

**PLANNING BOARD MEMO • MAJOR SITE PLAN • SKETCH PLAN REVIEW**

DATE: September 19, 2025

TO: Windham Planning Board  
FROM: Amanda Lessard, Senior Planner/Project Manager  
Cc: Steve Puleo, Planning Director  
Mark Arienti, PE, Town of Windham

RE: #25-05 – Major Site Plan – Smith Cemetery Expansion – 513 Gray Road – Final Plan Review –  
Town of Windham  
Planning Board Meeting & Public Hearing: September 22, 2025

**Overview –**

The Town is proposing to expand the existing 3.1-acre Smith Cemetery on to the abutting 23.95 acre parcel on Route 202. The proposed expansion will develop 1.7 acres to provide space for 298 new family plots and 800 single burials, the latter in a Veterans Niche Wall and a Columbarium Niche Wall. A 540 square foot building is also proposed for storage of landscaping maintenance equipment. The project will be accessed by a new driveway on Gray Road. Subject property is identified as Tax Map: 12, Lots: 49-1, 49-2 & Tax Map: 46, Lot: 13A Zone: Windham Center (WC) and Farm (F) in the Black Brook watershed.



Figure 1. Aerial view of the subject parcel relative to surrounding properties and street network.

### Review History

Comments from the Development Review Team were requested to be provided by March 4, 2025. The Planning Board reviewed the sketch plan on March 10, 2025. At that meeting the Board asked for lighting and a landscaping plan. The Board held a site walk on September 15, 2025.

The applicant has submitted a final plan application that includes an executed access easement for the driveway on Lot 13A and eliminated a second driveway entrance on Gray Road. The applicant provided a response that addressed all staff comments.

### SITE PLAN REVIEW

PLEASE NOTE: The staff memo is a reference guidance document, and suggested topics for board discussion are listed; ~~the strikethrough text is items for the final review; bold and italic text represent unaddressed existing and/or new staff comments; or plain underlined text are items that have been addressed by the applicant; and italic text is for information or previously reviewed and/or approved items.~~

Staff Comments:

1. Complete Application:

**MOTION:** [I move] the Major Site Plan application for project #25-05 Smith Cemetery Expansion project is found complete in regard to the submission requirements based on the application checklist, but the Planning Board retains the right to request more information where review criteria are not fully addressed.

2. Waivers:

*Waiver of Submission Requirements: The Planning Director, or designee, may waive any of the submission requirements of [§120-811](#) based upon a written request by the applicant. Such a request shall be submitted at the time of the preapplication conference for minor developments or as part of the sketch plan application for major developments. A waiver of any submission requirement may be granted only if the Planning Director, or designee, finds that the information is not required to determine compliance with the standards and criteria of the Land Use Ordinance.*

**None requested.**

*Waiver of the Site Plan Performance Standards. The Planning Board may waive the requirements of [§120-812](#) if it finds that extraordinary an unnecessary hardship, not self-imposed, may result from strict compliance with the site plan review standards. In all cases, waivers shall not be deemed a right of the applicant, but rather shall be granted at the discretion of the Planning Board. The applicant shall submit a list of the requested waiver(s) in writing. For each waiver requested, the applicant shall submit answers to each criterion in [§120-808B\(2\)](#).*

**None requested.**

3. Public Hearing: A public hearing is scheduled for the September 22, 2025 Planning Board meeting.
4. Site Walk: A site walk was held on September 15, 2025.

**Findings of Fact, Conclusions, and Conditions of Approval for the Windham Planning Board:**

**MOTION:** [I move] the Major Site Plan application for the #25-05 Smith Cemetery Expansion identified on Tax Map: 12, Lots: 49-1, 49-2 & Tax Map: 46, Lot: 13A in the Windham Center (WC) and Farm (F) zoning districts in the Black Brook watershed is to be (approved with conditions/denied) with the following Findings of Fact, Conclusions, and Conditions of Approval.

**FINDINGS OF FACT**

**Jurisdiction:** The Smith Expansion project is classified as a Major Site Plan, which the Planning Board is authorized to review and act on by [§120-803A\(1\)](#) of the Town of Windham Land Use Ordinance.

**Title, Right, or Interest:** The applicant has submitted a copy of a Property Deed between Lynn Morrell and the Town of Windham dated July 22, 2005 and recorded on July 25, 2005, at the Cumberland County Registry of Deeds in Book 22930 Page 47 and other deeds recorded in Book 828, Page 388; Book 1342, Page 78; Book 1609, Page 450; and Book 1611, Page 445. The applicant submitted a copy of the Easement Deed between Stacey H. Webster and Kimberly H Babb and the Town.

**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: 15; Lot: 1A, the property is located in the Windham Center (WC), [§120-415.1](#), and Farm (F) in Zoning District, [§120-406](#).
- The proposed land use, Cemetery, is a permitted uses in the WC District, per [§120-412B](#), and the F District, per [§120-406B](#).
- The lot conforms to the WC dimensional standards of [§120-415.1E](#).

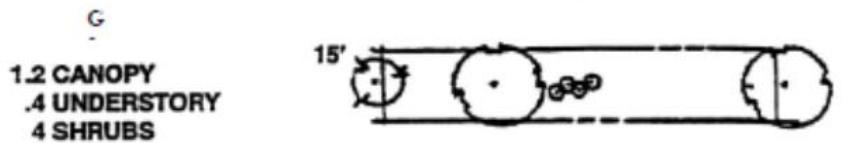
**ARTICLE 5 PERFORMANCE STANDARDS**

**§120-543 – Public Buildings**

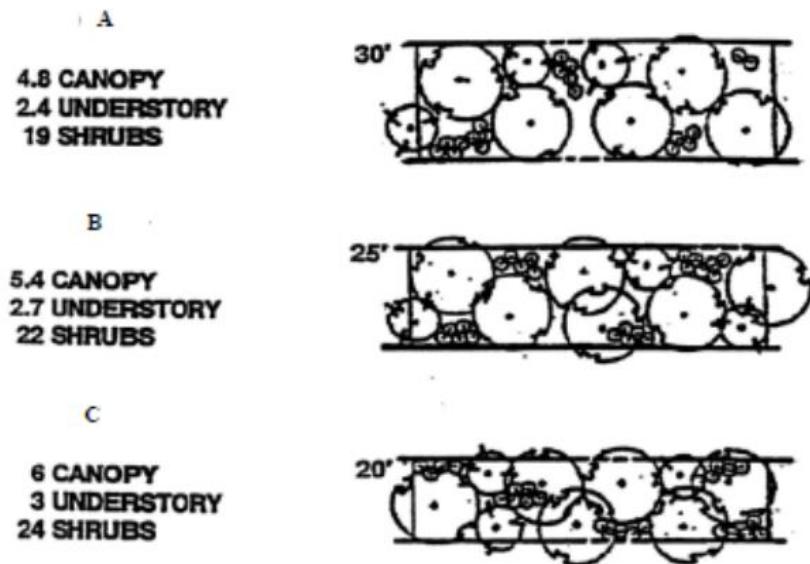
- A public building shall not be required to meet the dimensional standards or district standards in the applicable zoning district. The existing garage shown on the plan is non-conforming and is not required to comply with the standards of the WC district. The proposed 540 sf storage building is located in the F district portion of the parcel.

**§120-511 – Buffer yards**

- [C\(3\)\(b\)](#) WC District buffer along streets: use Buffer Yard G, see exhibit below.



- C(3)(f) F District buffer along public streets: use Buffer Yard A, B, or C, see exhibit below.



## §120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS

### §120-812A – Utilization of the Site

- The existing Smith Cemetery parcel is approximately 3.1 acres in size and the subject parcel for the cemetery expansion is approximately 23.95 acres in size.
- The proposed cemetery expansion will develop approximately 1.7 acres and provide space for 298 new family plots and 800 single burials, the latter in a Veterans Niche Wall and a Columbarium Niche Wall. A 540 square foot building is also proposed for storage of landscaping maintenance equipment.
- No wetland impacts are proposed.
- The site is located in the Black Brook watershed.

### §120-812B – Vehicular Traffic

(1) The site is located on the easterly side of Gray Road with an existing access drive serving Smith Cemetery. The main entrance for access to the expansion area will be via a 25ft wide access easement on the 14 foot wide existing gravel drive that is on the parcel that abuts the northwest corner of the existing cemetery (Map 46 Lot 13A). This access has been historically used as a secondary access to the existing cemetery and is proposed to be paved.

(a) The applicant does not expect to impact any road intersections within a half mile of the project.

(b) The applicant notes that the 1.7-acre cemetery expansion is expected to generate 3.38 trips in the AM peak hour and 3.46 trips in the PM peak hour with greater traffic on select holidays.

(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. Trimming of limbs and other vegetation will be performed on the north-east bound side of Rte. 202 to ensure the sight distance when exiting the access drive is greater than the required 305 feet in this direction. The Sight Distance when exiting to the right is approximately 425 feet.

(3) The applicant proposes that the expanded cemetery site will be accessed by a new access drive.

(a) The construction activity will require an “entrance permit” from the Town’s Department of Public Works.

(b) The new driveway access must meet a separation requirement of 75 feet.

(4) The site designed to allow internal vehicular circulation for the safe movement of passenger, funeral service, and emergency vehicles through the site. All new cemetery roads are proposed to be 14 feet in width.

#### **§120-812C – Parking and Loading**

(1) No designated parking areas area shown on the plan. Visitor parking typically occurs along the cemetery road, which are wide enough for traffic to pass parked vehicles.

(2) The proposed number of parking spaces is adequate to meet the parking needs for the expanded use.

#### **§120-812D – Pedestrian Traffic**

There is no existing sidewalk network on the fronting streets. Pedestrian traffic within the site will be accomplished on the internal roads and open space on the site.

#### **§120-812E – Stormwater Management**

(1) The applicants provided stormwater management system design for the collection and disposal of all the stormwater that runs off parking areas, roofs, travel ways, and other surfaces. The proposed 1,300 linear feet of new impervious and 0.4 acres of new developed area is proposed to be treated with level spreaders and meadow buffers.

(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 a Maine DEP Stormwater Permit by Rule will be required. See Condition of Approval #3.

- Gorill Palmer provided comments on the stormwater management plan. The applicant provided a revised stormwater management plan and revised the plan to add a note that the meadow buffers will be marked with pins and that meadow buffers shall not be mown more than twice per year.

#### **§120-812F – Erosion Control**

(2) The applicant provided erosion and sedimentation control plan that will meet the Basic Standards per Section 4(A) of the MeDEP Chapter 500 Stormwater Rules.

#### **§120-812G – Water Supply Provisions**

(1) The existing cemetery is served by a 1-inch service line for the public use of filling watering cans to water plantings at grave sites. An extension of the water service to the abutting parcel is not feasible because of the existing burial area. A new water service from the water main in Route 302 is proposed to provide water for the expansion area.

- An ability to serve letter from PWD dated August 28, 2025 approved the new 1.5-inch seasonal irrigation service with a 5/8-inch meter in an irrigation/meter box installed from the water main in the Roosevelt Trail.
- A street opening is required to connect to the water main located on the opposite side of Route 302.

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

- The applicant is not proposing a subsurface wastewater system to serve the expanded cemetery.

#### **§120-812I – Utilities**

- The applicant proposes all utility connections (electrical, telephone, and telecommunication services) will be subsurface. A new underground electrical service to the property from Route 302 is proposed to serve the maintenance building and lighting for the flag pole.
- A utility and grading plan was included with the final plan submission.

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

- No groundwater impacts are expected. No subsurface wastewater disposal is proposed. The Code of the Town of Windham [Chapter 39](#) Cemeteries requires all burials to use rigid and durable vaults constructed of reinforced concrete.

#### **§120-812K – Water Quality Protection**

(3) The site is in the Black Brook watershed and is not in a direct watershed of lakes most at risk from new development or in an urban impaired stream watershed as identified by the Maine Department of Environmental Protection.

#### **§120-812L – Hazardous, Special and Radioactive Materials**

- The proposed cemetery expansion use and operation is not anticipating handling, storing or using any materials identified by the Federal or State government as hazardous, special or radioactive.

#### **§120-812M – Shoreland Relationship**

- The site is not in a shoreland zoning district.

#### **§120-812N – Technical and Financial Capacity**

- (1) The Town has allocated \$400,000 in its Capital Improvement Program in the municipal budget for the completion of the site work for the expansion.
- (2) The applicant has hired Sebago Technics, for site planning and engineering services, with support from the Town Engineer.

#### **§120-8120 – Solid Waste Management**

- All waste in bins on site will be transported to the Public Works Department facility for dumpster disposal.

#### **§120-812P – Historical and Archaeological Resources**

- There are no listed historic or archaeological resources onsite.

#### **§120-812Q – Floodplain Management**

- The mapped FEMA 100-year floodplain hazard area should be shown on the final plan. No development in proposed in the floodplain area that is located in proximity to a portion of the delineated wetland near Route 302.

#### **§120-812R – Exterior Lighting**

- The applicant is not proposing lighting the flag pole and provide a detail of the proposed fixture.

#### **§120-812S – Noise**

- (1) The proposed facility shall not exceed 65 dB between 7:00 AM to 10:00 PM and 55 dB between 10:01 PM to 6:59 AM. For the final plan, the applicant shall meet the required performance standards of the [§120-545D Noise](#) standards for restaurant use.
- (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)**

- A landscaping plan and planting schedule was included with the final plan. No outdoor storage is proposed. Screening from existing residential abutters is proposed.

#### **§120-813 Commercial District Design Standards (In addition to meeting all the Design Standard in the WC district, the applicants must comply with a minimum of eight (8) other Design Standards.)**

#### **§120-813A – Architecture/Building**

- No building is proposed in the WC District.

#### **§120-813B – Site/Parking**

- Optional: [§120-813B\(1\):](#) Parking Location.
- Optional: [§120-813B\(2\):](#) Internal Traffic Flow.
- Optional: [§120-813B\(3\):](#) Interconnected parking lots. The expanded cemetery access drive is connected to the existing cemetery.
- Optional: [§120-813B\(4\):](#) Orientation of Building.
- Required: [§120-813B\(5\):](#) Screening, parking. The applicant provide

- Required: [§120–813B\(6\)](#): Screening, Utility, and Service Areas. No utility or service areas proposed. The maintenance building will have landscaping to screen from abutting property.
- Optional: [§120–813B\(7\)](#): Parking Lot Landscaping.
- Optional: [§120–813B\(8\)](#): Low Impact Stormwater.
- Optional: [§120–813B\(9\)](#): Shared Stormwater Treatment.

### **§120–813C – Landscaping/Lighting**

- Optional: [§120–813C\(1\)](#): Lighting/Photometric Plan. The only lighting proposed is to illuminate the flag pole.
- Optional: [§120–813C\(2\)](#): Lighting Coordinated with Architecture. No building lighting proposed.
- Optional: [§120–813C\(3\)](#): Lighting Coordinated with Landscaping.
- Required: [§120–813C\(4\)](#): Existing Trees Preserved. Existing trees are preserved where possible. See landscaping plan.
- Required: [§120–813C\(5\)](#): Snow Storage Areas Designated. The cemetery is closed in the winter so snow storage is not applicable.
- Optional: [§120–813C\(6\)](#): Planting variety. See landscaping plan.
- Optional: [§120–813C\(7\)](#): Planting suitability. See landscaping plan.
- Optional: [§120–813C\(8\)](#): Mass plantings. See landscaping plan.
- Optional: [§120–813C\(9\)](#): Illumination levels.

### **§120–813D – Bicycle/Pedestrian**

- Optional: [§120–813D\(1\)](#): Continuous internal walkways.
- Required: [§120–813D\(2\)](#): Links to community. Pedestrians connections to the existing cemetery via the proposed access drive.
- Optional: [§120–813D\(3\)](#): Outdoor activity.
- Required: [§120–813D\(4\)](#): Sidewalks and planted esplanades. There are no existing sidewalks adjacent to the cemetery.
- Optional: [§120–813D\(5\)](#): Crosswalks for sidewalks.
- Required: [§120–813D\(6\)](#): Bicycle parking and racks. Bicycle parking can occur anywhere within the site. No facilities are required as no building is proposed.

## **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 adequate sewage waste disposal. **NOT APPLICABLE**
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** the 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 unreasonably affect its value.
13. On-site landscaping **does** provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.

**CONDITIONS OF APPROVAL**

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated February 18, 2025 as amended September 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 [§120-815](#) 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. Before the required pre-construction meeting with staff and before any land use activities begin, the applicant shall provide the Planner with the Maine DEP Stormwater PBR.