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**APPLICATION COMPLETENESS & STAFF REVIEW COMMENTS MEMO**

DATE: July 2, 2025

TO: Robert A. McSorley, P.E., Sebago Technics, Inc.  
Suresh Gali, New Gen Estates, LLC

FROM: Amanda Lessard, Senior Planner/Project Manager

Cc: Development Review Team  
Windham Planning Board

RE: Franklin Drive Multifamily & Solar Development – Major Subdivision & Site Plan – Preliminary  
Plan Review – Franklin Drive – New Gen Estates, LLC

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Requested Planning Board meeting: **July 14, 2025**

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Thank you for submitting your preliminary subdivision application on June 23, 2025. The preliminary subdivision application is **complete**. Your application is **scheduled for a public hearing and review on July 14, 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.

The Planning Board will not decide on the final site plan application at the meeting on July 14<sup>th</sup>, but staff has been asked to review the submission against both the Article 9 Subdivision Review and Article 8 Site Plan Review standards and comments are provided below.

**A site walk is scheduled for the project on Monday July 7, 2025 at 5:00 pm.**

**Project Information**

The application is for 306 apartments in two buildings on a 7.88 acre property and a 425kW large-scale ground-mounted solar energy system comprised of 640 modules on a 23.94 acre property to power the residential development. This project also includes associated parking areas, internal vehicular drive aisles, and the construction of a public access trail to the adjacent Lippman Park. The development will be served by public water and sewer. The subject property is identified as Tax Map: 18; Lot: 26-2-A01 and 26-2-A02; Zone: Commercial 1 (C-1) zoning district and located in the Chaffin Pond/Little Sebago Lake watershed.

This development is located on two lots in the 4-lot Franklin Drive Subdivision approved by the Planning Board on January 13, 2025, and amended on June 9, 2025.

**Staff Review Comments**

*The memo will be updated as staff comments are provided to the Planner.*

**Planning Department**

1. The site plan and subdivision application forms do not correctly identify the parcel Lot numbers and land areas. Please correct in future submission. The General Notes on the plan sets correctly identify the parcels.
2. Is a sign proposed for multifamily development? If so, for final plan review, provide the location, front view, materials, and dimensions of proposed signs, together with the method for securing the sign in accordance with [§120-811B\(1\)\(d\)\]2\[h\]](#).
3. The amended subdivision shows a 50' vehicular and pedestrian access easement to be vacated by the Town of Windham on Lot 2 that is not shown on the 2<sup>nd</sup> Amended Subdivision Plan. This easement must be vacated prior to final plan submission or shown on the plan. Also for final plan review, note proposed trail easement on Lot 3.
4. Photometric Plan exceeds 0.5 footcandles at the front and side property lines required by [§120-812R\(1\)\(b\)](#). Revise lighting plan or submit the [waiver request form](#).
5. For final plan review, provide an estimate of the number of new peak hour trips expected to pass through the Route 302/Anglers Road/Whites Bridge Road intersection in order to determine the amount of the [North Route 302 Road Improvements Impact Fee](#).
6. The solar parcel site plan shows a proposed treeline at the edge of the security fence. The detail sheet C-503 shows a 100 ft shade management zone beyond the fence. Please clarify.
7. What is the maximum height of the solar panels? The height of the solar area shall not exceed 22 feet per [§120-556C](#). Please label on the detail sheet C-503 and correct the noted "Augusta, Maine Solar Detail".
8. [§120-814A](#) Multifamily Development Standards. For final plan review:
  - a. [\(2\)\(d\)](#) What is the area of fenestration of the street facing façade?
  - b. [\(5\)\(b\)\[1\]](#) What percentage of the parking area is landscaped?

9. Recommended CONDITIONS OF APPROVALS:

CONDITIONS OF APPROVAL (MAJOR SUBDIVISION)

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated May 19, 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 [§120-912](#) 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 Manager'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 new building permits for the proposed uses: [North Route 302 Road Improvements Impact Fee](#) of TBD (*TBD per peak hour trip through Route 302/Anglers Rd/Whites Bridge Rd*

intersection); [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 permit for the development, [§120-1201C](#).

4. Approval is subject to the requirements of the Post-Construction Stormwater Ordinance, [Chapter 201 Article II](#). 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.

CONDITIONS OF APPROVAL (MAJOR SITE PLAN)

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated May 19, 2025 as amended TBD and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board. Any variation from such plans, proposals, supporting documents, and representations is subject to review and approval by the Planning Board or the Town Planner in accordance with [§120-815](#) of the Land Use Ordinance.
2. In accordance with [§120-815C\(1\)\(b\)](#) of the Land Use Ordinance, the Construction of improvements covered by any site plan approval shall be completed within two years of the date upon which the performance guarantee is accepted by the Town Manager. If construction has not been completed within the specified period, the Town shall, at the Town Manager's discretion, use the performance guarantee to either reclaim and stabilize the site or to complete the improvements as shown on the approved plan.
3. Abandonment or Decommissioning
  - a) Removal Requirements: At such time that the ground-mounted solar energy system described in this approval has reached the end of its useful life or has been abandoned consistent with the Abandonment description within this condition of approval, it shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
    - i. Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.
    - ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
    - iii. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
  - b) Abandonment: Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the large-scale ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of the Site Plan Review Authority. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section

within 150 days of abandonment or the proposed date of decommissioning, the town retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned large-scale ground-mounted solar energy system. As a condition of Site Plan approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation.

4. Surety: The applicant will provide financial assurance for the decommissioning costs of the solar energy system in the form of a performance bond, surety bond, 'evergreen' letter of credit, or other means acceptable to the Town, for the total cost of decommissioning. The applicant will have the financial assurance mechanism in place prior to construction and will re-evaluate the decommissioning cost and financial assurance at the end of years, five, ten, and fifteen. Every five years after the start of construction, updated proof of acceptable financial assurance must be submitted to the Town for review.
5. In accordance with [§120-815E](#) of the Land Use Ordinance, as-built plans shall be provided to the Planning Department prior to the issuance of a certificate of occupancy for the project or the occupancy of the buildings.

### **Third Party Consulting Engineer**

*Independent review is required by [§120-807F\(6\)](#) when any portion of the development is within the direct watershed of a lake most at risk from new development.*

10. See attached Engineering Review Memorandum from Gorrill Palmer dated July 1, 2025.

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 July 9, 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 at (207) 207-894-5900 x 6121 or email me at [allessard@windhammaine.us](mailto:allessard@windhammaine.us).

## Engineering Review Memorandum

**To:** Amanda Lessard, Senior Planner/Project Manager  
**From:** Will Haskell, PE, Gorrill Palmer  
**Date:** July 1, 2025  
**Subject:** Major Site Plan and Subdivision Amendment Application  
**Project:** Franklin Drive Multi-Family and Solar Development (JN 131145A)  
**Location:** Franklin Drive, Windham, ME 04062  
**Applicant:** New Gen Estates, LLC

Amanda,

Gorrill Palmer reviewed the following materials that were downloaded from the Applicant. We assume that you will forward our comments to the Applicant/Design Engineer or incorporate into your review comments.

1. Franklin Drive Solar Parcel Plan Set (containing 9 sheets), dated June 23, 2025, by Sebago Technics
2. Franklin Drive Multi-Family Parcel Plan Set (containing 19 sheets), dated June 23, 2025, by Sebago Technics
3. Major Site Plan and Subdivision Amendment Application, dated June 23, 2025, by Sebago Technics
4. Stormwater Management Report, dated June 23, 2025, by Sebago Technics
5. First Amended Subdivision Plan, Issued for Recording on June 24, 2025, by Sebago Technics.

We have reviewed the materials for conformance with performance standards contained in § 120-812 E Stormwater Management, F Erosion Control, H Sewage Disposal, J Groundwater Protection, and K Water Quality of the Town of Windham Code. We have also reviewed the materials for conformance with generally accepted civil engineering standards and offer the following comments.

### § 120-812 E – Stormwater Management

1. As modeled in HydroCAD, the proposed stormwater BMPs on Lot 2 appear to detain, retain, or result in the infiltration of stormwater from the twenty-four-hour storms of the two-year, ten-year, and twenty-five-year frequencies such that the peak flows of stormwater from the project site do not exceed the peak flows of stormwater prior to undertaking the project.
2. The area to the northeast of Lot 2 which is intended to be developed with ground mounted solar panels is not included in the stormwater management analysis. This area shall be included in the stormwater analysis due to the change in land cover types.



STRUCTURAL



FALL PROTECTION  
SAFETY



TRANSPORTATION



SITE DESIGN



SURVEY



WATER  
RESOURCES



TECHNOLOGY  
& INNOVATION

3. The post-treatment phosphorus export is greater than the project phosphorus budget. A MaineDEP compensation fee of \$47,343 is proposed to offset the increase in phosphorus export from the site.
4. It should be noted that the development located on Lot 1 of this subdivision, and its associated stormwater management facilities are included in the stormwater model for the multi-family development located on Lot 2. The design plans for the Lot 1 development were not included in this Application, so we could not review the design of the stormwater management infrastructure located within Lot 1.
5. The underdrained soil filter (UDSF 1) associated with Franklin Drive is included in the stormwater management model for the Lot 2 development. Design plans for UDSF 1 were not included in the Application, so we could not review the design for UDSF 1.
6. We recommend adding a suggested maintenance item in the Inspection, Maintenance, and Housekeeping Plan to inspect the underdrain outlet orifice within the outlet control structures and remove sediment to prevent clogging.

#### **§ 120-812 F – Erosion Control**

7. The project appears to meet the erosion and sediment control best management practices outlined in Appendix A and Appendix B of MaineDEP's Chapter 500. An Inspection, Maintenance, and Housekeeping Plan has been included in the projects Stormwater Report, which specifies erosion and sediment control BMPs during construction as well as post-construction.

#### **§ 120-812 H – Sewage Disposal**

8. The development proposes extending an existing gravity sewer main in Franklin Street and providing sewer services to each of the buildings. No on-site wastewater disposal is proposed.
9. An Ability to Serve request has been submitted to Portland Water District to confirm the existing public sewer system has capacity to support the proposed development. Submit the Ability to Serve from PWD upon receipt for the Town's records.
10. What is the purpose of the 2" HDPE force main which extends to the solar panel area?

#### **§ 120-812 J – Groundwater Protection**

11. Fire and domestic water supply will be provided by an extension of the water main in Franklin Drive. Sewage disposal will be provided by gravity sewer also located in Franklin Drive. It appears the development will not adversely impact either the quality or quantity of groundwater at or around the site.

**§ 120-812 K – Water Quality**

12. The proposed use of the development is residential apartments. This use is not anticipated to create a discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials which may impact the water quality within or surrounding the site.
13. The project is located within the watershed of Sebago Lake, which is identified as a lake most at risk from new development (not severely blooming) in MaineDEP's Chapter 502. Phosphorus export calculations have been provided. A MaineDEP compensatory fee is proposed due to the project increasing the phosphorus export from the site.

Please let me know if you want to review and discuss any of the comments.

Sincerely,

Gorrill-Palmer



William C. Haskell, PE  
Municipal Operations Leader, New England



Ben Nault, EI  
Design Engineer