



Town of Windham
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STAFF REVIEW AND COMPLETENESS MEMO

DATE: January 5, 2025

TO: Suresh Gali, New Gen Estates, LLC
FROM: Steve Puleo, Planning Director
Cc: Windham Planning Board
Robert A. McSorley, P.E., Sebago Technics, Inc.

RE: #24-28 – Minor Subdivision – Franklin Drive Subdivision – 20 Franklin Drive – Final Plan Review – New Gen Estates, LLC

Scheduled for Planning Board meeting: **January 13, 2025**

Thank you for submitting your application on December 23, 2024. The application status is **incomplete**. The staff has reviewed the application and found several outstanding items that need your attention before the Planning Board sketch plan review. Your application is **scheduled for review on January 13, 2025**. 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 6:30pm, and your attendance is required.

Project Information:

The application is a four lot subdivision to create lots for future commercial and residential uses of the property. Tax Map: 18; Lot: 26-2; Zone: Commercial I (C-1) zoning districts in the Chaffin Pond / Little Sebago Lake watershed.

Town Engineer:

Wastewater

- The proposed subdivision plans to dispose of wastewater in the currently under construction public wastewater treatment system, which will include a sewer main coming up Franklin Drive to a point near where the existing cul-de-sac is located. Design of wastewater disposal for the subdivision will require ongoing communication with the Town and Portland Water District as this collection line is designed and built. The elevation and location of the public sewer main coming up Franklin Drive has not been finalized, but it is understood that the proposed subdivision will connect into this line. Depending on the depth of installation of the terminus of the public main, the proposed development may require a force main.

Stormwater

- The Applicant submitted a Stormwater Management Report that details how the proposed subdivision will comply with the stormwater management requirements in Windham's subdivision ordinance (§ 120-911J). Since the proposed subdivision development is in the watershed of Sebago Lake, which is a "Lake at Most Risk", they submitted an analysis to demonstrate compliance with the Phosphorous Standard in Maine DEP Ch. 500. They propose to treat the 0.84 acres of impervious area and 1.16 acres of total developed area using an underdrain soil filter.

- Construction of the island in the middle of the cul-de-sac needs to be clarified to explain how it will be constructed and how stormwater will be managed. The Town would like it to be a Low Impact Design (LID) and include native vegetation.
- The Applicant submitted erosion control that appears to comply with the erosion control requirements in Windham’s subdivision ordinance and the minimum standards outlined in the Maine DEP Stormwater Rule Chapter 500 Appendices A. The application also includes an Inspection, Maintenance and Housekeeping Plan that conforms with the requirements of CH. 500 Appendices B and C.

Natural Resources

- A large Significant Vernal Pool has been identified just to the east-southeast of the proposed end of Franklin Drive. The Applicant’s plans show some of the proposed development footprint is within the 250-ft setback of the vernal pool. There is a table on Sheet C-101 of the plans that lists the *Maximum Vernal Pool Impacts as well as the impacts within each parcel*. However, the application does not include a discussion of wetlands or the vernal pool impacts or potential permitting.

Road Design/traffic

- The plans show a 28-ft travel-way (2x14-ft lanes) with 9-ft wide parallel parking on each side. It is not clear which road standard the development is designed to comply with. The Industrial/Commercial street cross section in Appendix B of Windham’s Land Use Ordinance specifies a minimum travel way of 24-ft, but the Commercial Throughfare specifies a maximum of 11-ft travel lanes. Existing Franklin Drive leading up to the cul-de-sac does have 14-ft travel lanes, but no street parking. The proposed Veterans Drive that will connect to the proposed Franklin Drive extension is designed to have 11-ft travel lanes. Less travel lane width would lower stormwater impacts and could be considered.
- A traffic analysis is not included in the application, but this and potentially a Maine DOT TMP will likely be required for development of the lots.

Landscaping & Lighting

- The submitted application and plans do not appear to address lighting or landscaping of the proposed extension to Franklin Drive. This should be added to the plans to conform with Windham’s Subdivision ordinance.

Environmental and Sustainability Coordinator:

- Their Stormwater Management Report addresses the requirements for Chapter 500. Appendix 3: Inspections, Maintenance, and Housekeeping Plans acknowledges anticipated inspections during and post-construction. As the development is located in the MS4 urbanized area, they are subject to the Post-Construction Stormwater Ordinance [Chapter 201](#), requiring a third party inspector to certify compliance with the post-construction stormwater management plan and submit a report to the Town on or by June 1st of each year.
- I did not see any construction or landscaping plans for the center of the cul-de-sac. With DEP’s emphasis on LID development, I’m curious if they developer has considered adding a rain garden, plantings, or other considerations for addressing stormwater and/or LID development.

- Finally, what are the plans for snow storage? With the significant vernal pool beyond the cul-de-sac, in addition to the stormwater treatment structures located to the south east, I am curious if they have taken those into consideration.

Assessing Department:

- I see the applicant has updated the MBLU to correctly match our database: 18-26-2-A. I have no further comments on this project. Looks good from my end.
- ~~CORRECTION: MBLU – This parcel was broken off from MBLU 18-26-2. This correct MBLU for the new parcel (the subject of this application) is 18-26-2-A as shown in our online database and on this year’s tax bill.~~
- ~~QUESTION: MAILING ADDRESS – In our system, we have the owner’s mailing address as 675 Main St, South Portland, ME 04106. The application lists 50 Maine Mall Rd, South Portland, ME 04074. Which address is the most current? I will update our database accordingly.~~

Planning Department:

- Please add the following conditions of approval for sheet C-101.

CONDITIONS OF APPROVAL (REQUIRED)

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated September 30, 2024, December 23, 2204, as amended January 13, 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](#) 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. 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.
4. Prior to any land use activities on Lots 1, 2, 3, and 4, subdivision and site plan Planning Board or Staff Review Committee approvals are required.

Thank you for your attention to these matters. Provide one copy of your response to staff comments with all revised application materials and one (1) plan set. Email an electronic copy of your response letter, supporting documentation, and plan set. If I receive more comments, I will send them to you ASAP. We will need your response by January 8, 2025. Please feel free to call me with any questions or concerns at (207) 777-1927 or email me at <mailto:sjpuleo@windhammaine.us>.