



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Planning Board

Monday, March 25, 2024

6:30 PM

Council Chambers

FINAL AGENDA

1. Call To Order - Chairs Opening Remarks

2. Roll Call and Declaration of Quorum

Chair, Marge Govoni, called the meeting to order. Other members present were: Gale Sevard, Shonn Moulton, Anne Daigle, Rick Yost; Evert Krikken, and Kathleen Brown.

Town Planner, Steve Puleo, was also present.

3. [PB 24-028](#) Approval of Minutes - March 11, 2024 meeting

Attachments: [Minutes 3-11-24 - draft.pdf](#)

Shonn Moulton made a motion to approve the minutes of the March 11, 2024 meeting.

Seconded by Anne Daigle.

Vote: All in favor.

Public Hearings & Continuing Business

4. [PB 24-025](#) #23-21 - Major Site Plan -New Middle School - Final Plan Review - 61 Windham Center Road- RSU 14
- The application is for the new Windham Raymond Middle School will serve 1,200 students of grades 5 through 8 with 155 staff/faculty. The building includes traditional education spaces (classrooms, labs, etc.), a Gymnasium with seating for 1,200 people, and an Auditorium for approximately 600 people. Tax Map: 11; Lots: 48,49A, 49 A-1: Zone: Village Residential District (VR) in the Presumpscot River watershed.

Attachments: [23-21 PB MEMO FINAL PLAN RSU14NewMiddleSchool_031924.pdf](#)
[23-21 SR&C MEMO RSU14-NewMiddleSchool_031424.pdf](#)
[23-21 MAJOR SITE PLAN FINAL RESPONSE RSU14-NewMiddleSchool_031924.pdf](#)
[23-21 MAJOR SITE PLAN FINAL REVISED DRAWINGS RSU14-NewMiddleSchool_031924.pdf](#)
[23-21 MAJOR SITE PLAN WAIVER REQUEST RSU14-NewMiddleSchool_032124.pdf](#)
[23-21 MAJOR SITE PLAN FINAL APPLICATION RSU14-NewMiddleSchool_030424.pdf](#)
[AddressApproval Assessor 122023.pdf](#)
[TE Comments_031424.pdf](#)
[TE Comments_032124.pdf](#)

Chris Hall, RSU 14 Superintendent, was present with Dwight Anderson, a civil engineer with Stantec, and Lance Whitehead, their architect.

Mr. Hall provided a project overview:

- The new middle school was being built in collaboration with the Maine Department of Education's major capital construction program on approximately 56 acres by the intersection of Windham Center and River Roads.
- The site included:
 - o The property at 61 Windham Center Road
 - o The property on Windham Center Road that had been the town's lay-down yard
 - o A section of property on River Road to be used for the proposed connector
- Financing was 77% state funded and 23% local, split between Windham and Raymond.
- Construction would be in two phases: site development of roads, parking lots, and fields; and then the bid phase for building construction.

Mr. Anderson explained the project would include:

- Ball fields, a multi-purpose field, and a playground
- Several parking areas
- Relocation of an existing barn
- Repurposing of an existing house
- A community garden
- A raised walkway for access across wetlands
- Separate access roads and parking for staff/buses and parent drop-off
- A service area for deliveries
- A greenhouse
- Outside classrooms
- A maintenance area for equipment parking
- Stormwater features
- A wastewater pump station that was part of Portland Water District's sewer infrastructure

Additionally:

- No lighting was proposed for the ball fields.
- Parking lots and sidewalks would be lit.
- Sidewalks would provide interconnectivity
 - o From Windham Center Road to the rotary
 - o Through the site to Sterling Drive and across River Road to Presumpscot Road.

- *There would be fencing for the ball field and to provide screening along Windham Center Road.*

Mr. Whitehead explained the building features:

- *It would encompass 262,000 square feet and have a three story design.*
- *Functional areas included:*
 - o *Classrooms, labs, and student space*
 - o *Two gyms.*
 - o *An auditorium and large presentation area that would be available for community use after hours.*

Steve Puleo explained:

- *The site was in the Village Residential (VR) district with some Stream Protection (SP).*
- *Three waivers were requested:*
 - o *To allow two curb cuts on Windham Center Road*
 - o *To allow curb cut width to exceed 40 feet for ingress/egress of busses and other large vehicles*
 - o *For an insignificant increase in the two-year storm peak flow*
 - o *The town engineer was satisfied with the waiver requests.*
- *The design avoided the wetlands on site to the greatest extent possible.*
- *The small area of SP for Otter Brook had a 100 foot setback adjacent to the community garden area. There was no building there, so it was not an issue.*
- *A traffic movement permit was needed*
- *The Site Location of Development and Natural Resources Protection Act permits were pending.*
- *Landscaping would be mix of native species.*
- *The old lay-down yard would be regraded seeded with meadow grass and then used for student education.*

Public Comment

Karen Leavitt, Ursula Avenue – She said the Windham community should support the school, but she also wanted it to be fair to surrounding residents. Her house looked over the laydown area which had been a dumping ground for everything and caused so much invasive growth that every year they had to dig it out and it grew right back. She would like them to remove the invasive growth.

Another consideration was a privacy fence at the top of hill on their property so they wouldn't have to look at the lights from the school. They would need a survey of the property boundary because town had been digging into their land to get rid of the invasive stuff.

William Reiner, Ursula Ave – He was a direct abutter, and speaking as a resident, not in any other capacity. He appreciated the adaptive lighting. Their area was very dark, and he appreciate the efforts to continue with that. Would the sidewalk lights be adaptive or fixed? Was there going to be a study for the solar panels on the roof? Buffering for the project would be a challenge. From his home the grade was a steep drop in elevation. They would be looking straight down into it.

Their tree canopy of forested land was the best buffering for them. The only way to preserve visual buffering was to limit any tree removal or death during construction. New trees would take a long time to fill in. He would like to maintain the buffer on the pit side. He was asking that the buffered areas remain intact and undisturbed. They were

proposing riprap up to the tree line on his property and he was concerned about root damage to those trees and damage to his canopy. Was there a way to step it in and protect the root systems and do combo retaining wall and finish with riprap into the area?

There was no more public comment. Public comment was closed.

Evert Krikken made a motion that the major site plan application for project #23-21 RSU 14 New Middle School application was found complete in regard to the submission requirements based on the application checklist, but the Planning Board retained the right to request more information where review criteria were not fully addressed.

Seconded by Kathleen Brown

Vote: All in favor.

Kathleen Brown made a motion to approve the waiver request of §120-522B(2)(a) Curb cut limited to one on the same street, to allow two (2) curb cuts along Windham Center Road.

Seconded by Rick Yost

Board Comment

- What was hardship if the waiver wasn't granted?*

Vote: All in favor.

Evert Krikken made a motion to approve the waiver request of §120-522B(2)(b)(1) Curb cut width limits, to allow one (1) curb cut along River Road and Windham Center Road to be greater than 40 feet in width.

Seconded by Anne Daigle.

Board Comment

- What was hardship if the waiver wasn't granted?*

Vote: All in favor.

Evert Krikken made a motion to approve the waiver request of §120-812E(1)(a)[1], to allow insignificant increases 2-year peak flow at POA #1 for a 9% increase.

Seconded by Kathleen Brown.

Board Comment

- It seemed like a small increase. Could the design have been done to deal with the two-year flow?*

Vote: Six in favor. Evert Krikken opposed.

Board Comment

- Where was the snow removal and outdoor storage on the side with the maintenance building?*
- How close to the property boundary were the stormwater features and riprap retaining wall?*
- It was important to protect the integrity of the tree roots. The tree line offered a nice*

buffer, but when you looked out you would see everything.

Evert Krikken made a motion that the major site plan application for the #23-21 RSU 14 New Middle School and identified on Tax Map: 11; Lots: 48, 49A, and A-1 in the Village Residential District (VR) was to be approved with conditions with the following Findings of Fact, Conclusions, and Conditions of Approval.

FINDINGS OF FACT

Jurisdiction: The RSU 14 New Middle School proposal is classified as a Major Site Plan, which the Planning Board is authorized to review of the development of 125,000 SF and site improvements and act on by §120–805A(2)(a) of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted a copy of a Quitclaim Deed without Covenant from Town of Windham to Regional School Unit No. 14, dated December 19, 2023, and recorded on December 19, 2023 at the Cumberland County Registry of Deeds in Book 40533 and Page 84 for Map 11 Lot 48. The applicant submitted a copy of a Memorandum of Option from JDT Realty LLC, dated November 18 2021, and recorded on November 23, 2021, at the Cumberland County Registry of Deeds in Book 38918 and Page 174 for Map 11 Lot 49A-1. The applicant submitted a copy of a Memorandum of Option from Presumpscot Regional Land Trust, dated May 8, 2023, and recorded on May 15, 2023 at the Cumberland County Registry of Deeds in Book 401128 and Page 134 for Map 11 Lot 49A.

ARTICLE 4 ZONING DISTRICTS

- As shown on the Town of Windham Land Use Map approved by the Town Council, date August 15, 2023, Tax Map: 11; Lots: 48, 49A, and 49A-1 and in the Village Residential District (VR).
- The applicant is proposing Public Building use as permitted in the VR District §120-415.1B(19).

ARTICLE 5 PERFORMANCE STANDARDS

§120-543 – Public buildings

- (A) Public building use shall not be required to meet the dimensional or district standards of the applicable zoning districts.
- (B) The Planning Board may require a new public building to provide landscaping, fences, screening or buffering on the lot between any lot occupied by a residential dwelling.

§120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS

§120–812A – Utilization of the Site

- The new school site is comprised of a 10.16-acre parcel (11/48), which was formerly owned by the Town of Windham and used by the Town as a material and aggregate storage area, and a 42.95-acre parcel (11/49A-1) for a total area of approximately 53 acres. The Pringle Wildlife Preserve (11/49A) is located to the west and at the corner of the roundabout with Windham Center Road and River Road.
- The property fronts along Windham Center Road. Along River Road, the applicant is swapping a 50-foot-wide setback buffer (1.50 acres) along the easterly boundary line of Pringle Wildlife Preserves for a 75-foot-wide by 617-foot-long (1.063 acres) for the parent drop drive.
- The applicant proposes a 24-foot-wide access drive from River Road to a parent drop

loop with 60 parking spots. A 24-foot-wide access drive from Windham Center Road will lead to a 41-space parking area north of the school, while a bus loop and 195-space staff parking area will be located south of the school. The second access drive will lead to a 47-space parking lot for visitors, gardeners, and school functions. The applicant proposes a 20-foot-wide gated emergency access road west of the school building, as well as a 20-foot-wide gated emergency access road on the south side of the building, which will connect the parent drop-off drive to the bus drop-off loop.

- The new middle school will serve 1,200 students in grades 5 through 8, with 155 employees. The building will be four stories tall and have an approximate footprint of 125,000 square feet. The structure will also include traditional classrooms, a gymnasium with seating for 1,200 people, and a 600-person auditorium. The school is planning outdoor education opportunities, including outdoor classrooms and elevated boardwalks that will cross the preserved wetlands on the school grounds. Community access will be provided by maintaining the existing drive to a relocated barn, athletic field, and community garden.
- The 43 -acre parcel is developed as an equestrian farm with open fields and riding corral. The southern portion of the project site along the route to River Road is mainly forested areas.
- The applicant's is proposing a construction schedule beginning June 2024 with site construction, in March 2025 the start of building construction, August 2025 the completion of the site construction, and in September of 2027.
- The project triggers the threshold for Site Location of Development Act (SLODA) review and will require a SLODA permit as well as a MeDEP Natural Resource Protection Act permit and a US Army Corps of Engineers permit for associated wetland impacts. A Traffic Movement Permit (TMP) from the MDOT is required for access connections on Windham Center Road and River Road (see COA #4).
 - o The total acreage of wetlands on the parcels where middle school is proposed to be located has approximately 12.5 acres. The proposed acreage of existing wetlands to be disturbed to accommodate the proposed middle school is 2.98 acres.

§120-812B – Vehicular Traffic

- (1) The site location is approximately 500 feet east of the River Road and Windham Center Road traffic roundabout on the southern side of Windham Center Road.
 - (a) The applicant has applied for a Traffic Movement Permit (TMP) from Maine Department of Transportation (MDOT) and shall provide evidence before building permits are issued (see COA#5).
 - o The applicant's TMP application to the State estimates of 2,250 vehicle trip ends during the weekday period with AM peak hour trip 1,692 vehicle trip ends and PM peak hour trip at 612 vehicle trips.
 - (b) The applicant must provide a traffic analysis as well as evidence that the existing streets and intersections can handle the traffic generated by the development. This requirement will be satisfied once the applicant's TMP approval is issued.
- (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.
- (3) The site will be accessible via two driveways (waiver request is above) from Windham Center Road, which is approximately 75 and 24-foot wide, and an approximately 75 -foot-wide driveway to River Road.
 - (a) The applicant proposed a new or realigned curb cut for public ways. As a result, before any construction activity begins, the applicant must obtain "opening permits" from the town's Department of Public Works.
- (4) The applicant is a site designed to allow internal vehicular circulation for the safe movement of passenger, service, and emergency vehicles through the site.

§120–812C – Parking and Loading

- (1) The applicant has designed a parking layout that accommodates a total of 343 parking spaces that will be 10' x 20' in size.*
- (2) The applicant states that the proposed number of parking spaces is adequate to provide parking and will meet the parking needs of the public school.*

§120–812D – Pedestrian Traffic

- As part of the project's TMP and the Town of Windham's future sidewalk improvement plan, the applicant proposes installing sidewalks from Meyer's Farm Road to the school access drive on the north side of Windham Center Road. A flashing beacon-equipped crosswalk will connect to a six-foot (6')-wide sidewalk along the access drive to the school's north entrance. The sidewalk will run along the south side of Windham Center Road, from the school's main entrance to the roundabout. The applicant proposes a network of walkways and elevated boardwalks throughout campus that will connect various amenities such as playgrounds, sitting areas, outdoor classrooms, ballfields, and more. There will be walks along the parent entrance from River Road. The sidewalk will be extended along the west side of River Road to Presumpscot Road and on the east side of River Road to Sterling Drive. As part of the TMP application, a speed reduction on River Road from 50 MPH to 35 MPH at Sterling Drive, before the parent access driveway to the roundabout.*

§120–812E – Stormwater Management

- (1) The applicants shall provide for final review a stormwater management system design for the collection and disposal of all the stormwater that runs off of parking areas, roofs, travel ways, and other surfaces.*
- (f) Major site plans, regardless of size, shall comply with Sections 4C(2) and 4C(3) of the General Standards of the DEP Chapter 500 Stormwater Management Law. The applicant has applied for a Site Location of Development Act (SLODA) review to the Maine Department of Environmental Protection (MDEP)*
 - The sites are located in the Town's Urbanize Area and regulated by the MS4 (Municipal Separate Storm Sewer System) and will need to comply with §201-21 Post-construction stormwater management plan compliance.*
 - The Town Engineer raised a concern at the Development Review Team meeting on January 10th that if the snow storage is located next to the stormwater infiltration basin, guardrails may be required to keep the snow from being plowed into the stormwater BMP. The applicant will store snow near the accessory building located on the former town's material storage site. Larger snow removal operation may require the applicant to haul snow to an approved off-site snow dump.*
 - During the Town Engineer's review, several comments were provided the applicant (see attachments: [TE_Comments_031424.pdf](#) and [TE_Comments_032124.pdf](#)). The applicant responded to the Town Engineer's concerns satisfying the Engineer's concerns (see attachment.*
 - The Town Engineer commented that there is an insignificant increase in the peak flow of a 2-year storm event, see below.*
 - o "The Applicant's Stormwater Management Report indicates that the post-development peak flow rate from the project as calculated using the HydroCAD computer program will exceed the pre-development peak flowrate by 1.21 cfs, an increase of 9.9%. The Report says that the increase is insignificant, which may be the case, but for any increase the Town's ordinance requires modification of the design to reduce the post-development flow or submittal of a waiver (120-812E(1)) to substantiate that there will be no adverse impacts from the increase."*
 - o The applicant has submitted a waiver request to allow for an insignificant increase of the 2-year storm event (see waiver request section above)*

- *“This waiver is to allow for an insignificant increase of the 2-year flow at POA #1. The project has been designed to decrease peak flows for both the 10-year and 25-year storm events. The 1.21 cfs increase for the 2-year storm represents a 9% increase and the 10 and 25-year events decrease by 8% and 5% respectively. Adequate capacity of the drainage system exists for each event.”*
 - *The Town Engineer’s comment #6 and 10 has not been satisfied and will require further discussion with the applicant civil engineer.*
- *“Thank you for providing the OCS sections, however, please clarify the design of the inlet pipe to the structures. For example, Schedule B on Sheet C-4.16 indicates that there is a 24” pipe going into the OCS at an elevation of 199.50. The floor of the pond based on the information on Sheet C-4.8 indicates that the pond bottom is elevation 200.0. Where is the inlet coming from such that it’s below the pond floor?”*
 - *The applicant response that is the inlet pipe invert elevations will be adjusted to match the pond bottom elevations.*
- *Comment #10: “Thank you for providing the detail on Sheet 10-11. In addition, please add note to inspect the existing culvert prior to extending to determine its condition and what, if any, measure are required for repair.”*
 - *The condition of the pipe will be inspected, and repair measures noted if required.*

§120–812F – Erosion Control

(2) The applicant has provided for the final plan review an 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 building is served by a Portland Water District water mains extension from the Windham Center Road and the River Road ROW.

- *The applicant has provided a PWD email stated there is capacity 23,460 GPD of water for the new middle school campus.*
- *At the Development Review Team meeting, the Deputy Fire Chief commented, “the site is more 1,000 feet from a public hydrant within the River Road ROW and more than 900 feet from a public hydrant within the Windham Center Road ROW. The Fire Department is requesting the applicant to install a private yard to the Town’s standards.”*

§120–812H – Sewage Disposal Provisions

- *The applicant has provided an HHE-200 Subsurface Wastewater Disposal System design for the existing residential home, which will be use after the home is relocated.*
- *The middle school sanitary sewer will be served by PWD as part of the construction of a new Wastewater Treatment Facility located off a Sposedo Road, in North Windam.*

§120–812I – Utilities

- *The applicant states all utilities will be installed underground (electrical, telephone, and telecommunication services).*
- *The Town Engineer reviewed the utility and grading plan and satisfied with the design.*

§120–812J – Groundwater Impacts

- *The proposed wastewater disposal system is anticipating being treated via pump station to a force main piping system within the River Road to the PWD wastewater treatment being constructed at Sposedo Road.*

§120–812K – Water Quality Protection

- *The new middle school site is not located in a direct watershed of a body of water most at risk from development, identified by MeDEP. The applicant is in SLODA review requires phosphorus control plan, and if permitted will meet the State’s standards.*

§120–812L – Hazardous, Special and Radioactive Materials

(1) The proposed new middle school operations do not anticipate handling, storing, or using any materials identified by the federal or state as hazardous, special, or radioactive. The applicants have provided a list of any materials that would fit in those categories for the final plan review and have made provision for safe storage and handling of the materials.

§120–812M – Shoreland Relationship

- The site is not located in the Shoreland Zone.*

§120–812N – Technical and Financial Capacity

(1) The applicant has provided an estimate for the project cost. The maximum bond amount between state, local, and other funding is \$171,558,492.00 for construction, administrative costs, fees, and services. The financial capacity is made up of the approval of Regional School Unit #14 to bond the local match and the State Board of Education.

(2) The applicant has hired Stantec Consulting Services for site planning, permitting, and engineering services; Lavalle Brensinger for architectural; S. W. Cole for geotechnical investigations; Plisga & Day for topographic and existing conditions surveys; Lewis & Wasina for boundary surveys; and Gorri Palmer for traffic engineering for the development of the new middle school and site improvements.

§120–812O – Solid Waste Management

- To ensure proper disposal, the waste will be stored inside the building in a solid waste container until it can be transported to a licensed disposal facility.*

§120–812P – Historical and Archaeological Resources

- For the final plan review, the applicant shall provide evidence from the State showing that there are no historic or archaeological resources onsite.*

§120–812Q – Floodplain Management

- The sites are not located in the mapped FEMA 100–year floodplain hazard area.*

§120–812R – Exterior Lighting

(1) The applicant has provided an acceptable lighting plan with hooded or shielded fixtures, cut sheets, and locations; see sheet C-9.4 to review the plan. All foot candles meet the town's 0.5 FC at the property boundary, and no off-site light pollution is expected. The applicant lighting plan allows dimming and motion sensor technology to control the lighting conditions on-site.

(2) The applicant shall connect all light poles and other exterior light fixtures underground or through the building for wall mounted fixtures.

§120–812S – Noise

(1) The proposed Contractor service uses shall not exceed 65 dB between 7:00 AM to 10:00 PM and 55 dB between 10:01 PM to 6:59 AM.

(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)

- The applicant has not provided a landscaping plan, a planting schedule, or a location for snow storage. The applicant shall address these standards for the final plan review.*
- The applicant has not provided locations for dumpsters. If dumpsters are used, a concrete pad, and screening for each dumpster enclosure is required. The applicant shall address these standards for the final plan review.*

CONCLUSIONS (Required)

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 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 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.*
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 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.*
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 site has been identified on any maps submitted as part of the application.*

CONDITIONS OF APPROVAL (REQUIRED)

1. *Approval is dependent upon and limited to the proposals and plans contained in the application dated January 2, 2024 as amended March 25, 2024, 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 or §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. *The 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.*

4. Before the required pre-construction meeting with staff and before any land use activities begin, the applicant shall provide to the town planner the Site Location of Development Act and Natural Resources Protection Act permits from the Maine Department of Environmental Protection (MDEP).
5. Before issuing building permits, the applicant shall provide the town planner with a Traffic Movement Permit from the Maine Department of Transportation (MDOT).

Seconded by Kathleen Brown.

Vote: All in favor.

5. [PB 24-027](#) #24-07 – Minor Subdivision – Final Plan Review – Pope Road Subdivision - 308 Pope Road - James Cummings
 The application is to divide a new lot into two parcels using the existing frontage along the Pope Road for access. The proposed lot split requires a subdivision approval because the original lot was recently divided by the previous owner. The subject property is identified on Tax Map: 11, Lot: 40 and in the Farm Residential (FR) District and in the Pleasant River watershed.

Attachments: [24-07 PB MEMO FINAL PLAN PopeRoadMinorSubdivision_032524.pdf](#)
[24-07 SRC MEMO FINAL REVIEW PopeRoadSubdivision_031424.pdf](#)
[24-07 FINAL PLAN APPLICATION PopeRoadSubdivision_030424.pdf](#)
[24-07 FINAL PLAN DARWINGS PopeRoadSubdivision_030424.pdf](#)

Dustin Roma, of DM Roma Consulting Engineers, was present representing the application. He described the application:

- They proposed to split an existing parcel, with access to Pope Road, in two.
- There would be no new road construction.
- There would be no common infrastructure.
- Utilities would be extended into the lots as individual services.
- They would confirm placement of pins at the corners of the properties.
- Portland Water District had to approve service locations.
- There was a substantial tree buffer along the frontage. Additional street trees could be planted as needed.
- They would utilize the existing clearing for one driveway and clear for the second driveway. Placement of the driveway would depend on the house type.
- Site distances were 500 feet in one direction, and 300 feet in the other, which gave them some flexibility for driveway locations.

Steve Puleo reviewed:

- Portland Water District approval for service should be provided before permits were issued.
- The addressing officer had not yet confirmed the map and lot numbers.
- Tree clearing would be limited for a five-year period after approval.
- Street trees were not waivable, but the applicant was proposing a reasonable way to deal with them.
- Underground power could be run from an existing pole.
- They had provided evidence of financial capacity.

Evert Krikken made a motion that the minor subdivision application for project #24-07

Pope Road Subdivision was found complete in terms of submission requirements based on the application checklist, but the Planning Board reserved the right to request additional information if review criteria were not fully addressed.

Seconded by Shonn Moulton

Vote: All in favor.

Public Comment.

There was no public comment. Public comment was closed.

Board Comment

- Please explain about street trees.*
- How did this avoid an illegal subdivision?*

Evert Krikken made a motion that the minor subdivision application for the #24-07 Pope Road Subdivision identified on Tax Map: 11; Lot: 40-2 in the Village Residential (VR) District was to be approved with the following Findings of Fact, Conclusions, and Conditions of Approval:

Jurisdiction: The Pope Road Subdivision project is classified as a minor subdivision, which the Planning Board is authorized to review the division of four or fewer lots 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 a Warranty Deed from Carol D. Fogg to James E. Cummings, dated December 13, 2023, and recorded on December 15, 2023 at the Cumberland County Registry of Deeds in Book 40528 and Page 183.

ARTICLE 4 ZONING DISTRICTS

- As shown on the Town of Windham Land Use Map approved by the Town Council, date August 15, 2023, Tax Map 11 Lot 40-2 is located in the Village Residential District (VR).*
- The existing and proposed use is "Single-family, detached", a permitted use in the VR District §120-415.2B(7).*
- Street trees shall be planted along the street frontage, at least one tree every 50 feet, per §120-415.2F(1)(g).*

Section 120-911 - SUBDIVISION PERFORMANCE STANDARDS

Section 120-911A – Basic Subdivision layout

(1)(a) The parcel to be divided is 2.2 acres, or 96,587 SF in size. The applicant existing indicates the property does not have wetlands, steep slopes, or any other criteria to be reduced from the gross net residential area or acreage, per §120-541B. The applicant's survey shows "Net Residential Area or Acreage Calculations" data in the "General Notes" section of the subdivision recording plan meeting the Village Residential (VR) zoning district density of one (1) dwelling unit per 30,000 SF. The parcel to be divided has a net residential acreage of three (3) dwelling units; the applicant proposes dividing the lot into two single-family dwellings.

(b) The proposed two (2) lots have a perpendicular side lot line to Pope Road, which meets the requirement. The third lot is part of the previous homestead lot, was acquired concurrently with the lot to be divided, and has generally perpendicular side lot lines.

- (c) *The applicant's proposal meets the minimum lot size of the VR district, and further divisions or deed restrictions are not applicable.*
- (d) *The entire subdivision is located on the east side of Pope Road and does not cross the street.*
- (e) *The applicant has not provided correspondence with the town's E-911 Addressing Officer to confirm lot numbers.*
- (2) *The plan shows an approximate location of the Portland Water District water main and a fire hydrant in the Pope Road ROW. There is a utility pole in located in the Pope Road ROW, in which the applicant is proposing a riser to two (2) underground utilities connections the new single-family building lots. The applicant states the existing streetlights provide safe lighting requirements along Pope Road. There are no storm drains within the street ROW. The Utility and Erosion Control Plan sheet, GU-1, shows construction typical for the erosion control mix berm, sediment filter fence, typical erosion control plan for house construction, and trench section for the underground utility connection.*
- (3) *The applicant did not show the location of subdivision monumentation with the final plan review application. The applicant did not show either the location and type monuments to be used to delineate the property boundary lines along Pope Road or request a waiver of §120-911A(3).*

Section 120-911B – Sufficient water; water supply.

- (2) *The applicant is proposing to connect to the PWD public water supply on Pope Road. The applicant will be required to obtain a road opening permit from the Department of Public Works prior to the installation of the water lines for the new homes. See Conditions of Approval #3, requiring the applicant to provide the town planner with the ability to serve an approval letter for PWD before issuing building permits.*

Section 120-911C - Erosion Control and Impact on Water Bodies

- *The property is not located within a direct watershed water body, the applicant is required to obtain Erosion Control permits issued by the Code Department prior to construction of each new home. The plan includes typical erosion control measures and layout for the building construction.*

Section 120-911D – Sewage disposal

- (2) *The new lots will be served by on-site, subsurface private disposal systems. The applicant has submitted evidence of site suitability for the two subsurface disposal fields by a Maine licensed site evaluator.*

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

- (1)(a) *The property to be divided is undeveloped land and was connection to large single-family house. Lot 1 is not encumbered by any easements or utility corridors. Lot 2 is encumbered with Cumberland County Power and Lights easement located in the in the rear of the property. The final plan is missing a note on the plan stating that clearing of trees is not allowed in areas where tree cover is depicted on the plan for a period of at least five (5) years from the date of Planning Board approval.*
- (b) *The applicant should consider planting street trees no more than 50 feet apart along the Pope Road frontage. The applicant has not provided a landscaping plan showing the location of street tree plantings or request a waiver of §120-911E(1)(b). See Conditions of Approval #3.*
- (2) *The new lots front a public road and they do not require a reservation or dedication of open space or common land.*

Section 120-911F – Conformance with Land Use Ordinances

Comprehensive Plan:

- *The proposal does meet the goals of the 2017 Comprehensive Plan, and VR district is considered a town growth area.*

Land Use Ordinance:

- *The parcel shown on the plan shall met the Village Residential (VR) zoning district Dimensional standards, per §120-415.2E.*
 - o *The property to be divided is 2.2 acres, or 96,587 SF in size. The minimum lot size in the VR district is 40,000 SF. The applicant is proposing to divide the property into two (2) lots. Lot 1 is proposed at 40,383 SF in size, and Lot 2 is proposed at 56,204 SF in size.*
 - o *The property to be divided into two (2) lots has frontage of 278.5 feet in length, exceeding the minimum frontage requirement is the VR district of 100 feet in length. The proposed Lot 1 will have 139.25 of road frontage as well as Lot 2.*
 - o *The applicant plan shows a VR district construction envelop for the two (2) lot with a minimum 30-foot front setback and 15-foot rear and side yard setbacks.*
 - o *The maximum building height is 35 feet, and building coverage is 20%. The Code Division will verify compliance when the applicant files a building permit application for the new construction.*
 - o *As required in §120-415.2F(1)(g)[1], the applicant shall plant street trees along the frontage every 50 feet unless the existing tree line along the frontage of lots 1 and 2 is maintained to the greatest extent practicable.*

Subdivision Ordinance

- *Standard notes and the standard conditions of approval along with approved waiver must be shown on the subdivision recording plan.*
- *The applicant has not provided the digital transfer of the subdivision plan data, which must be submitted with the final plan application for inclusion in the town's GIS system.*

Section 120-911G – Financial and Technical Capacity

- *The applicant has not provided evidence of financial capacity shall be provided for the final plan review.*
- *As evidence of technical capacity, the applicants contracted DM Roma Consulting Engineers.*

Section 120-911H – Impact on Ground Water Quality or Quantity

- (1) *The applicant does not anticipated impacts on the quality of the groundwater due availability of the PWD public water system. On-site wastewater disposal systems will be reviewed at the time of applying for a building permit to meet the State standards.*
- (2) *The Portland Water District will provide the public water supply and the development will not use private wells or groundwater.*

Section 120-911I – Floodplain Management

- *The subject property is not within a mapped FEMA Floodplain boundary.*

Section 120-911J – Stormwater

- *The division of the property is to develop two (2) single-family structures. MeDEP exempts single-family construction from the State Stormwater Law.*
- *The applicant will be required to obtain a Surface Stormwater Management Plan permit at the time of applying for building permits.*

Section 120-911K – Conservation Subdivision

- *The project is not located in Farm (F), Farm Residential (FR), or in the Medium-density Residential (RM) zoning districts.*

Section 120-911L – Compliance with Timber Harvesting Rules

- *The applicants stated the subdivision will not be involved in timber harvesting activity.*

Section 120-911M – Traffic Conditions and Street

- *The applicant states that the development of two (2) single-family homes will add approximately two (2) vehicle trips to the road network.*
- *The applicant has not shown for the final plan review the locations of the driveway access way to the new homes and that shows evidence that the driveway meets the town's sight line distance standards.*

Section 120-911n – Maintenance of common elements.

- *The division of the parcel will create road frontage on the town-accepted street; no homeowner's association is required.*

CONCLUSIONS (N/A)

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 subdivision.*
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 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 provided the adequate financial capacity to meet the standards of this section.*
10. *The proposed subdivision will alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.*
11. *The proposed subdivision 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/will not interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable 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.*
14. *All freshwater wetlands within the proposed subdivision have been identified on the plan.*
15. *Any river, stream, or brook within or abutting the subdivision has been identified on any maps submitted as part of the application.*
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, section 480-B, none of the lots created within the subdivision has/do 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/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, section 8869, subsection 14.

CONDITIONS OF APPROVAL (REQUIRED)

1. Approval is dependent upon and limited to the proposals and plans contained in the application Approval is dependent upon and limited to the proposals and plans contained in the application dated January 22, 2024 as amended March 25, 2024, 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 §120-913 of the Land Use Ordinance.

2. Prior issuing the building permits, the applicant shall record the approved plan in the Cumberland County Registry of Deeds (CCRD), per §120-915B.

3. Prior to issuance of building permits, the applicant shall provide an ability to serve approval letter from the Portland Water District to the Planning Office.

Seconded by Kathleen Brown.

Vote: All in favor.

6. [PB 24-026](#)

APPLICANT REQUESTED POSTPONEMENT UNTIL APRIL 8TH TO COMPLETE THE APPLICATION FOR BOARD REVIEW

#24-01 - Multi-tenant Building Conversion - 868 Roosevelt Trail - Final Plan Review - 868 302, LLC

The application seeks to converting the remainder of the existing retail building into a multi-tenant structure by adding a retail and wholesale bakery to the existing 59-seat premium restaurant, private office, and marijuana manufacturing facility. Tax Map: 71; Lot: 50E: Zone: Commercial I District (C-1) in the Sebago Lake watershed.

- Attachments:** [24-01 SR&C MEMO FINAL REVIEW CommercialBldingConversion 868RooseveltTrail 031524.pdf](#)
[24-01 FINAL PLAN APPLICANT REQUEST FOR POSTPONEMENT CommercialBuildingConversion 031824.pdf](#)
[TE Comments 031524.pdf](#)
[DFC Comments_031924.pdf](#)
[DFC Comments2 031924.pdf](#)
[24-01 FINAL PLAN APPLICATION CommercialBuildingConversion_030424.pdf](#)
[24-01 FINAL PLAN DRAWINGS CommercialBuildingConversion_030424.pdf](#)

The applicant had requested application postponement until the April 8th meeting.

Other Business

7. Adjournment

Evert Krikken made a motion to adjourn.

Seconded by Anne Daigle.

Vote: All in favor.