Subdivision Ordinances.*

2. *Approval is subject to the requirements of Chapter 201 Article II Post-Construction Stormwater Ordinance. 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.*

3. *At the time of applying for building permits for the 172 residential units, the applicant shall pay the required Traffic Impact Fees as described in the approved Traffic Movement Permit #REG 01-000432-A-N. This includes safety and mobility impact fees totaling \$56,854 and \$7,653 paid to the Town for the North Windham Route 302 Road Improvement impact fee.*

4. *The Recreation Impact Fee, the Open Space Impact Fee, the Public Safety Impact Fee, and the Municipal Office Impact Fee. All fees will be determined and collected for any building, or any other permits necessary for the development, §120-1201C.*

5. *Any building plan, subdivision plan or site plan submitted for building(s) to be located in a sewer expansion area shall include on the plan the location of any service pipe to be installed in accordance with this section. Subdivisions shall further comply with the provisions of §181-45.*

6. *Before the required pre-construction meeting with staff and before any land use activities begin, the applicant shall provide to the Planning Director the "Ability to Serve" letter from the Portland Water District (PWD).*

7. *In accordance with §120-911N(5) of the Land Use Ordinance, the condominium association documents, including but not limited to the condominium declaration, bylaws, plat, and plans, 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 units shall be sold in the subdivision prior to recording of such condominium association documents and all deeds shall reference the declaration establishing the condominium association.*

8. *The applicant shall provide the Planner with a copy of the approved and recorded transfer of Maine DEP Site Location of Development Act Permit to the Condominium Association.*

Seconded by Kathleen Brown.

Vote: All in favor.

Other Business

7. Adjournment

Shonn Moulton made a motion to adjourn.

Seconded by Anne Daigle.

All in favor.