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## APPLICATION COMPLETENESS & STAFF REVIEW COMMENTS MEMO

DATE: June 8, 2026

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

FROM: Steve Puleo, Planning Director

Cc: Amanda Lessard, Assistant Town Manager  
Development Review Team  
Windham Planning Board

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

Requested Planning Board meeting: **June 22, 2026**

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Thank you for submitting your final subdivision and site plan application dated April 29, 2026. This memo documents staff review of the final plan application against the applicable review criteria. Comments are updated to reflect responses submitted by the applicant.

The final subdivision application is **incomplete**. Your application is **scheduled for a review on June 22, 2026**. 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.

**Legend:** ~~Strikethrough items~~ have been addressed in the Final Plan application (April 2026). *[italicized notes]* summarize the applicant's response. Items without strikethrough remain open.

### **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**

*All Planning Department preliminary review comments have been addressed in the Final Plan application.*

- ~~Lot numbers and land areas on application forms are incorrect. Please correct in future submissions.~~ [Addressed: Corrected lot numbers included on both final application forms]
- ~~Is a sign proposed for multifamily development? If so, provide location, front view, materials, dimensions, and method for securing per §120-811B(1)(d)[2][h].~~ [Addressed: Two monument signs proposed along Franklin Drive extension; sign details to be submitted to Code Enforcement under §120-706]
- ~~The amended subdivision shows a 50' vehicular and pedestrian access easement to be vacated on Lot 2 that is not shown on the 2nd Amended Subdivision Plan. Must be vacated prior to final plan or shown on plan. Also note proposed trail easement on Lot 3.~~ [Addressed: Easement shown on 2nd Amended Subdivision Plan; two trail easement draft documents submitted (one extinguishing prior easement, one with separate release deed)]
- ~~Photometric Plan exceeds 0.5 footcandles at the front and side property lines required by §120-812R(1)(b). Revise lighting plan or submit waiver.~~ [Addressed: Side property line revised to comply; formal waiver submitted and noted on Subdivision Plan for front property line along Franklin Drive R.O.W.]
- ~~For final plan review, provide an estimate of new peak hour trips through the Route 302/Anglers Road/Whites Bridge Road intersection for the North Route 302 Road Improvements Impact Fee.~~ [Addressed: Traffic Movement Permit submitted to MaineDOT; 44 AM peak and 47 PM peak trips confirmed through the Route 302/Anglers Rd./Whites Bridge Rd. intersection (TMP approved 5/26/2026)]
- ~~§120-814A Multifamily Development Standards — (2)(d) Area of fenestration of street-facing façade? (5)(b)[1] Percentage of parking area landscaped?~~ [Addressed: Fenestration = 26.44% (3,550 sf / 13,426 sf street-facing façade); Internal landscaping = 18.6% (30,893 sf), exceeding the 15% requirement]

### **Outstanding Item — Maintenance of Common Elements (§120-911N)**

**NOT ADDRESSED** — The Final Plan application does not include a Maintenance of Common Elements plan or agreement as required by §120-911N.

- §120-911N requires that, for a subdivision with common elements, the applicant provide a maintenance plan or agreement for the maintenance of all common elements, improvements, and shared facilities. The agreement must be signed by an appropriate representative and recorded with the final plat, and must specify the entity responsible for maintenance.
- Common elements requiring a maintenance plan in this application include: private drive aisles and parking areas, landscaping (30,893 sf internal), pedestrian sidewalks and trail connection to Lippman Park, stormwater management facilities (Inspection, Maintenance & Housekeeping Plan references annual third-party certification per §201-21, but a formal maintenance entity/agreement has not been identified), shared utility infrastructure, snow storage areas, and open space/easement areas.
- **Required response:** Provide a Maintenance of Common Elements plan or agreement per §120-911N identifying the responsible entity (e.g., New Gen Estates, LLC, a property owners association, or a designated successor), the scope of maintenance obligations, and confirm that the agreement will be recorded with the final plat.

### **Third Party Consulting Engineer — Gorrill Palmer Review (July 1, 2025)**

*Engineering Review Memorandum from Will Haskell, PE, Gorrill Palmer, dated July 1, 2025. Reviewed for conformance with §120-812 E, F, H, J, and K.*

*Gorrill Palmer comment responses are drawn from the Final Plan application cover letter, April 29, 2026.*

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

- ~~§120-812E – Stormwater BMPs:~~ As modeled in HydroCAD, the proposed stormwater BMPs on Lot 2 appear to detain, retain, or result in infiltration from the 2-year, 10-year, and 25-year storms such that peak flows do not exceed pre-project conditions. *[Acknowledged — no response required; findings confirm compliance]*
- ~~§120-812E – Solar Area Missing from Stormwater Analysis:~~ The area to the northeast of Lot 2 intended for ground-mounted solar panels is not included in the stormwater management analysis. This area shall be included due to change in land cover. *[Addressed: Stormwater analysis revised and submitted with the solar array resubmission and MDEP SLODA approval]*
- ~~§120-812E – Post-Treatment Phosphorus Exceeds Budget:~~ The post-treatment phosphorus export is greater than the project phosphorus budget. A Maine DEP compensation fee of \$47,343 is proposed. *[Acknowledged — compensation fee of \$47,343 accepted; no further response required]*
- **§120-812E – Lot 1 Stormwater Infrastructure Not Reviewed:** The development on Lot 1 and its stormwater management facilities are included in the Lot 2 stormwater model. Design plans for Lot 1 were not included; could not review Lot 1 stormwater infrastructure. *[Partially addressed: Lot 1 design plans to be submitted under separate cover — PENDING]*
- ~~§120-812E – UDSF-1 Not Included:~~ The underdrained soil filter (UDSF-1) associated with Franklin Drive is included in the stormwater model but design plans were not included in this application. *[Addressed: UDSF-1 design plans submitted and approved under the Franklin Drive Subdivision application]*
- ~~§120-812E – Recommend Adding Underdrain Maintenance Item:~~ Recommend adding a maintenance item in the Inspection, Maintenance, and Housekeeping Plan to inspect the underdrain outlet orifice and remove sediment to prevent clogging. *[Addressed: Underdrain outlet orifice inspection requirement added to the Inspection, Maintenance, and Housekeeping Plan (submitted with solar array application)]*

#### **§120-812F – Erosion Control**

- ~~§120-812F – Erosion Control Compliance:~~ The project appears to meet erosion and sediment control best management practices per Maine DEP Chapter 500. An Inspection, Maintenance, and Housekeeping Plan has been included specifying BMPs during and after construction. *[Acknowledged — no response required; findings confirm compliance]*

#### **§120-812H – Sewage Disposal**

- ~~§120-812H – Gravity Sewer Extension Proposed:~~ The development proposes extending an existing gravity sewer main in Franklin Drive and providing sewer services to each building. No on-site wastewater disposal is proposed. *[Acknowledged — no response required]*

- ~~§120-812H – Ability to Serve from PWD Required:~~ An Ability to Serve request has been submitted to Portland Water District. Submit Ability to Serve letter upon receipt for the Town's records. *[Addressed: PWD Ability to Serve letter dated November 24, 2025 enclosed — confirms sufficient sewer capacity for the multi-family project]*
- ~~§120-812H – Purpose of 2" HDPE Force Main:~~ What is the purpose of the 2" HDPE force main that extends toward the solar panel area? *[Addressed: Force main provides future sewer connection to Lot 4; size increased from 2" to 3"]*

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

- ~~§120-812J – No Adverse Groundwater Impact:~~ Water supply via water main extension; sewage via gravity sewer. The development will not adversely impact the quality or quantity of groundwater at or around the site. *[Acknowledged — no response required; findings confirm compliance]*

#### **§120-812K – Water Quality**

- ~~§120-812K – Residential Use, No Discharge Anticipated:~~ Proposed use is residential apartments. Not anticipated to create a discharge of treated, untreated, or inadequately treated materials that would impact water quality. *[Acknowledged — no response required]*
- ~~§120-812K – Sebago Lake Watershed / Phosphorus Export:~~ Project is within the Sebago Lake watershed (lake most at risk, not severely blooming, per MaineDEP Chapter 502). Phosphorus export calculations provided; MaineDEP compensatory fee proposed. *[Acknowledged — no response required; SLODA approval obtained from MDEP]*

#### **Director of Planning Review Comments — Stephen J. Puleo (May 27, 2026)**

*The following comments from Director of Planning Stephen J. Puleo were issued in response to the April 2026 final application. These comments remain open pending applicant response.*

- Stormwater Design and Phosphorus Compliance (§120-812E; §120-812K; §201-20) — Project exceeds allowable phosphorus limit; proposes off-site compensation, but no proof of DEP acceptance or payment provided. Post-construction stormwater plan for MS4 compliance not clearly demonstrated. Prevents confirmation of compliance with §120-812 and §201-20.
- Incomplete Stormwater System and MS4 Discharge Identification (§120-812E; §120-811; §201-20) — Application relies on shared/previously approved systems not fully included. Lacks clear list of BMPs discharging to the MS4. Prevents complete evaluation under §120-811 and §201-20.
- Operation, Maintenance, and Inspection Program (§120-812E; §201-21) — Maintenance plan referenced but lacks defined responsible party, third-party inspection program, and annual certification commitment.
- MS4 Annual Certification (§201-21) — Application does not acknowledge required annual certification, deficiency reporting, and corrective action requirements under §201-21.
- Enforcement, Correction, and Ownership Responsibility (§201-21, §201-22) — Responsibility for stormwater systems, deficiency correction, and compliance enforcement not clearly established. Unresolved easement/ownership issues further limit compliance.

- Site Plan Completeness (§120-811, §120-812H) — Required elements including signage details and utility capacity documentation are missing or unclear; several items referenced outside the submission.
- Lighting Compliance (§120-812R) — Lighting exceeds allowable levels and requires a waiver; adequate justification not provided. Compliance unresolved.
- Traffic Impact Documentation — North Route 302 (§120-1204) — Traffic data provided but does not include a clear determination of impacts or required mitigation such as impact fees. Compliance with §120-1204 incomplete.
- Natural Resource Compliance (§120-812) — Application identifies resources but lacks a clear narrative demonstrating compliance with local buffer and impact standards, i.e. vegetative buffer or fencing along the Veteran Center property.

### **Town Engineer Review Comments — Mark T. Arienti (June 8, 2026)**

*The following comments from Town Engineer Mark T. Arienti were issued in response to the April 2026 final application. These comments remain open pending applicant response.*

- Stormwater Report Phosphorus Discrepancy — Report states design doesn't meet DEP phosphorus standards and proposes a mitigation fee, but Worksheet 2 shows 1.13 lbs. P/year (post-PPE) exported off-site, suggesting no mitigation fee is needed. Please clarify.
- Worksheet 2 Treatment Factor Clarification — Treatment factors for SSF-1 and SSF-2 shown as "0" in column 5, but post-treatment algal export also shown as "0" in column 6. Requires explanation.
- Underdrain Soil Filter (UDSF-1) Design Missing — Stormwater report references UDSF-1 for General Standards compliance but its design is not in the plan set.
- Third-Party Stormwater Inspection Note Required — Add a note on the subdivision plan requiring a qualified third-party inspector to inspect all stormwater management facilities at least annually and report deficiencies to the Town per §201-21A.
- Traffic Information Concurrence — Concurs with Planning Director: application references trip counts and TMP but does not provide a clear determination of impacts or required mitigation/impact fees.

### **Recommended Conditions of Approval**

#### **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 Manger'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.*

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

As staff review comments related to compliance become available, I will provide them to you as soon as possible. Thank you for your attention to these matters. Please provide one copy of your response to staff comments with all revised application materials and one (1) plan set. Email an electronic copy of all materials.

Please feel free to contact me at (207) 894-5900 x 6123 or [sjpuleo@windhammaine.us](mailto:sjpuleo@windhammaine.us).