

PLANNING BOARD MEMO • MAJOR SITE PLAN • SKETCH PLAN REVIEW

DATE: April 23, 2026

TO: Windham Planning Board
FROM: Amanda Lessard, Senior Planner/Project Manager
Cc: Steve Puleo, Planning Director
Dustin Roma PE, DM Roma Consulting Engineers
Damian Cummings, 24 Depot St, LLC

RE: #26-06 24 Depot Street Residential Development - Major Site Plan - Sketch Plan Review –
24 Depot Street – 24 Depot Street, LLC
Planning Board Meeting: April 27, 2026

Overview –

The application is to construct a 15-unit multi-family residential development on a 1.2 acre property. The development will include a building with approximately 5,040 SF footprint and include paved parking, and stormwater management facilities and be served by underground utilities and public water and sewer. The site is further identified as Tax Map 38; Lot 52; Zone: Village Commercial (VC) in the Presumpscot River watershed.

Use: Dwelling, Multifamily.



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

A Development Review Team meeting took place on April 21, 2026. Comments received during the meeting are summarized in the memo below.

SITE PLAN REVIEW

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

Staff Comments:

1. Complete Application: *N/A with Sketch Plan*

MOTION: ~~[I move] the Major Site Plan application for project #26-06 24 Depot Street Residential Development is found complete in regard to the submission requirements based on the application checklist, but the Planning Board retains the right to request more information where review criteria are not fully addressed.~~

2. Waivers:

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

None requested.

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

None requested.

3. Public Hearing: No public hearing has been scheduled for this project. The Planning Board shall determine whether to hold a public hearing on the application.
4. Site Walk: The Planning Board has a site walk scheduled for Monday April 27, 2026.

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

MOTION: ~~[I move] the Major Site Plan application for the #26-06 24 Depot Street Residential Development identified on Tax Map 38; Lot 52; Zone: Village Commercial (VC) in the Presumpscot River watershed is to be (approved with conditions/denied) with the following Findings of Fact, Conclusions, and Conditions of Approval.~~

FINDINGS OF FACT

Jurisdiction: The 24 Depot Stree Development is classified as a Major Site Plan, which the Planning Board is authorized to review and act on by [§120-803A\(1\)](#) of the Town of Windham Land Use Ordinance. Maine Subdivision Law Title 30-A 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.

Title, Right, or Interest: The applicant has submitted a copy of a Warranty Deed between Sandra N. Penna and John E. Noble and 24 Depot Street, LLC dated April 29, 2022, and recorded on at the Cumberland County Registry of Deeds in Book 39382, Page 226.

ARTICLE 3 DEFINITIONS

Dwelling, Multifamily: “A building containing three or more dwelling units. A multifamily dwelling may be attached to a nonresidential use.”

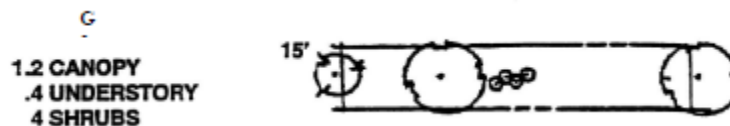
ARTICLE 4 ZONING DISTRICTS

- As shown on the Town of Windham [Land Use Map](#) approved by the Town Council, date January 27, 2026, Map: 38; Lot: 52 located in the Village Commercial (VC) ([§120-415](#)).
- The proposed use, “Dwelling, Multifamily” is permitted in the VC District [§120-415B](#).
- Per [§120-415E](#), the 1.2 acre lot is greater than the 5,000 sq ft minimum lot size for lots connected to public water and sewer. The lot has 165 feet of frontage on Depot Street, more than the minimum 50 feet. The proposed multifamily building will meet the minimum rear setback of 20 feet. There is no minimum front or side setback. The final plan shall demonstrate compliance with the maximum building height of 35 feet.

ARTICLE 5 PERFORMANCE STANDARDS

§120-511 – Buffer yards

C(3)(b) Buffers along streets. Commercial Districts (C-1, C-2, C-3, C-4, VC and WC Districts): use Buffer Yard G, see exhibit below.



§120-541 – Net residential area of acreage

B. The net residential area or acreage of a lot proposed for subdivision, as defined, shall be calculated by subtracting the eight (8) items listed in the subsection from the gross acreage of a lot and dividing the resulting net residential area of the parcel by the net residential density standard of the appropriate zoning district (see [Article 4](#), Zoning Districts).

- The applicant provided a net residential density calculation by deducting 6,000 SF of steep slopes for the net area of 46,476 SF. The net residential density in VC is 2,500 SF, equaling 18 lots/dwelling units. There are 3 existing dwellings on the property and the applicant is proposing an additional 15.

§120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS

§120-812A – Utilization of the Site

- The subject parcel is approximately 1.2 acres in size, developed with a 3-unit multi-family dwelling with a gravel parking area currently served by public water and a private subsurface disposal system.
- No wetlands are shown on the plan.

§120-812B – Vehicular Traffic

- (1)** The site is located on the northerly side of Depot Street. The applicant is proposing utilize the approximate location of the existing driveway to install an access driveway to serve the multifamily development.
- (a)** *For the final plan review*, the applicant shall demonstrate that intersections on arterial streets within a half mile of any entrance road which are functioning at a level of service D or better prior to the development shall function at a minimum at level of service D after development.
- (b)** For the final plan review, the applicant shall provide a traffic analysis provide evidence the existing streets and intersections are expected to carry traffic generated by the development. The applicant shall provide, for the *final plan review*, a “traffic study,” prepared by a Maine licensed professional engineer, describing the impacts of the proposed project on the capacity, level of service and safety of adjacent streets when the project generates 50 or more trips during either the a.m. or p.m. peak hour, per §120-811B(2)(h).
- (2)** The access shall be 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. Site distances shall be shown on the final plan.
- (3)** The proposed sites will be accessed from Depot Street.
- (a)** Private entrances/exits shall be located in accordance with Table 2 in [Appendix B Street Design and Construction Standards](#). This requirement may be reduced if the shape of the site does not allow conformance with this standard.
- (b)** Private accessways in or out of a development shall be separated by a minimum of 75 feet where possible.
- (c)** Accessways shall be aligned with accessways on the opposite side of a public street to the greatest extent possible.

- (4) The site shall be designed to allow internal vehicular circulation for the safe movement of passenger, service, and emergency vehicles through the site. At the Development Review Team meeting the Fire Department noted that the existing driveway grade is currently an issue for ladder truck access and requested additional access on the north side of the building similar to the lane shown on the south side of the sketch plan.

§120-812C – Parking and Loading

- (1) The applicant has designed a parking layout that accommodates for 1.5 parking spaces for the 18 dwelling units on site, totaling 28 spaces. Any accessible parking spaces that are required ADA regulations shall be provided. For the final plan review the applicant should clarify if the existing gravel parking around the 3 unit building is proposed to remain.
- (b) All parking spaces, access drives, and impervious surfaces are to be located at least five feet from any side or rear lot line.
- (d) All parking stalls proposed meet the 90 degree parking requirement to be a minimum stall width of at least nine feet zero inches and a stall depth of at least 18 feet zero inch.
- (2) The applicant states that the proposed number of parking spaces is adequate to provide parking and will meet the parking needs of the use.

§120-812D – Pedestrian Traffic

The site plan shall provide for a system of pedestrianways within the development appropriate to the type and scale of development, connecting the building entrances to the parking areas. There is no existing sidewalk at Depot Street.

§120-812E – Stormwater Management

- (1) The applicants shall provide for the *final plan 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 MDEP Chapter 500 Stormwater Management Law.
- The site is located in the Town's Urbanized Area and regulated by the MS4 ([Municipal Separate Storm Sewer System](#)). The applicant states that the site disturbance is anticipated to less than one acre.

§120-812F – Erosion Control

- (2) The applicant shall have provided for the preliminary plan review an erosion and sedimentation control plan that will meet the minimum standards outlined in the Maine DEP Stormwater Rule Chapter 500 Appendix A – Erosion and Sediment Control, Appendix B – Inspections and Maintenance, Appendix C – Housekeeping. Erosion and Sedimentation Control.

§120-812G – Water Supply Provisions

- (1) The building is proposed to be served by public water for domestic and fire protection from a main installed in Depot Street. For the final plan review the applicant shall secure

and submit an Ability to Serve letter from the Portland Water District or the required approval shall be included as a condition of approval in accordance with [§120-807F\(1\)](#).

[§120-812H](#) – Sewage Disposal Provisions

- The existing and proposed building are proposed to be served by public sewer by proposed extending the public sewer main that ends in Depot Street at High Street.
 - At the Development Review Team meeting the Town Engineer noted that Depot Street was under moratorium until 2028 so the extension of utilities would a street opening permit from Public Works and the work would require a moratorium restoration of the trench.
- For the final plan review the applicant shall secure and submit an Ability to Serve letter from the Portland Water District or the required approval shall be included as a condition of approval in accordance with [§120-807F\(1\)](#).

[§120-812I](#) – Utilities

- The applicant all utility connections (electrical, telephone, and telecommunication services) will be subsurface.
- A utility and grading plan shall be provided for *the preliminary plan review*.

[§120-812J](#) – Groundwater Impacts

- The proposed wastewater disposal system is not anticipating being a disposal system with a capacity of 2,000 gallons per day (GPD) or more.

[§120-812K](#) – Water Quality Protection

- (3) The site is in the Presumpscot River watershed and is not in a direct watershed of lakes most at risk from new development or in an urban impaired stream watershed as identified by the Maine Department of Environmental Protection.
- (2) Any above ground bulk fuel storage hall be located at least 75 feet from any lot line.

[§120-812L](#) – Hazardous, Special and Radioactive Materials

- (1) No hazardous materials will be stored on site.

[§120-812M](#) – Shoreland Relationship

- The site is not in a shoreland zoning district.

[§120-812N](#) – Technical and Financial Capacity

- (1) The applicant shall provide an estimate of the project cost of development and evidence of financial capacity for the final plan review.
- (2) The applicant shall provide evidence of technical capacity for the final plan review.

[§120-812O](#) – Solid Waste Management

- To ensure proper disposal, solid waste will be held in a solid waste container in dumpster pad shown on the plan until it can be transported by licensed private waste hauler.

§120-812P – Historical and Archaeological Resources

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

§120-812Q – Floodplain Management

- The site is not located in the mapped FEMA 100-year floodplain hazard.

§120-812R – Exterior Lighting

- (1) The applicant will provide an acceptable lighting plan with hooded or shielded fixtures, cut sheets, and locations for review *for the preliminary plan review*.
- (2) The applicant shall connect all light poles and other exterior light fixtures underground.

§120-812S – Noise

- (1) The proposed multifamily development shall not exceed 55 dB between 7:00 AM to 10:00 PM and 45 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

- The sketch plan shows a location for a dumpster. For the final plan review the applicant shall address the standards for a concrete pad and screening for the dumpster enclosure.

§120-814 Multifamily development standards.

A. Building Architecture. For the *final plan review*, the applicant shall provide building elevations for review.

- (1) Architectural variety
 - (a) Buildings shall employ more than a single color and material application.
- (2) Facade.
 - (a) The building horizontal articulations are provided throughout the building, and rooflines incorporate varying heights and ridgelines.
- (3) Orientation.
 - (a) The building entrances shall be oriented to face the street.
 - (b) Buildings may be oriented to open space areas, provided that street frontages are developed consistent with above.

B. Site design.

- (1) Parking.
 - (b) Provisions are made for snow storage in the design of all parking areas. The areas used for snow does not conflict with proposed landscaping. The areas shall be sited to avoid problems with visibility, traffic circulation, drainage, or icing during winter months.
- (2) Screening.
 - (a) Utilities. Service areas, loading docks, delivery areas, trash receptacles, and mechanical equipment will be screened to minimize visibility from sensitive view-points such as public and private roadways, main entrances, residences outside the

- (d) Access drives shall remain private and shall not be maintained or repaired by the Town. A note shall appear on the site plan: All internal access roads and driveways shall remain private and shall be maintained by the developer, lot owners, homeowners/condominium association, or road association and shall not be offered for acceptance, or maintained, by the Town of Windham unless they meet all municipal street design and construction standards at the time of offering.

CONCLUSIONS

1. ~~The plan for development **reflects/does not reflect** the natural capacities of the site to support development.~~
2. ~~Buildings, lots, and support facilities **will/will not** 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/will not** be maintained and protected to the maximum extent.~~
4. ~~The proposed site plan **has/does not have** sufficient water available for the reasonably foreseeable needs of the site plan.~~
5. ~~The proposed site plan **will/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/will not** be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved.~~
7. ~~The proposed site plan **will/will not** provide adequate sewage waste disposal.~~
8. ~~The proposed site plan **conforms/does not conform** to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.~~
9. ~~The developer **has/does not have** the adequate financial capacity to meet the standards of this section.~~
10. ~~The proposed site plan **will/will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.~~
11. ~~The proposed site plan **will/will not** 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 with or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonably affect its value.~~
13. ~~On-site landscaping **does/does not** 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/have not** been identified on the plan.~~
15. ~~Any river, stream, or brook within or abutting the subdivision **has/has not** been identified on any maps submitted as part of the application.~~

CONDITIONS OF APPROVAL

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated March 24, 2026 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 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. 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 use: [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](#).