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**APPLICATION COMPLETENESS & STAFF REVIEW COMMENTS MEMO**

DATE: May 30, 2025

TO: Benjamin Chadonnet, 19 Roosevelt Trail, LLC  
FROM: Amanda Lessard, Senior Planner/Project Manager  
Cc: Development Review Team  
Windham Planning Board

RE: #19-16 Second Amended Major Subdivision & Site Plan – The Cove at Highland Lake – Final Plan Review – 19 Roosevelt Trail – 19 Roosevelt Trail, LLC

Scheduled for Planning Board meeting: **June 9, 2025**

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Thank you for submitting your subdivision amendment application on May 19, 2025. The application is **incomplete**. The staff has reviewed the application and found one outstanding item listed below under **"Revisions to Approved Plan Completeness"** that **need your attention as soon as possible**. Your application is **scheduled for review on June 9, 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 6:00pm, and your attendance is required.

**Project Information:**

The application is to amend the approval of The Cove at Highland Lake, a 60-unit retirement community, to add a condition of approval that in lieu of the furnishing of a performance guarantee no building permit will be issued for units 21-60 until all project improvements are complete. In accordance with [§120-914A\(1\)\(d\)](#) of the Land Use Ordinance, this is an option for a type of performance guarantee for a subdivision that is served by private streets. The suggested condition of approval is listed below.

The Cove at Highland Lake Retirement Community, previously known as Sunrise Cove, a major subdivision and site plan, was initially approved by the Planning Board on March 8, 2021. The Board approved an amendment to the plan on February 12, 2024 to transfer the ownership of the approval from Chase Custom Homes & Finance, Inc to 19 Roosevelt Trail, LLC. On June 24, 2024, staff approved a minor change to the approved site plan in accordance with [§120-815F](#) of the Land Use Ordinance to update the unit and clubhouse floor plans and replace a golf cart parking area and pool with a tennis court. The property is also subject to a Maine DEP Site Location of Development Act and Natural Resources Protection Act Permit #L-027306 held by 19 Roosevelt Trail LLC.

The subject property is identified as Map 7; Lot 66 in the Commercial III District (C-3) and the Retirement Community and Care Facility Overlay District (RCCFO) in the Highland Lake watershed.

**Revisions to Approved Plan Completeness: [§120-913B\(3\)](#)**

- Application Fee (\$350) and Review Escrow (\$250)

[§120-913B\(3\)\(c\)](#), that states that the application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of Article 9 and the criteria of the state statute. See Staff Comments below for additional supporting information that may be needed for the Board's review.

### **Staff Review Comments**

*The memo will be updated as staff comments are provided*

### **Planning Department**

1. Per [§120-913B\(4\)](#), The Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.
2. Provide evidence of compliance with the February 12, 2024 Conditions of Approvals #3 and #5.
3. Prior to any Board signature on an approved amended plan, provide a revised overall subdivision & site plan Sheet C-1.0 that, in accordance with [§120-913B\(3\)\(d\)](#), indicates 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.
4. The March 8, 2021 approval included a Phase 2 for an additional 6 units in two mixed-use buildings. This Phase has not yet received final site plan approval. Per [§120-912G](#), if a plan has received a phased approval, the first phase shall be recorded within three years of the original approval and subsequent phases shall be recorded within five years of the original approval. If a phased plan is not recorded within those time periods, the phases that have not been recorded shall become null and void.
5. Has the operator filed a MCGP NOI required by the new DEP rule?
6. Recommended Conditions of Approval
  1. Approval is dependent upon and limited to the proposals and plans contained in the application dated January 22, 2024 as amended May 29, 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](#) and [§120-815](#) of the Land Use Ordinance.
  2. 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.
  3. Before the issuance of building permits, the applicant shall provide to the Town Planner recorded and stamped Condominium Documentation and Bylaws for the development. *(From February 12, 2024 – if complete, may be removed)*
  4. In accordance with [§120-914B\(5\)](#) and [§120-815C\(1\)\(b\)](#) of the Land Use Ordinance, the Construction of improvements covered by this subdivision and site 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 Manager's discretion, use the performance guarantee to either reclaim and stabilize or to complete the improvements as shown on the approved plan.

5. Upon the issuance of the Maine Department of Environmental Protection Transfer of Owner Site Location of Development Act permit for the development, it is required that the applicant record the permit at the Cumberland County Registry of Deed. Additionally, the applicant must provide an electronic copy of the recorded and stamped permit as well. *(From February 12, 2024 – if complete, may be removed)*
6. In lieu of a performance guarantee for the construction of the project improvements required for the development of Units 21-60, no lot or parcel of land may be conveyed, and no building permit for Units 21-60 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 for Units 21-60 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.

Any responses must be submitted by June 5, 2025 or earlier to be included in the Planning Board final agenda. Thank you for your attention to these matters. Please feel free to call me with any questions or concerns at (207) 207-894-5900 x 6121 or email me at [allessard@windhammaine.us](mailto:allessard@windhammaine.us).