

**APPLICATION COMPLETENESS & STAFF REVIEW COMMENTS MEMO**

DATE: September 11, 2025

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

FROM: Amanda Lessard, Senior Planner/Project Manager

Cc: Development Review Team  
Windham Planning Board

RE: #25-22 Franklin Drive Solar Development – Major Site Plan – Final Plan Review – Franklin Drive – New Gen Estates, LLC

Requested Planning Board meeting: **September 22, 2025**

Thank you for submitting your final site plan application on September 2, 2025. The application status is **incomplete**. The staff has reviewed the application and found several outstanding item listed below under “**Final Site Plan Application Completeness**” that **must be provided by September 17, 2025** before the Planning Board final plan review, in accordance with Windham Land Use Ordinance [§120-807F\(4\)](#). Your application is tentatively **scheduled for review on September 22, 2025**. 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.

**Project Information:**

The application is for a 425kW large-scale ground-mounted solar energy system comprised of 640 modules on a 23.94 acre property to power the proposed residential development on the adjacent property. The subject property is identified as Tax Map: 18; Lots: 26-2-A02 and 26-2-A03; Zone: Commercial I (C-1) in the Chaffin Pond/Little Sebago Lake watershed.  
Use: Solar energy system, Large-scale.

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.

**Final Site Plan Application Completeness**

- [§120-811B\(1\)\(b\)](#) Evidence of payment of the application and escrow fees. *\$1,300 application fee and \$2,000 review escrow*

**Staff Review Comments**

*The memo will be updated as staff comments are provided.*

**Planning Department**

1. [§120-807F\(1\)](#) Outside agency approvals. Is a DEP Stormwater PBR required for this project? What is the status of the DEP NRPA PBR for impacts within the vernal pool critical terrestrial

habitat ? If DEP has not approved any required permits prior to Planning Board final plan review, staff will recommend a Condition of Approval.

2. The proposed multifamily development on this plan should not be included or illustrate and note as area of future development.
3. Is the applicant proposing to construct the solar development in advance of the proposed multifamily development? If construction is desired to begin in advance of the approvals of the adjacent parcel, a separate plan for the development of the access drive from the end of Franklin Drive should be provided.
4. The plan notes that a waiver is requested from [§120-812I](#) to allow the construction of above ground utilities as required by Central Maine Power. The application submission Sections 7 and 9 describe the proposed electrical service as underground and Sheet C-201 only shows UGE on the plan. If above ground utilities are indeed proposed, please submit a [waiver request form](#) and revise the plan to show the location of the above ground electrical.
5. Add a note to the plan listing the dimensional standards for solar energy systems as found in [§120-556C](#).
6. Recommended CONDITIONS OF APPROVALS:
  1. Approval is dependent upon and limited to the proposals and plans contained in the application dated May 19, 2025 as amended {*date of final 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 [§120-815](#) 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 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.

As staff review comments related to compliance with any applicable review criteria become available, I will send them to you ASAP. We will need your response "**Staff Review Comments**" by September 17, 2025 or earlier to be included in the Planning Board September 22<sup>nd</sup> agenda. Thank you for your attention to these matters. Provide one copy of your response to staff comments with all revised application materials and one (1) full plan set. Email an electronic copy of your response letter, supporting documentation, and plan set. Please feel free to call me with any questions or concerns at (207) 207-894-5900 x 6121 or email me at [allessard@windhammaine.us](mailto:allessard@windhammaine.us).