



PLANNING BOARD MEMO • MAJOR SUBDIVISION • AMENDED PLAN REVIEW

DATE: August 6, 2024

TO: Windham Planning Board
FROM: Steve Puleo, Planning Director
Cc: Shawn Frank P.E., Sebago Technics, Inc.; Agent
Charles and Danielle Hammond; Applicant
Jasmine Lopez, Planning Intern

RE: #15-06 – Major Subdivision – Mystic Woods – 29 Meredith Dr. – Amended Plan Review – Hammond

Planning Board Meeting: **August 12, 2024**

Overview –

The application is to amend a minor subdivision to depict an access easement through Lot 8 to the abutting property. Tax Map: 6; Lot: 38-D08; Zone: Medium-Residential (RM) and Farm (F) zoning district and located in the Black Brook watershed.

A Development Review Team meeting is not necessary because the project is for an amendment of the original subdivision approval on January 27, 2016.



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

AMENDED 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 amended major subdivision application for project #15-06 Mystic Woods Amendment 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: (N/A)

No waivers are being requested.

3. Public Hearing: A public hearing was held for the original application on July 27, 2015.

4. Site Walk: A site walk was held for the original application on July 25, 2015.

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

MOTION: [I move] the amended subdivision application for the #15-06 Mystic Woods development identified on Tax Map: 6; Lot: 38-D08; Zone: Medium-Residential (RM) and Farm (F) zoning districts and located in the Black Brook watershed is to be **(approved or denied)** with the following Findings of Fact, Conclusions, and Conditions of Approval.

FINDINGS OF FACT

Note on classification: Maine Subdivision Law Section 4402.6 exempts the division of a new or an existing structure into three (3) or more dwelling units... where the project is subject to municipal site plan review.

Jurisdiction: The Mystic Woods project is classified as an Amended Major Subdivision, which the Planning Board is authorized to review and act on by [§120-913\(A\)](#) of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted a copy of a Warranty Deed between Susan Duchane, LLC and Danielle and Charles Hammond, dated April 8, 2022, and recorded on April 11, 2022, at the Cumberland County Registry of Deeds in Book 39336 and Page 105.

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: 6; Lot: 38-D08; Zone: Medium-Residential (RM) and Farm (F) zoning districts and located in the Black Brook watershed.
- The existing use is a residential subdivision where single family lots are developed.
- The applicant is pursuing an amendment to depict an access easement through Lot 8 to the abutting property owned by Anita Lampron. The easement is described in the recorded deed but was not part of the approved and recorded subdivision plan found in the Cumberland County Registry of Deeds (CCRD) Plan Book 219, Page 91 and 98 on January 28, 2016.

THE FOLLOWING FINDINGS OF FACT FROM THE AMENDED SUBDIVISION REVIEW OF RELATIVE CRITERIA IN [§120-911](#) SUBDIVISION PERFORMANCE STANDARDS.

§120-911A – Basic Subdivision layout

- The layout of the subdivision will not change with this amendment.
- The amendment is to depict, on the approved plan the access easement, that is currently in existence but not shown on the recorded plan from the original subdivision.

§120-911E – Impact on wildlife habitat

- The easement is located within an existing developed lot and will not impact any natural habitats.

§120-911E(2) – Reservation or dedication of open space

- There is no amendment to the approved open space/common land as part of this subdivision amendment.

§120-911F – Conformance with Land Use Ordinances

Comprehensive Plan:

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

Subdivision Ordinance:

- Digital transfer of the subdivision plan data must be submitted with an electronic copy to the Town and as well for the Town's GIS data transfer, after the amended plan is recorded at the Cumberland County Registry of Deeds.

§120-911G – Financial and Technical Capacity

- The applicants are self-funding the amended subdivision application.
- The amended subdivision application was prepared by Sebago Technics Inc. Surveying was performed by Matthew W. Ek.

§120-911J – Stormwater Management

- The amendment will not change the impervious surface coverage or the amount of disturbed area, so no changes in the existing stormwater management plan are required.

CONCLUSIONS *Final Plan Review*

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 not** 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 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 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 dated March 4, 2024 as August 12, 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 [§120-912](#) of the Land Use Ordinance.
2. The signed subdivision recording plan shall be recorded three years from the date of the final approval at the Cumberland County Registry of Deeds (CCRD), per [§120-915B\(1\)](#) and [\(2\)](#), completed before any further parcel conveyances.