

**PLANNING BOARD MEMO • AMENDED MINOR SUBDIVISION • FINAL PLAN REVIEW**

DATE: April 1, 2026

TO: Windham Planning Board  
FROM: Steve Puleo, Planning Director; Amanda Lessard, Assistant Town Manager  
Cc: Aaron Hunter, P.E., Sebago Technics, Inc.; Agent  
Robert Cloutier, Applicant

RE: #24-26 Amended Monique Drive Subdivision - Amended Subdivision – Lisa, Jules & Monique Drive - Robert Cloutier

Planning Board Meeting: April 13, 2026

Overview:

The application amends the 3-lot minor subdivision approved on February 24, 2025 to add the 50-ft Portland Natural Gas Transmission Line (PNGTL) easement to the plan and adjusts the Jules Drive access easement and turnaround easement on Lot 3. Subject properties are identified as Tax Map: 11; Lot: 49D, 49D-3, 49D-5 Zone: Village Residential (VR) in the Presumpscot River via Otter Brook watershed.



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

Review History:

The Monique Drive Subdivision, an after-the-fact minor subdivision of three lots that included upgrades to Lisa and Jules Drive to establish the required road frontage for Lot 3 (Tax Map 11 Lot 49-D5) was approved by the Planning Board on February 24, 2025 and the plan recorded on July 10, 2025 at the Cumberland County Registry of Deeds in Plan Book 225, Page 249.

The applicant appeared before the Board on March 23, 2026, to request an amendment to the approved and recorded subdivision plan by adding the 50-foot Portland Natural Gas Transmission Line (PNGTL) easement to the plan. During the hearing, the Board tabled its decision pending submission of the easement documentation and written confirmation from PNGTL that the constructed hammerhead turnaround would not interfere with pipeline operations (see attached materials). The Board also expressed concern that any required repairs to the turnaround could fall to the Lot 3 property owner. However, as stated in the Portland Natural Gas Transmission System Addendum (Book 13429, Page 037), PNGTL agrees to repair or replace the driveway if it is damaged as a direct result of their construction activities.

During the construction of the hammerhead turnaround, it was discovered that the edge of the construction area was within a 50-foot-wide Portland Natural Gas Transmission Line (PNGTL) easement area which was not shown on the approved subdivision plan. As a result, Sebago contacted PNGT to explain that the paved area of turnaround was not within the easement area and obtained approval to allow the minor grading around the turnaround.

Construction of the turnaround and associated grading was completed up to the base pavement and approved by the Town pending surface pavement to be placed next spring as documented in a construction inspection report prepared by the Town and dated November 24, 2025. The PNGTL easement that was discovered during construction has been added to the subdivision plan as a part of this Subdivision Amendment Application. The Jules Drive access easement along the frontage of Lot 3 was also adjusted to be closer to Jules Drive.

Planning Board Review Authority

The Planning Board's review authority is governed by [§120-913A](#), which stipulates that the Board must make findings of fact to determine whether the proposed revision meets the criteria outlined in [30-A M.R.S.A. §4404](#). Under [§120-913B\(2\)](#), the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval shall be followed. The application must include sufficient supporting information to demonstrate that the proposed revisions satisfy the standards of Article 9 and the relevant State subdivision statutes. The revised plan must clearly indicate it is a revision of the previously approved and recorded plan, as required by [§120-913B\(3\)](#).

Per [§120-913B\(4\)](#), the Planning Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.

**SUBDIVISION 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 Amend Minor Subdivision application for project #24-26 Monique Drive Subdivision 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:

*Limitation of Waivers. The granting of a submission requirement waiver or site waiver may not conflict with, nor negate, any State Statutory requirements for the subdivision of land. Per [§120-908B\(2\)](#). The Board is not required to use any criteria in making its determination on the granting of a waiver of the submission requirements. Per [§120-908C](#). The Planning Board may waive the requirements of [§120-911](#) Performance and Design Standards when the applicants demonstrates that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met, and the public health, safety, and welfare are protected and provided the waivers do not have the effect of nullifying the intent and purpose of the land use ordinance. In granting site waivers, the Planning Board shall utilize the criteria in [§120-908C\(2\)](#).*

a) [120-911-M\(5\)\(a\)\[1\]](#) and [§120-2 Attachment 2 - Appendix B: Street Design and Construction Standards for Minor Private Street](#).

*The Board approved the waiver request to allow the existing pavement widths of the existing minor private streets, Lisa Drive and Jules Drive, at the January 13, 2025 meeting by a vote of 6-0.*

3. Public Hearing: The Board held a public hearing on January 13, 2025.

4. Site Walk: The Board conducted a site walk January 11, 2025.

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

**MOTION:** [I move] the Amended Minor Subdivision application for project #24-26 Monique Drive Subdivision project identified on Tax Map: 11; Lot: 49D, 49D-4, 49D-5; Zone: Village Residential (VR) and located in the Presumpscot River via Otter 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 Monique Drive Subdivision project is classified as a Minor Subdivision, which the Planning Board is authorized to review and act on by [§120-905A\(1\)](#) of the Town of Windham Land Use Ordinance.

**Title, Right, or Interest:** The applicant has submitted a copy of the Warranty Deed from George L. Chamard and Jennifer Chamard to Robert R. Cloutier and Monique A. Cloutier dated October 25, 1999, and recorded on October 26, 1999, at the Cumberland County Registry of Deeds in Book 15127 and Page 250 (Lot 2). A copy of a Warranty Deed between Lisa Cloutier and Laurea Torrey Everett and Travis Joel dated July 17, 2018 and recorded on July 31, 2018, at the Cumberland County Registry of Deeds in Book 35031 and Page 198 (Lot 1). The applicant also has submitted a copy of a Warranty Deed (Corrective) between Robert R. Cloutier and Cathleen Manchester and Ruth Summers, dated April 4, 2022 and recorded on June 1, 2022, at the Cumberland County Registry of Deeds in Book 39463 and Page 84 (Lot 3)

#### 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: 11; Lot: 49D, 49D-4, 49D-5.
- The property is located in Village Residential (VR) zoning district.

#### §120-911 - SUBDIVISION PERFORMANCE STANDARDS

##### §120-911A – Basic Subdivision layout

- (1) The property has a total size of 32.83 acres (1,430,237 SF).
  - (a) The calculations of density have not been provided.
- (2) The applicant identified where the existing utilities are located see sheet 3 of 5.

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

- (3) The applicant **has not** shown the private drinking well locations on the subdivision recording plan.
  - Per §120-911B(3)(a)(3), “[W]ells shall not be constructed within 100 feet of the traveled way of any street if located downhill from the street, or within 50 feet of the traveled way of any street if located uphill of the street. This restriction shall be included as a deed restriction to the affected lots.”

##### §120-911C - Erosion Control and sedimentation control

- The applicant is not proposing any site work or preparation. The future property owners or builders will be required to receive a Soil and Erosion Control permit at the time of applying for a building permit.

##### §120-911D – Sewage disposal

- (2) The proposed lots will be serviced by a subsurface sewage disposal system and test pits have been provided to identify areas of acceptable soils on the lots for individual systems.

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

- (1) The three (3) existing lots will consist of the eventual construction of one (1) single family homes.

### **§120-911F – Conformance with Land Use Ordinances**

Comprehensive Plan:

- The plan does meet the goals of the 2017 Comprehensive Plan.

Subdivision Ordinance:

- Standard notes, the standard conditions of approval, and approved waivers are shown on the plans.
- **The applicant has not provided a** digital transfer of the subdivision plan data must be submitted for inclusion with the Town’s GIS.
- In accordance with §120-913B(3), the amended plan clearly indicate it is a revision of the previously approved and recorded plan.

### **§120-911G – Financial and Technical Capacity**

- (1) The applicant has estimated the cost of development between \$10,000 and \$15,000 and has provided a Business Access Line of Credit statement from M&T Bank April 7, 2024, with available credit of \$800,000.
- (2) The applicant has provided technical capacity with development experience as custom house builder in Windham and other communities in southern Maine. The applicant’s project team is comprised of Sebago Technics, a multi-disciplinary engineering firm with 40 years of experience. They offer a wide range of services, including land development design, landscape architecture, planning, engineering, permitting, land surveying, traffic analysis, environmental consulting, construction management, and soil science.

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

- (2) The applicant does not anticipate the development will result in contamination of groundwater table from three additional single-family homes.

### **§120-911I – Floodplain Management**

- The plan shall meet the requirements of Chapter 82, Floodplain Management.

### **§120-911J – Stormwater**

- The applicant is not proposing any site work or preparation. The future property owners or builders will be required to receive a Soil and Erosion Control permit from the Code Department and will address the stormwater needs at the time of applying for a building permit.
- MeDEP does not require the construction of a single-family home to apply for a Stormwater Management permit.

### **§120-911M – Traffic Conditions and Street**

- The applicant is requesting a waiver for §120-911-M(5)(a)[1]: Street Design and Construction Standards for Minor Private Street.
- The applicant stated that traffic increase for the after-the-fact subdivision request will be minor and will not adversely impacts the private streets.
- Access to Lot 3, identified as Lot 49 D-5 on Tax Map 11, will be provided through Lisa Drive and Jules Drive by easements retained on Lot 49 B and Lot 49 D as depicted on the enclosed Plan of

a private streets. Lisa and Jules Drives are paved streets exceeding the minor private street requirement of gravel. The travel way varies in width from approximately 17 feet to 20 feet.

- An easement is proposed on Lot 3 as the existing road encroaches on the property and for the construction of a hammerhead turnaround to meet local access and frontage requirements.
- Lots 1 and 2 exist via the Monique Drive right of way and an access easement extending from the southwesterly side of Monique Drive ROW and the fee of the ROW is retained across the applicant's land as shown on the Minor Subdivision Plan in order to avoid impacts to natural resources. Monique Drive is an existing gravel road with a paved entrance apron that is approximately 18 feet in width or greater.
- The amended subdivision plan shows the 50-ft Portland Natural Gas Transmission Line (PNGTL) easement on the plan and adjusts the Jules Drive access easement and turnaround easement on Lot 3.

#### §120-911N – Maintenance of common elements.

- The applicant's request for "After-the-Fact" minor subdivision approval does not include the construction of a street for road frontage, or a stormwater management system, which require the formation of a Homeowners Association.
- The applicant has provided an existing Road Maintenance Agreement for Lot 3 to access and contribute to the maintenance of Lisa and Jules Drives as recorded in Cumberland County Registry of Deeds Book 21296, Page 175.
- Lots 1 and 2 are legal lots of records that are accessed by Moniques Drive and were permitted Code Enforcement Department. The applicant provided a Road Maintenance Agreement for Moniques Drive, which is recorded in Cumberland County Registry of Deeds Book 27596, Page 91.
- The applicant has provided a draft Boundary Line Agreement & Maintenance Agreement that proposes cost sharing responsibilities for all users of the road.

#### CONCLUSIONS

1. The development plan **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 subdivision **has** sufficient water available for the reasonably foreseeable needs of the site plan.
5. 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.
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 subdivision **will** provide adequate sewage waste disposal.
8. The proposed subdivision **conforms** to a duly adopted subdivision 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 subdivision **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
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. The proposed subdivision **will** provide for adequate stormwater management.
16. ~~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.~~
17. 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.
18. ~~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.~~
19. The timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to [Title 12, §8869, sub§14](#).

CONDITIONS OF APPROVAL)

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated September 3, 2024, December 23, 2025, February 18, 2025, as amended March 23, 2026 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. Prior to issuance of a building permit on, the [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 of Lot 3 (Tax Map:11 Lot: 49-D05), [§120-1201C](#).

4. Prior to issuance of a building permit on Lot 3 (Tax Map:11 Lot: 49-D05), the applicant shall provide to the Planning Director a recorded Access Easement Exhibit A “Right of Way” pullout location on Lot 3.
5. Prior to any land use activity, such as the construction of the turnaround are on Lot 3, the applicant shall provide to the Planning Director and review and approved by the Town Attorney, at the applicant’s expense and recorded in the Cumberland County Registry of Deeds, a Road Maintenance Association for Lisa Drive and Jules Drive.