



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Planning Board

Monday, April 22, 2024

6:30 PM

Council Chambers

FINAL AGENDA

1. Call To Order

2. Roll Call and Declaration of Quorum

Chair, Marge Govoni, called the meeting to order. Other members present were: Christian Etheridge, Anne Daigle, Shonn Moulton, Eric Krikken, Kathleen Brown, and Rick Yost.

Planning Director, Steve Puleo, was also present.

3. [PB 24-040](#) Minutes of the April 11, 2024 meeting

Attachments: [Minutes 4-11-2024 - final.pdf](#)

Shonn Moulton made a motion to approve the minutes of the April 8, 2024 meeting.

Seconded by Rick Yost.

Vote: Five in favor. No one opposed. Evert Krikken and Kathleen Brown abstained.

Public Hearings

4. [PB 24-037](#) #24-16: Amendment to Code of the Town of Windham Chapter 120 Land Use Ordinance, Article 3 Definitions, Article 7 Signs, related to murals.

Attachments: [PB memo_Murals_04-03-2024.pdf](#)
[LUO Amendment \(murals\).pdf](#)

Steve Puleo explained the Town Council's Ordinance Review Committee had made a recommendation for amendments to define murals as being separate and exempt from the sign ordinance and to create applicable standards, which the town's attorney had drafted.

- Murals couldn't have any advertisement, logos, branding, or services noted on the mural.*
- The mural couldn't create unsafe conditions for driving and pedestrians.*
- Appropriate permitting from was required from the Code Office.*

Public Comment

There was no public comment. Public comment was closed.

Board Comment

- *Who would determine unsafe conditions for drivers?*
- *Would this apply in every zone?*
- *If you already had a permit, why need the exemption?*
- *What was an example of a mural that created an unsafe condition for drivers and pedestrians? The language seemed subjective and hard to assess.*
- *Could a mural be electronic, was that a created image?*
- *A mural in and of itself could be distracting.*
- *This was way too broad.*
- *If it was on or affixed, could it be perpendicular?*
- *If it was affixed, it was a sign.*
- *Allowable zones should be considered.*
- *There should be more definition to the difference between a sign and a mural.*
- *It was better to have as few restrictions as possible regarding how much of the wall, and what could be put on the mural.*

Eric Krikken made a motion to recommend with comments approval of the proposed amendments to the Land Use Ordinance Chapter 120 Article 3 Definitions and Article 7 Signs related to murals.

Seconded by Christian Etheridge.

Vote: All in favor.

5. [PB 24-038](#) #24-17: Amendment to Code of the Town of Windham Chapter 120 Land Use Ordinance, Article 4 Zoning Districts, to add the following uses to the Village Residential (VR) District: Personal Campground, Farm Enterprise, and Temporary Sawmill as permitted uses, and Piggeries, Poultry Facilities, Commercial Campgrounds, Landscaping Contractor Services and Contractor Storage Yard as conditional uses.

Attachments: [PB memo VR uses 04-10-2024.pdf](#)
[Village Residential District \(VR\) amendment2024.pdf](#)
[Zoning District Uses Table VRamendment2024.pdf](#)

Steve Puleo explained the Town Council had considered the Comprehensive Plan's amended land use map and then requested the additional amendments.

- *The area under consideration was south of the Medium Density Residential (RM) zone, from Varney Mill Road to the Pleasant River.*
- *At the previous public hearing, property owners had said they didn't want to lose rights to farm what they had on their properties. The approved Village Residential (VR) zone had eliminated some uses.*
- *Additional permitted uses would be:*
 - o *Campground, Personal*
 - o *Farm Enterprise*
 - o *Temporary Sawmill*
- *It was thought that abutting properties would be protected from more intensive uses by requiring those uses to obtain Conditional Use approval. The uses would be:*
 - o *Agriculture, Piggery*
 - o *Agriculture, Poultry Facility*
 - o *Campground, Commercial*
 - o *Contractor Services*
 - o *Landscaping Contractor Storage*

Public Comment

There was no public comment. Public comment was closed.

Board Comment

- *This was pretty well thought out and previous public comment had been addressed by the amendment.*
- *Sawmill should be a conditional use.*
- *Town Council would take another look at the uses in the zones during their consideration.*

Eric Krikken made a motion to recommend approval of the proposed amendments to the Land Use Ordinance Chapter 120 Article 4 Zoning Districts related to uses in the Village Residential District (VR).

Seconded by Anne Daigle.

Vote: All in favor.

6. [PB 24-036](#)**#24-12 - Major Subdivision - Betty Lane Subdivision - Preliminary Plan Review - 4 Betty Lane - RCI, LLC**

The application is to develop a new conservation subdivision with a minor private road of 850' in length. The applicant will construct the road in the general location of the named private driveway, Betty Lane. The proposal is to provide six (6) building of about 30,00 SF in size, with the remaining area as open space. Tax Map: 6; Lot: 26; Zone: Farm District (F) in the Colley Wright Brook watershed.

Attachments: [24-12 PB MEMO MAJOR SUB PRELIMINARY PLAN BettyLaneSubdivision 041624.pdf](#)
[24-12 REV SR&C MEMO PREL PLAN BettyLaneSub 041924.pdf](#)
[24-12 SR&C MEMO PRELIMINARY PLAN BettyLaneSubdivision 041224.pdf](#)
[24-12 PRELIMINARY PLAN RESPONSE BettyLaneSubdivision 041624.pdf](#)
[24-12 PRELIMINARY PLAN REV DRAWINGS BettyLaneSubdivision 041624.pdf](#)
[24-12 PRELIMINARY PLAN APPLICATION BettyLaneSubdivision 0410124.pdf](#)
[24-12 PRELIMINARY PLAN DRAWINGS BettyLaneSubdivision 0410124.pdf](#)
[ESC Comments 041024.pdf](#)
[FD Comments 041124.pdf](#)
[TE Comments 041424.pdf](#)

Steve Roberge, from SJR Engineering, was present representing the application. He explained:

- *They proposed a six lot conservation subdivision with a new access road off of Chute Road. The new road would approximate the location of an existing driveway.*
- *A wetland delineation had been completed. The large wetland was the primary*

conservation area to be conserved.

- A large contiguous wooded area would remain as a secondary conservation area.
- A pathway was proposed to the rear of the parcel and back to the cul-de-sac, for use of the subdivision residents. Maintenance would be a homeowners association responsibility.
- Net residential density was 7.2 lots.
- The open space requirement was 343,248 square feet. They had 327,750 square feet and requested a waiver because meeting the standard would reduce their allowable lots by one and then it may not be financially possible.
- The 850 foot long road would be built to the minor private road standard, with a cul-de-sac, nine foot paved travel lanes and a 22 foot width around the cul-de-sac. The roadway would be owned and maintained by the homeowners' association.
- Utilities would be underground.
- Lots would have private wells and septic systems.
- The houses were to be sprinkled.
- Stormwater would be captured and diverted to a soil filter located by the intersection of Chute Road and Betty Lane. It would be maintained by the homeowners' association.

Steve Puleo explained:

- There would be a 100 foot setback to the primary resource.
- There would be a 100 foot setback to Chute Road.
- There would be a 50 foot perimeter landscaped buffer adjacent to infiltration basins and a small open space.
- They would maintain trees along the frontage of properties for street trees.
- A Stormwater Permit-by-Rule was necessary.
- The fire department was satisfied with the access and proposed residential sprinklers.
- The town's engineer had not yet responded to the waiver request for submission of the hydrological assessment.
- Amanda Lessard had been supportive of a waiver request for submission of the high intensity soil survey mapping, pending detailed soil survey information.
- They requested a waiver for 2% of the required conservation open space.
- The town's attorney had reviewed the homeowners' association documents and made two recommendations:
 - o The road maintenance agreement should be included in the homeowners' association documents because it was part of the requirements for homeowners.
 - o An example deed, containing the covenants and restrictions, should be submitted for review.

Public Comment

There was no public comment. Public comment was closed.

Board Comment

- How many square feet would the houses be?
- Would they consider some additional plantings for the 50 foot conservation buffer to lots 1, 2, and 3? Existing vegetation seemed to not be consistently 50 feet thick there.
- If it weren't for the double deduction of the road, they would meet the open space requirement?

Kathleen Brown made a motion that the application for project #24-12 Betty Lane subdivision 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 Evert Krikken.

Vote: All in favor.

Kathleen Brown made a motion to approve the waiver request of §120-911K(6)(b)[1]&[2] Minimum open space required, to waive open space area requirement of 61% to 59% of the entire property.

Seconded by Evert Krikken.

- The Board had the same conversation for another conservation subdivision and had approved that waiver request.
- It was good they were considering changing the calculation requirements.

Vote: All in Favor.

Evert Krikken made a motion that the major subdivision preliminary application for #24-12 Betty Lane subdivision on Tax Map 6; Lot 26 in the Farm (F) zoning district and located in the Presumpscot River was approved with the following facts, conclusions, and conditions of approval:

FINDINGS OF FACT

Jurisdiction: The Betty Lane subdivision development is classified as major subdivision and site plan application, which the Planning Board is authorized to review and act on by and §120-905A(2) of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted a copy of a purchase and sale agreement between RCI, LLC (Buyer) and Pinehurst Development, LLC (Seller), dated January 26, 2024, and to close on May 28, 2024. A copy of the Warranty Deed from Vivamax, LLC to Pinehurst Development, LLC dated October 6, 2023 and recorded on October 8, 2023 at the Cumberland County Registry of Deeds on in Book 40405 and Page 109.

ARTICLE 3 DEFINITIONS

Conservation Subdivision: "A form of development that permits a reduction in lot area and bulk requirements, and the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture."

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 6, Lot 26 is located in the Farm (F) District.
- The detached single-family residences are permitted use in the (F) District §120-406B.
- Per §120-406E Dimensional standards, the applicant is showing potential developed area for the construction of single-family houses and attached garages.
- The applicant is proposing the subdivision to be designed as a conservation subdivision with a 100-foot building setback for Chute Road, per §120-406F(2).

ARTICLE 5 PERFORMANCE STANDARDS

§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 eight (8) deductions shall be subtracted from the gross acreage of the lot.

§120-911 - SUBDIVISION PERFORMANCE STANDARDS

§120-911A – Basic Subdivision layout

(1) *The property has 12.84 acres or 559,241 SF exceeding the minimum lot size in the Farm (F) zoning district, per §120-406E(1).*

(a) *The applicant provided a net residential density calculation by deducting 48,173 SF of road R/W and 79,000 SF of areas within resource protection zones for the net area of 431,988 SF. The net residential density is 60,000 SF, equaling 7.2 dwelling units.*

(b) *The parcel side lot lines are perpendicular to Chute Road including the six (6) proposed single-family lots.*

(2) *The applicant has shown where the proposed utilities will be located, and all the connection will be installed underground.*

(3) *The applicant shown the locations of the subdivision monuments on the preliminary plan review sheet 3.*

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

(3) *The applicant shall show private drinking well locations.*

- *Per §120-911B(3)(a)(3), “[W]ells shall not be constructed within 100 feet of the traveled way of any street if located downhill from the street, or within 50 feet of the traveled way of any street if located uphill of the street. This restriction shall be included as a deed restriction to the affected lots.” For the final review the applicant’s Soils Scientist will provide abutting property well and septic locations in order to evaluate conditions for a hydrogeological/groundwater study for a consideration of a waiver of §120-910C(3)(c) (see above waiver section).*

- o *For the final review, the Town Engineer will make a recommendation on whether a waiver is necessary.*

(b) *For the residential subdivision, the applicant has provided adequate water storage facilities by proposing a residential sprinkler system for each home.*

§120-911C - Erosion Control and sedimentation control

(1) *The applicant has provided a soil erosion and sediment control plan showing the use of erosion and sediment control best management practices (BMPs) at the construction site consistent with 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. BMPs shall be designed, installed, and maintained in accordance with the standards contained in the latest revisions of the following Maine DEP documents.*

(2) *The applicant’s engineer has provided a statement for the Maine licensed professional civil engineer preventing soil erosion and sedimentation from entering water bodies, wetlands, and adjacent properties.*

(3) *The applicant has considered the topsoil as part of the subdivision is not to be removed from the site.*

(4) *Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. The Board may require a developer to take measures to correct and prevent soil erosion in the proposed subdivision.*

§120-911D – Sewage disposal

(2) *The applicant is proposing a private sewage system for each individual dwelling units. The applicant submitted evidence of site suitability for subsurface sewage disposal*

prepared State of Maine Subsurface Waste Disposal Rules. For the final plan review, the applicant will provide evidence that the septic disposal field will meet the State's drinking water standards.

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

(1) The applicant is developing access from Chute Road in the general location of the existing Betty Lane. By creating the road R/W in the general location of Betty Lane, the majority of the open space will remain intact, preserving the natural beauty and aesthetics.

(a) The applicant has provided a note not allowing the clearing of trees where tree cover is depicted on the plan for at least five years. Mandatory buffer for stormwater or other reasons shown on the plan shall not be cleared of vegetation unless the Planning Board grants an amendment to the subdivision or maintenance that does not alter the purpose for which the buffer was required.

(b) The applicant has shown a landscape plan including the street tree plantings on the front yard of lot 1, 2, 5, and 6. The landscape tree plantings to close the gaps in the 50 -feet buffer setback.

(2) For final plan review, the applicant shall provide reservation or dedication and maintenance of open space, common land, facilities such as the stormwater management system, among others, and service in the form of homeowner's association (HOA) documentation.

§120-911F – Conformance with Land Use Ordinances

Comprehensive Plan:

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

Land Use Ordinance:

- There is a net residential density in the Farm zoning district of 60,000 SF.*

Subdivision Ordinance

- The applicant has provided a landscaping plan.*
- Standard notes, the standard conditions of approval, and approved waivers are shown on the plans.*
- For the final plan review, a digital transfer of the subdivision plan data must be submitted for inclusion with the Town's GIS, although the applicant has provided the drawings file with the preliminary plan application.*

§120-911G – Financial and Technical Capacity

(1) For preliminary plan review, the applicant has estimated the cost of development at \$313,926.00 and has provided a letter dated March 25, 2024, from Camden National Bank Vice President and Commercial Banking Officer, Christopher Abbott, stating that RCI Development Group and Bank have "a deposit relationship."

(2) The applicant has provided technical capacity with development experience and has completed a fourteen (14) lot subdivision and a twelve (12) unit affordable housing development in other communities in southern Maine. The applicant has contracted Steve Roberge from SJP Engineering to manage the permitting and design, Mark Censi for septic and groundwater assessment, Wayne Wood and Company for surveying needs, Kristen Collins of Preti/Flaherty for legal document drafting, and Eric Lema of Basswood Environmental to perform wetland and soil test pits to determine soil types on the parcel.

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

(1) The applicant has provided evidence from the certify soil scientist that the subdivision development will not increase any contaminant concentration in the groundwater and shall meet the State's drinking water standards. A hydrogeological evaluation shall be required to demonstrate nitrates as nitrogen meet the maximum

contaminant level.

(2) The applicant has provided evidence the proposed subdivision shall not result in lower the water table. The applicant anticipated approximately 1.0 acre of impervious conditions within the 12.84-acre site.

§120-911I – Floodplain Management

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

§120-911J – Stormwater

- The applicant proposes to manage stormwater runoff from the road via swales within the road R/W to two soil filters in the open space area adjacent to Chute Road, in a cleared area left after the removal of one of the mobile homes. The soil filter basins will return stormwater runoff to pre-development levels while also treating water quality. The development will require a Permit-by-Rule (PBR) issued under Chapter 500 of the Stormwater Management Law.
 - o The Engineer concurs with the Applicant's Engineer statement the development will require a Permit-by-Rule (PBR) from DEP.
 - o The Town Engineer has requested detail and sizing for the roof drip edge filter of the final plan review.
- The responsibility of maintaining the stormwater management system will be assigned to the future Homeowner's Association (HOA), as per §120-911N. For the final plan review the applicant shall provide the maintenance schedule as part of the HOA documentation.

§120-911K – Conservation Subdivision

- (1) The applicant is proposing to develop the conservation subdivision to set aside a significant portion of the site as open space by grouping the dwelling units closer with access to a minor private road with 50-foot rights-of-way (ROW). The applicant is proposing to reduce the lot size to approximately +30,000 SF with 100-feet of street frontage.
- Per §120-911K(3)(a)[2], the applicant has provided the sketch plan as a base for an existing resource inventory of the primary conservation resource element on the site. The primary conservation resource is a 1.9-acre wetland located in the northeast portion of the site. The applicant has preserved the highest-value natural resource.
 - The plan shows a 100-foot building setback from the upland edge wetlands, ensuring the home on lot 6, which protects the wetland complex, per §120-911K(6).
 - The applicant is providing 7.5 acres, or 327,750 SF, of total open space on the 12.84-acre site. The applicant is requesting a waiver (see waiver section above) of the insignificant reduction of open space from the required 7.9 acres, or 343,248 SF.
 - The use of the open space shall not be for commercial or private clubs, but to be used by the homeowner's association.
 - The applicant is have not shown any secondary conservation resource on site, per §120-911K(6)(c)[2][d].
 - The applicant proposes to provide more than 75% of the reserved open space behind lots 4, 5, and 6, which will be accessed via a 20-foot-wide trail between lots 4 and 5, per §120-911K(3)(d).
 - The applicant is also providing a smaller, 30,030 SF open space area at the corner of Betty Lane and Chute Road. This area will include a stormwater filter basin and, for the preliminary plan review, a potential location for the fire cistern within the 100-foot front-year building setback. If a cistern is proposed, it must be buffered with landscaping.

§120-911L – Compliance with Timber Harvesting Rules

- The applicant stated the subdivision will not involve timber harvesting activity.

§120-911M – Traffic Conditions and Street

- *The applicant is expecting low traffic demand for the six (6) lot subdivision development.*
- *The applicant is proposing to meet the Town's "Minor Private Road" standards found in Appendix B.*
 - o *The proposed plan is to build an 850-foot private road with a 50-foot-wide R/W and a cul-de-sac at the end.*
 - o *The town's road standards call for a 9-foot-wide road with 2-foot graveled shoulders on each side of it.*
 - o *The cul-de-sac is designed with an offset circular travel path, and the applicant intends to pave the 22-foot-wide road from the Chute Road curb cut. The applicant will be required to obtain a street opening permit for the Department of Public Works.*
 - o *The homeowner's association will maintain Betty Lane and the R/W road once the subdivision is completed.*
 - o *The intersection of Betty Lane and Chute Road will have a minimum sight distance of 305' for a 35 MPH speed limit on Chute Road.*

§120-911N – Maintenance of common elements.

- *The applicant has provided HOA documentation with the preliminary plan review. The Town Attorney is reviewing the documentation will comment for the final plan review.*

CONCLUSIONS (N/A)

1. *The development plan 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 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/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.
16. The proposed subdivision will/will not provide for adequate stormwater management.
17. 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, §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.
18. 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.
19. 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.
20. The timber on the parcel being subdivided has/has not been harvested in violation of rules adopted pursuant to Title 12, §8869, sub§14.

CONDITIONS OF APPROVAL

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated January 22, 2024, and as amended April 1, 2024, April 16, 2024, and [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 §120-913 of the Land Use Ordinance.
2. The signed subdivision recording plan shall be recorded three years for the date of the final approval the Cumberland County Registry of Deeds (CCRD) and the street on which the lot fronts are complete in accordance with these regulations up to and including the entire frontage, per §120-915B(1) and (2), completed prior to conveyance of the first lot.
3. Prior to the pre-construction meeting, a Homeowner's Association Bylaws, Convents, and Documentation for the care and maintenance of the (private road) and/or open space areas shall be recorded in Cumberland County Registry of Deed (CCRD) and a copy of the recorded documentation shall be submitted to the Planning Department for verification.
4. 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 permits necessary for the development, §120-1201C.
5. Before issuing building permits for Lots 1, 2, 3, and 4, the applicant or builder must have the town engineer verify the 50-foot conservation subdivision boundary buffer line pinned, staked, or fenced in the field.

Seconded by Christian Etheridge.

Vote: All in Favor.

7. [PB 24-035](#) #23-18 - Major Subdivision - Windham Village Apartments (formerly Tandberg Trail Residential Development) - Preliminary Plan Review - 770 Roosevelt Trail - Windham Village Apartment, LLC
The application is to develop a 14 building 172-unit residential apartment complex with associated parking and infrastructure on ~ 9.0 acre-parcel. The subject property is a portion of Tax Map 70 Lot 1A in the Commercial I (C-1) Zoning District.

Attachments: [23-18 PB MEMO PRELIMINARY PLAN WindhamVillageApartments_041724.pdf](#)
[23-18 SRC MEMO PRELIMINARY PLAN WindhamVillageApartments_041224.pdf](#)
[23-18 PRELIMINARY PLAN APPLICATION WindhamVillageApartments_040124.pdf](#)
[23-18 PRELIMINARY PLAN DRAWINGS WindhamVillageApartments_040124.pdf](#)
[23-18 PRELIMINARY PLAN 220547-03WindhamVillageApartments Traffic Review_041824.pdf](#)
[ESC Comments_041024.pdf](#)
[FE Comments_041724.pdf](#)
[TE Comments_041124.pdf](#)

Drew Gagnon, Project Manager with Gorrill-Palmer Consulting Engineers, was present representing the application. He explained:

- *They would need to submit a site plan application also. The subject property and a second parcel had recently been created as an amendment to the Shaw's previous subdivision.*
- *The second parcel, located at the corner of Manchester Road and Tandberg Trail, was to be the location for the new public sewer pump station.*
- *This application proposed 172 one and two bedroom apartments. Additionally, there would be:*
 - o *A community center*
 - o *Storage space*
 - o *A mailroom*
 - o *A fitness center*
 - o *Office space for the use of residents.*
 - o *Outdoor amenity areas*
- *An access drive through the site would connect to Manchester Drive and Tandberg Trail and have 342 parking spaces.*
- *Proposed sidewalks had connectivity.*
- *The site would be served by public water.*
- *Dedicated easements had been created for the new public sewer.*
- *Completion of an eight inch main in Basin Road would provide redundancy to residential and commercial uses in the larger area.*
- *The site would have underground power and natural gas.*

Steve Puleo reviewed the application:

- *The applicant was allowing many easements through the site to provide for multiple connections to the new pump station and sewer system.*
- *The existing disposal field on site, which served the Shaw's Plaza buildings, would be routed into the sewer system. A new parking lot was proposed on top of the existing field.*
- *The 24 foot wide access drive would have perpendicular parking.*
- *The buildings would be sprinkled.*
- *The Fire Department had requested relocation of the abutting fire hydrant onto the site at the intersection with the new access road.*
- *The project was expected to result in 98 peak hour trips. The town's engineer had requested a letter from MDOT which verified the methodology.*
- *No waivers were requested for the application.*
- *An amendment to the Shaw's site location of development permit was required.*

Public Comment

There was no public comment. Public comment was closed.

Evert Krikken made a motion that the major subdivision application for the project 23-18 Windham Village Apartments preliminary plan review 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 Christian Etheridge.

Six in favor. No one opposed. Rick Yost abstained.

Board Comment

- *What about snow removal?*
- *It was appreciated that the applicant had gone above and beyond on the required standards.*
- *What standards were the access roads to the major roadways built to?*
- *How would 342 parking spaces result in only 98 trips? Were the trips considered cumulatively with those on the roads attributed to uses in the area?*
- *The square footage of the proposed recreational area seemed short for 172 dwelling units. There needed to be at least one area that met the dimensional requirements of the calculations.*
- *How far was the distance from the nearest residential buildings to the nearest commercial buildings.*
- *Was there a reason not to continue the sidewalk along Manchester Drive?*
- *Could they include a bus shelter at the school pick-up location?*
- *Where were the bicycle racks located?*

Evert Krikken made a motion to approve with conditions, the major subdivision preliminary plan application for project #23-18 Windham Village Apartments on Tax Map: 70, Lot 1A with the following findings of fact and conclusions.

FINDINGS OF FACT

1. *Jurisdiction: Windham Village Apartments project is classified as a Major Subdivision and Site Plan, which the Planning Board is authorized to review and act on by § 120-802A(6) and § 120-905A of the Town of Windham Land Use Ordinance.*
2. *Title, Right or Interest: The applicant has submitted a copy of purchase and sale agreement dated July 11, 2022 with B33 WINDHAM II, LLC.*

ARTICLE 3 DEFINITIONS

Major Subdivision: "Any subdivision containing five or more lots or dwelling units."

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 70, Lot 1A is located in the Commercial I (C-1) District.*
- *The detached multifamily dwelling residences are permitted use in the C-1 District §120-410B.*

ARTICLE 5 PERFORMANCE STANDARDS

§120-511 – Buffer yards

C(3)(b) *For the future commercial building on Lots 1 and 2 in the Commercial Districts (C-1, C-2, C-3, C-4, VC and WC Districts) will show the use Buffer Yard G, see exhibit below.*

§ 120-911 - MAJOR SUBDIVISION PERFORMANCE STANDARDS

§ 120-911A – Basic Subdivision layout

- (1)(a) *Per § 120-410E(2), there is not net residential density standard in the Commercial I (C-1) district.*
- (b) *The side boundary lines are perpendicular to Tandberg Trail and follow north along Manchester Drive and the access driveway of Shaw Plaza.*
- (d) *The proposed parcel has approximately 658 feet of street frontage.*
- (e) *Lot number for the proposed lot has not been assigned. The lot numbering shall be reviewed by the E-911 Addressing Officer and the comments shall be considered by the Board.*
- (2) *At the Development Review Team meeting held on May 3, 2023, the applicant stated all utilities will be located underground, per § 120-911A(2)(a).*
 - *The proposed development will extend water service from Manchester Drive throughout the site for domestic and fire suppression purposes.*
 - *Underground electric/fiber/communication service will be provided to the development. Details shall be provided for the preliminary plan submission.*
 - *Natural Gas is available within the private access drive located at the eastern portion of the site.*
 - *Lighting will be provided throughout the development via pole and building mounted lighting fixtures. The applicant shall provide a photometric plan with the preliminary plan submission.*
 - o *The Town Engineer is concerned that the plans show underground electrical lines within the development but do not appear to show a clear indication of the connection to the outside electrical grid other than a note regarding assumed power source with a riser at a pole along Rte. 35. Additional detail, presumably based on CMP input, should be included in final plans.*
- *The applicant intends to connect to the public sewer by 2025.*
- (3) *Street line monuments along Tandberg Trail shall be set at all street intersection and the point curvature, but no further than 750 feet apart along a street line without curves or Intersections.*

§ 120-911B – Sufficient Water

- (1) *The applicant has not provided an “Ability to Serve” letter from the water supply with the Portland Water District to supply the domestic and fire suppression services.*
 - o *The Town Engineer stated: the application notes that a request for an ability to serve for water supply and wastewater disposal has been submitted to Portland Water District and their response will be included in the final application. The plan shows the proposed routing of the water and sewer lines through the property with the sanitary sewer lines going to a proposed PWD pump station at the corner of Route 35 and Manchester Drive. The proposed routing through an easement conveyed to the PWD appears consistent with plans previously reviewed by PWD and shared with Public Works staff.*
- (3)(d) *The applicant has provided information on the locations of public or private fire hydrant, which is across the unnamed street intersection.*
 - o *The Deput Fire Chief is requesting the applicant add a fire hydrant to the entrance of the project on the unnamed road, across the street from the restaurant parking area. This would ensure that all the buildings in this project would be with 1000’ feet of a fire*

hydrant.

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

(2) The developer has provided a statement for the Maine licensed professional civil engineer that the plan shall prevent soil erosion and sedimentation from entering water bodies, wetlands, and adjacent properties. The applicant is required to provide stormwater management and erosion control plans which will meet DEP Chapter 500 Stormwater Rules.

§ 120-911D – Sewage Disposal

(1)(a) When the public sewer constructed, per the Town Council adopted amendments to the Sewers Ordinance that specifies the areas of a planned sewer system in North Windham that includes this property. Staff will include draft Condition of Approvals related to the requirement to connect to the public sewer system.

- There existing conditions shows there is a 0.76-acre subsurface wastewater disposal with a reversed areas serving the Shaw's Plaza located along the northerly property boundary lines of the 9-acre site.*

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

(1)(a) The applicant has provided more information relating to the natural resource impacts for the preliminary plan review. The site has no shoreline frontage. The applicant will submit a "Beginning with Habitat Map" showing the location of the subject property in relations to deer wintering areas and brook trout habitat. There are no deer wintering areas or brook trout habitats shown on the property. The applicant will provide a review of the site from the Maine Historic Preservation Commission as part of the final plan review. Areas where tree clearing shall be noted on the plan and be maintained for at least five years after the approval.

o The State of Maine Department of Agriculture, Conservation, and Forestry has stated in letter dated March 3, 2023 that there are no rare, endangered, or threaten species onsite.

(b) The developer shall include the planting of street trees along the access drive in the site and along the Manchester Drive and Tandberg Trail. Ther applicant has provided an extensive landscaping plan.

(2)(a) The open space and common lands is identified on the plan and developer will own and maintain those areas. The applicant is providing a large open space area. For the final plan the applicant will provide the required open space and recreational, per §120-814 Multifamily performance standards.

§ 120-911F – Conformance with Land Use Ordinances

Comprehensive Plan:

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

Land Use Ordinances:

- There is no minimum lot size in the C-1 zoning district.*
- Lots meet the lot frontage requirement of 100 feet in the C-1 zoning district.*
- There is no net residential density requirement.*
- The applicant has shown solid waste disposal locations throughout the development.*
- The solid waste in the form of stumps or brush will be hauled off-site and disposed of in accordance with all applicable regulations.*

Subdivision Ordinance:

- The Assessor's assigned tax map and lot numbers shall be shown on the final plans.*
- For the final plan, data of the subdivision plan shall be provided and compatible with the Town's GIS system in the a .DWG file format and provided to the Town prior to release or the signed recording plan.*

- The building setback requirements are shown on the proposed site plan submission for the lot.
- Documents have provided with the preliminary plan review submission and must specify the rights and responsibilities of the property owner with respect to the maintenance, repair, and plowing of the development's streets, and stormwater infrastructure.
- The preliminary plan has included a boundary survey conducted and certified by a Maine Licensed Professional Surveyor.

Others:

Refer to Chapter 204 Art. II - Street Naming and Addressing: A street name approved by the Town Addressing Officer shall be shown on the final plan.

Subdivision Ordinance:

- Standard notes and the standard condition of approval must be shown on the plan, such as a note.
- The subdivision plan shows the entire parcel including all contiguous land in common ownership within the last five years, as required by 30-A MRSA § 4401.
- The Town Engineer is concerned about the retaining wall and landscape plan:
 - o Portions of the retaining wall proposed in back of Building 13 at the far southwest corner of the property appear to be above 4 ft tall and therefore will require design by a registered professional engineer.
 - o The Landscape Plan shows 7 plantings labeled "QR" along the rear access drive to the Shaw's Plaza off of Manchester Drive however I didn't see a species designated "QR" in the plantings list. Please clarify.

§ 120-911G – Financial and Technical Capacity

(1) The project site work cost estimate is \$4,580,000, and the 172-units of building cost is estimated to cost \$232,736.00. The applicant has provided a letter dated November 16, 2023, from Karl Suchecki, Executive Vice President of Gorham Saving Bank stating there a banking relationship for Graiver Home, Inc. and its president, Loni Graiver, principal of Windham Village Apartments, LLC.

(2) The applicant has provided technical capacity to complete the proposed project. Gorrill Palmer and Flyscatcher, LLC have been contracted to prepare to the required permit application and development plans.

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

- As noted above the development will be served by the Town of Windham's Wastewater Treatment Facility and will be served by the Portland Water District water main in the Tandberg Trail ROW.

§ 120-911I – Floodplain Management

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

§ 120-911J – Stormwater

(2) The applicant states the proposed project area will create over 3-acres of non-vegetated area within the Shaw's Plaza development, as such, the project will be required to obtain MeDEP Site Location of Development Act (SLDA) permit.

- The applicant has initiated the MeDEP review process and understands the amended SLDA permit is required for the final plan review.
- The following comments from the Town Engineer will be addressed for the final plan review.
 - o The Applicant's stormwater evaluation is part of the Site Location and Development Application submitted to Maine DEP, which is currently under their review. The comments provided here supplement any comments from Maine DEP.

- o The proposed stormwater management design includes roof drip edge filters on each of the proposed buildings to treat roof runoff and a large chamber-based subsurface infiltration system at the southeast corner of the site. Based on my general review of the Stormwater Report, it appears that proposed stormwater management system meets the Town's ordinance and Maine DEP requirements for providing water quality treatment and flood control.
- o The situation with storm drain culverts in the area between CB-5 and DMH-8 is confusing because of overlapping linework. Can this be clarified with a detail or better resolution with the line weights?
- o Please clarify the values used for exfiltration rate from the chambers in the TR-20 Calculations in Appendix B of the Application and also length of the Device 2 weir.
- o An Operation and Maintenance Plan is included as part of the Erosion and Sediment Control Plan (Attachment 10) which generally addresses the inspection and maintenance of the proposed stormwater features included in the design. However, I would suggest some additional detail be included regarding the maintenance of the subsurface chambers including the isolator rows.

§ 120-911K – Conservation Subdivision

- The project is not located in Farm, Farm Residential, and or Village Residential zoning districts.

§ 120-911L – Compliance with Timber Harvesting Rules

- The applicant stated the subdivision will not involve timber harvesting activity. All trees being removed will be limited in scope and clearing and be minimized to the greatest extent practical.

§ 120-911M – Traffic Conditions and Street

- (1) The proposal is meeting the general transportation performance standards by using the access driveway serving the existing Shaw's Plaza. One connection will be a 24' access (see § 120-522 Curb Cuts) driveway designed to meet the Town's Residential Street Standards from an unnamed access road from Tandberg Trail running west through the development to an 24' access drive onto an unnamed access from Manchester Drive.
 - During the Development Review Team meeting held on May 3, 2023 with the applicant and their engineering consultant the staff request the applicant to provide following for the preliminary plan submission:
 - o RSU 14 requested the applicant provide a sidewalk connection for a possible future bus stop on Manchester Drive.
 - o The Fire Chief requested the applicant show truck turn movements throughout the development for 46' long fire truck.
 - o The Fire Chief to review the ponding on the access drive from Tandberg Trail (near the Gorham Saving Bank, east of the site) during heavy rain event.
 - o The Town Engineer has reviewed overlay the existing sidewalk along the access drive to Shaw's Plaza, along the eastern boundary of the site.
 - o The Planning Director requested the applicant look at creating a "defining edge" withing the 90° parking stalls along southernly side of the site access drive to meeting the amended Town's Residential Street Standards.
- (2) The proposed development will generate less the 100 A.M. and P.M. peak hour trips and will not require Maine DOT Traffic Movement Permit.
 - o The Town Engineer stated that a Traffic Evaluation was submitted with the application that included estimated trip generation and distribution, capacity, safety and sight distance reviews. The project is estimated to generate up to 98 peak hour trip ends (for PM peak hour), which is just below the 100 peak hour trips that typically require a Maine DOT Traffic Movement Permit (TMP). Based on this and on other factors, the

Evaluation does not recommend any traffic mitigation measures other than clearing some vegetation around the site driveways. However, the Manchester Drive/Tandberg Trail intersection is identified as a High Crash Location (HCL), and the report acknowledges that the North Windham Moves study identified the Tandberg Trail/Roosevelt Trail intersection as having poor levels of service in its current condition. Both of these intersections will be impacted by the relatively high volume of traffic from the proposed development and therefore I think the potential impacts and potential mitigative measures should be further evaluated.

- *The applicant has been a traffic study meeting the Town's performance standards. The has not provide a distribution of vehicle trips impacting the Whites Bridge Road and Anglers Road and Route 302.*
- o *The Town's third-party Traffic has reviewed the traffic study provided by the applicant make serval comments that will be addressed during the final review (see the attached review comments letter from Sebago Technics, Inc. dated April 17, 2024.)*

CONCLUSIONS (For Final Plan Review)

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 §.*
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.*
16. *The proposed subdivision will/will not provide for adequate stormwater management.*
17. *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, § 480-B, none of the lots created within the subdivision has/do have a lot of depth to shore frontage ratio greater than 5 to*

- 1.
18. *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.*
19. *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.*
20. *The timber on the parcel being subdivided has/has not been harvested in violation of rules adopted pursuant to Title 12, § 8869, sub§ 14.*

CONDITIONS OF APPROVAL

1. *Approval is dependent upon and limited to, the proposals and plans contained in the application dated April 1, 2024 and (the final plan approval date) of and on supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board and any variation from such plans, proposals and supporting documents, and representations are subject to review and approval by the Planning Board or the Town Planner in with §120-815 of the Site Plan and §120-913 of the Subdivision Ordinances.*
2. *Approval is subject to the requirements of Chapter 201 Article II Post-Construction Stormwater Ordinance. 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.*
3. *At the time of applying for building permits for the 172 residential units, the applicant shall pay the North Windham Route 302 Road Improvement impact fee of (Whites Bridge Road and Anglers Road intersection with Route 302), the Recreation Impact Fee, the Open Space Impact Fee, the Public Safety Impact Fee, and the Municipal Office Impact Fee. All fees will be determined and collected for any building, or any other permits necessary for the development, §120-1201C*

PLEASE NOTE, THE APPLICANT WILL PROVIDE EVIDENCE FOR THE FINAL MAJOR SUBDIVISION AND SITE PLAN REVIEW.

Findings of Fact, Conclusions for the:

Windham Planning Board,

MOTION: I move to (approved with conditions, denied, postponed) the final major site plan application for the Windham Village Apartments on Tax Map: 70, Lot 1A with the following findings of fact and conclusions.

§ 120- 812 - MAJOR SITE PLAN PERFORMANCE STANDARDS

§ 120-812A - Utilization of the Site

- *See above in § 120-911 Subdivision for details.*

§ 120-812B - Vehicular Traffic.

- *See above in § 120-911 Subdivision for details.*

§ 120-812C - Parking and Loading.

- *The proposed development will provide 306 total parking spaces (ratio of 1.96 per*

unit) based on similar developments constructed by the applicant. Over 30% of the parking space will be 10' by 20' parking stall size.

§ 120-812D - Pedestrian Traffic

- The applicant is showing a system of pedestrian ways within the development by providing sidewalks and connections from Tandberg Trail and access to the new building.

§ 120-812E - Stormwater Management.

- See above in § 120-911 Subdivision for details.

§ 120-812F - Erosion Control

(2) The applicant has a plan for Erosion and Sedimentation Control practices during the site improvement construction activities that will meet the Basic Standards per § 4(A) of the MeDEP Chapter 500 Stormwater Rules.

- The application includes an inspection, maintenance, and housekeeping plan and an erosion and sedimentation control plan sheet that generally meets the requirements of Maine DEP Chapter 500 Basic and General Standards.
 - o A minimum of three construction inspections must be completed during the active earth-moving phase of construction (with one of these being completed at project completion to ensure permanent site stabilization and temporary ESCs are removed) and a minimum of one inspection must be completed annually until a project reaches substantial completion.
 - o Corrective actions will be included in the inspection and must be implemented in a timely manner. Remediation tasks not completed are eligible for enforcement action.

§ 120-812G - Water Supply Provisions.

- See above in § 120-911 Subdivision for details.

§ 120-812H - Sewage Disposal Provisions

- See above in § 120-911 Subdivision for details.

§ 120-812I - Utilities

- See above in § 120-911 Subdivision for details.

§ 120-812J - Groundwater Impacts.

- See above in § 120-911 Subdivision for details.

§ 120-812K - Water Quality Protection

- See above in § 120-911 Subdivision for details.

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

- The proposed residential uses do not anticipate handling, storing, or using any material identified by the federal or state governments as hazardous, special, or radioactive. The applicant will provide a list of any materials that would fit in those categories for the final plan review.

§ 120-812M – Shoreland Relationship

- See above in § 120-911 Subdivision for details.

§ 120-812N - Technical and Financial Capacity

- See above in § 120-911 Subdivision for details.

§ 120-812O – Solid Waste Management

- See above in § 120-911 Subdivision for details.

§ 120-812P – Historical and Archaeological Resources

- *There are no known historic and archaeological resources onsite.*

§ 120-812Q - Floodplain Management

- *See above in § 120-911 Subdivision for details.*

§ 120-812R – Exterior Lighting

- *See above in § 120-911 Subdivision for details.*

§ 120-812S - Noise

- *The proposed commercial 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.*

§ 120-812T – Storage of Materials and Screening (Landscape Plan)

- *See above in § 120-911 Subdivision for details.*

*§ 120-814 – Multifamily development standards.**§ 120-814A – Building Architecture*

- (1) Architect style. The applicant shall provide architectural rendering and designs for the final site plan review submission.*
- (2) Façade. The applicant shall provide architectural rendering and designs for the final site plan review submission.*
- (3) Orientation. The applicant is showing the entrances oriented to face the access drives, Tandberg Trail, and Manchester Drive.*

§ 120-814B – Site Design

- (1) Parking. See above in §120-911 Subdivision for details.*
- (2) Screening. The applicant shall provide a landscaping plan with the preliminary plan submission.*
- (3) Bicycle/Pedestrian. The applicant has provided a plan showing a network of walkways and bicycle parking pads in front of the buildings.*
- (4) Recreation and open space. The applicant is proposing a dog park where the existing Shaw's Plaza septic wastewater field is located.*
- (5) Landscaping and lighting. The applicant shall provide a landscaping and light plan with the preliminary submission showing a minimum of 10% landscape area in the parking areas and lighting fixture used to in the driveways and parking lots.*
- (6) Access drive standards. The access drive shall remain private and shall meet the design standards set forth in C1.*

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 for 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 adequate financial capacity to meet the standards of this §.
 10. The proposed site plan will/will not alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
 11. The proposed site plan will/will not provide for adequate storm water 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.
- 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.

Seconded by Christian Etheridge.

Vote: Six in favor. No one opposed. Rick Yost abstained.

Continuing Business

8. [PB 24-039](#) #21-13: Final Major Subdivision and Site Plan Review - Vintage Subdivision - 626 Roosevelt Trail - PTG Properties, Inc.
PTG Properties, Inc. is requesting preliminary plan approval for the major subdivision known as the Vintage Subdivision. The proposed plan includes the construction of a private road named Vintage Drive and the development of Lots 3 and 4 of the subdivision, which will house 30 residential units. Lots 1 and 2 will be reserved for commercial development in the future. Tax Map: 52; Lot: 24; Zone: Commercial I District (C1).

Attachments: [21-13_PB_MEMO_FINAL_PLAN_VintageSubdivision_041824.pdf](#)
[21-13_SR&C_MEMO_MAJOR_SUB_SP_FINAL_PLAN_VinatageSubdivision_041224.pdf](#)
[21-13_MAJOR_SUB_SP_FINAL_PLAN_APPLICANTS_RESPONSE_VinatageSubdivision_041724.pdf](#)
[21-13_MAJOR_SUB_SP_FINAL_PLAN_REVISED_DRAWING_VinatageSubdivision_040124.pdf](#)
[21-13_MAJOR_SUB_SP_FINAL_PLAN_APPLICATION_VinatageSubdivision_040124.pdf](#)
[21-13_MAJOR_SUB_SP_FINAL_PLAN_DRAWINGS_VinatageSubdivision_040124.pdf](#)
[ESC_Comments_0401024.pdf](#)
[FD_Comments_041124.pdf](#)
[SW_Maintenance_Plan.pdf](#)
[TE_Commmets.pdf](#)

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

- They were requesting final approval for the project.

- *Vintage Drive would have a looped configuration, with parking distributed throughout the site.*
- *Buildings would contain four to six units.*
- *Several leach fields were located throughout the site.*
- *Storm water would infiltrate through pavers.*
- *Two lots were reserved for future development.*
- *Because of the cost of the proposed granite curbing on site, they requested the option of using either concrete or granite curbing.*

Steve Puleo explained:

- *Concrete curbing was allowed by the ordinance.*
- *Vintage Drive, Weston Way, and Derringer Avenue would remain private roads until such time as stormwater issues were resolved.*
- *Sufficient turning radii had been provided for large trucks and busses.*
- *The town requested a public easement for the roads.*
- *Street trees would be provided.*
- *Sidewalks would be located throughout the development.*
- *The technical and financial capacity aspects of the application had been updated.*
- *The proposed 72 parking spaces were adequate.*
- *Outdoor field areas were available for recreation.*

Board Comment

- *An attorney's opinion was requested, regarding the need discuss individually each of the Conditions of Approval.*
- *The applicant had asked for staff approval for the use of concrete curbing, if necessary. Should that be included as a condition of approval?*
- *How many bicycle racks would be installed and where would they be placed?*
- *Why was there no cross-walk across Derringer Drive?*
- *What materials were the canopies and front steps constructed of?*

Evert Krikken made a motion that the final major subdivision and site plan of the project 21-13 Vintage Subdivision application located on Tax Map: 52, Lot 24 was to be approved with the attached findings of fact, conclusions, and conditions of approval:

FINDINGS OF FACT

Jurisdiction: The Vintage Subdivision development is classified as major subdivision and site plan application, which the Planning Board is authorized to review and act on by and §120-905A(2) and §120-805A(2)(d) of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted a copy of a Warranty Deed from Gary A. Pitt, Sr. and Brenda S. Pitt to P.T.G Properties, LLC, dated August 30, 2019, and recorded on September 3, 2019, at the Cumberland County Registry of Deeds in Book 42729 and Page 336.

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 August 15, 2023, Tax Map 52 Lot 24 is located in the C-1 zoning district.*
- *The property currently has two single-family homes, two detached garage structures, and a few minor accessory structures. The single-family homes are existing*

non-conforming use. The application is for multi-family and mix-use development, per §120-41B.

- According to §120-410F, the future commercial development for Lots 1 and 2 will not located parking is within s structures front setback, the building orientation for the multi-family portion and the future commercial structure is proposed to be parallel to the front lot line, and pedestrian access must have at least one primary entrance on the building front facade.*
- The new 600-foot Vintage Drive private road will be building to commercial street standard, per §120-410F(11).*

ARTICLE 5 PERFORMANCE STANDARDS

§120-511 – Buffer yards

C(3)(b) For the future commercial building on Lots 1 and 2 in the Commercial Districts (C-1, C-2, C-3, C-4, VC and WC Districts) will show the use Buffer Yard G, see exhibit below.

§120-911 - MAJOR SUBDIVISION PERFORMANCE STANDARDS

§120-911A – Basic Subdivision layout

(1) The site is 3.7 acres in size. The C1 zoning does not have a minimum lot size or require a net residential density associated with the subdivision proposal.

- The applicant is proposing to realign the Vintage Drive by removing the “hammerhead turn around” at the intersection of Vintage Drive. The Address Officer has confirmed the road name as Vintage Drive. The realignment of the road ROW will allow eighteen (18) dwelling units to be developed on Lot 3 and twelve (12) dwelling units to be developed on Lot 4.*
 - The new residential buildings will not result in undue air or water pollution.*
 - During the Development Review Team meeting and per §120-911A(1)(e), Fire Department stated they would be work with the Town’s Addressing Officer to number the lots and the dwelling-unit for E-911. The applicant shall provide addressing requirements for the final plan review for the Planning Board consideration.*
- (2) At the Development Review Team meeting, the applicant stated all utilities will be located underground.*
- (3) The final plan shows granite monuments at the corners of Lot 1, 2, 3, and 4 of Vintage, Roosevelt Trail, and the “unnamed” road, that are or will be public rights-of-way (ROW) boundaries. The new road, “Vintage Drive” will be a private road and will not have granite monumentations, also the applicant shall provide granite monumentation along the property boundary line of Roosevelt Trail.*

§120-911B – Sufficient Water

- (1) As previously stated, the applicant provided an "Ability to Serve" letter from the Portland Water District's water supply connections to the residential dwelling-units for domestic and fire suppression water supply lines. The applicant is proposing to connect the water supply from one common pipe to individual 1.5" domestic and fire suppression line to each dwelling unit. The applicant provided communication with Portland Water District (PWD) regarding connections to the residential dwelling-units for domestic and fire suppression water supply lines.*
- (2) A private fire hydrant is proposed to be located in Vintage Drive ROW, west of the curb cut for Lot 1.*

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

- (1) Requires the applicant to show watercourses and drainageways or shall be provided an easement or drainage ROW and culverts, catch basins or other means of channeling surface water within the subdivision and over the property of owners abutting it.*

- o On the Watershed Map (WS-2), the applicant shows that Watersheds #1, #2 and #3 potentially drain surface water on the abutting property north and south of the subdivision, identified points "C", "B", and "F", respectively. The applicant has provided a draft drainage easement that the surface water will not be impact the abutting property.
- (2) The applicant submitted stormwater management and erosion control plans in accordance with DEP Chapter 500 Stormwater Regulations.
- o The applicant has provided a plan meeting the MeDEP Chapter 500 Stormwater Rules, Appendix A.

§120-911D – Sewage Disposal

(2) The final design submission includes a soil assessment for a subsurface wastewater disposal system that complies with the Maine Subsurface Wastewater Disposal Regulations. The final plan shows the soil test pit. A groundwater impact analysis was provided for review involving on-site sewage disposal facilities with a capacity of 2,000 gallons per day or more.

- The Town Engineer' has stated he is satisfied the infiltration systems must be located to meet or exceed the minimum setback distances from existing and proposed subsurface wastewater disposal systems provided in Table 7B of the Maine Subsurface Wastewater Disposal Rules, 144A CMR 241.
- o Based on the 800 gpd to 1600 gpd size of the proposed septic systems, the setback should be either 100' or 200', which is far greater than the proposed 6' for several of the systems. However, the application includes a hydrogeologic analysis by Marcotte Environmental that states that "The proposed stormwater infiltration structure on this site will not adversely impact groundwater elevation at the site and vicinity because there are approximately 20 feet of unsaturated sand deposits below the infiltration areas. Furthermore, the infiltration of stormwater at this site will not adversely impact the performance of the six (6) proposed multi-unit subsurface wastewater disposal fields." Based on this statement, a waiver from the setback requirement may be justified assuming the modelling performed included the inputs from the infiltrations systems.

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

(1) As required (a), the final subdivision shall by notes not allow clearing of trees in areas where tree cover is depicted on the plan for a period of at least five (5).

- In (b) The applicant has shown the placement of street trees, (see waiver §for the reduction of street located every 50-feet). The applicant is proposing species of street trees capable of withstanding winter conditions,
- The applicant/owner will be responsible for the maintenance of common open space of the development. Common open space shall be shown on the subdivision plan for final plan review and shall not use for future buildings lots.
- The site has no shoreline frontage.
- The applicant submitted a "Beginning with Habitat Map" showing the location of the subject property in relation to deer wintering areas and brook trout habitat. There are no deer wintering areas or brook trout habitats shown on the property.
- The applicant shall provide a review of the site from the Maine Historic Preservation Commission as part of the final plan review.

§120-911F – Conformance with Land Use Ordinances *Subdivision Ordinance*

- Standard notes and the standard condition of approval must be shown on the plan.
- The Tax Map and Lot numbers provided by the Tax Assessor shall be shown in the final plan review.
- Subdivision plan data compatible with the Town GIS must be submitted as part of the final plan review.

- The subdivision plan shows the entire parcel including all contiguous land in common ownership within the last five years, as required by 30-A MRSA §4401.

Comprehensive Plan:

- The plan does meet the goals of the 2017 Comprehensive Plan. The proposed project is located in the North Windham Growth Area as shown on the Future Land Use Map.

Land Use Ordinance:

- The Commercial I (C1) zoning district does not require a minimum lot size and each lot has a 100' minimum lot frontage.
- Multi-family developments in C1 shall orient buildings with the front door facing the front lot lines.
- Lots 1 and 2 shall meet the front 10–20-foot setback from Route 302 and are subject to the minimum side and rear 6-foot setback. Lots 3 and 4, front yard setback from Vintage is 0-20-foot. The applicant should provide the front yard setback information on Lots 3 and 4.
- The final plan application identifies multi-family residential uses for Lots 3 and 4 and undefined commercial uses for Lots 1 and 2.
- The buildings shall only be occupied by permitted uses in the C1 District.
- The applicant has met standards and will provide building elevations and sign details and demonstrate how the project will comply with the Commercial District Design Guidelines in §120-813.
- The Town Engineer is satisfied on the landscaping islands within Vintage Drive's ROW.
 - o "The applicant has asked for a waiver from the §120-911E(1)(b) from the installation of street trees every 50' due to proximity to the building and buried utilities. This appears to explain the lack of landscaping in the islands from STA 10+75 to the end of Vintage Drive. Can some other landscaping be provided in these areas such as shrubs trees are not practical? Where specified, what type of tree would be provided?"
- The development is subject to the following Article 12 Impacts Fees, to be paid with the issuance of a building permit: Recreation Impact Fee, North Windham Sidewalk Impact Fee (see Condition of Approval #3), North Route 302 Road Improvements Impact Fee (see Condition of Approval #3), Open Space Impact Fee, Public Safety Impact Fee, Municipal Office Impact Fee.

§120-911G – Financial and Technical Capacity

- The project site work cost estimate is \$645,000, and the 30-units of building cost is estimated to cost \$6,600,000. The applicant has provided a letter dated March 7, 2023, from Brian Desjardin, Regional Vice President of Commercial Lending of Norway Saving Bank stating the bank has relationship with PTG Properties, Inc. and Peter and Tammy Gilman and the applicant has the financial to support the project at 626-628 Roosevelt Trail.
- In determining the applicant's technical ability, the Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.
 - o The plans and applications were prepared by DM Roma Consulting Engineers. Dustin Roma is a Maine Licensed Professional Engineer PE#12131. The Boundary Survey was prepared by Bill Shippen, PLS with Survey, Inc. Septic system design was performed by Brady Frick, LSE with Albert Frick Associates. Hydrogeologic analysis was performed by Steve Marcotte, LSE, CG with Marcotte Environmental. Traffic Engineering was performed by Bill Bray, PE, PTOE with Traffic Solutions.
 - o On March 8, 2023 the applicant provided a list of Planning Board approved

subdivisions that have been completed by the applicant in Windham and other Maine communities.

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

- The site and vicinity properties are served by public water and individual on-septic systems. The applicant states that there are off-site groundwater wells within 300-feet of the property.
- The proposed development of thirty (30) three-bedroom unit residential development will be served by six (6) non-engineered multi-unit subsurface wastewater disposal systems. The residential wastewater effluent will be treated at the point of generation by Fuji Clean CE aerobic treatment tanks and conveyed to the subsurface wastewater disposal areas.
- The total design for the disposal for the fields is 8,100 Gallons per day (GPD).
- Based on the design and location of wastewater disposal fields and stormwater infrastructure areas, the transport calculations performed as part of the Groundwater Impact Assessment, the applicant states the nitrate levels above 10 mg/l in the groundwater at the property boundary.

§120-911I – Floodplain Management

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

§120-911J – Stormwater

(6) Requires the applicant to include maximum developed, distributed, and impervious areas for each lot based on the definition in §3 DEP Chapter 500 Stormwater Management. The applicant has designed the stormwater management system of the proposed roadway and the developments on Lots 3 and 4 is approximately 77,362 SF (\pm 1.78 acres) of impervious surfaces. The proposed landscaping with the roadway and residential development is approximately 34,725 SF (\pm 0.80 acres) of new landscaped and lawn areas. The proposal will disturb a total of 112,087 SF (\pm 2.57 acres) for the newly developed area.

- The applicant has submitted a stormwater permit (#L-29581-NJ-A-N) issued by Maine Department of Environmental Protection, dated March 15, 2022.
- The stormwater management system incorporated into the project design consists of permeable paver systems and are intended to detain and infiltrate the stormwater to provide the required flooding control. The applicant is proposing to use 9,041 SF of permeable pavers in which 4,698 SF will be used in the roadway for on-street parking spaces and 4,343 SF as part of the residential parking areas.
- The applicant has provided a maintenance and inspection plan for the managing the stormwater system in the Stormwater Management Plan.

§120-911K – Conservation Subdivision

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

§120-911L – Compliance with Timber Harvesting Rules

- The applicant stated the subdivision will not involve timber harvesting activity.

§120-911M – Traffic Conditions and Street

(1) The applicant has designed the subdivision's transportation system to meet the general performance standards. Vintage Drive is designed to meet the Town's commercial street standard with 22-foot-wide pavement for two-way travel, eight-foot wide porous-paved on-street parking space, and five-foot wide paved sidewalk on both sides of the proposed road providing safe circulation of vehicles and pedestrians.

(2) The applicant has designed the access to subdivision by providing 24-foot-wide intersection connection with Roosevelt Trail. This intersection is unsignalized and vehicle

sightlines at Route 302 meet or exceed the highway sight distances standards of 305 feet. The applicant's Traffic study shows that the 30-unit residential development is expected to generate 220 daily trips on a typical weekday; 14 trips in the morning peak hour and 17 trips during the afternoon peak hour; 244 daily trips on Saturday and 21 trips in the peak hour trips normal Saturday. The Traffic Engineer performed an auxiliary left lane analysis for the northbound approach from Roosevelt Trail at the proposed Vintage Drive/Roosevelt Trail intersection. Based on the National Cooperative Highway Research Program (NCHRP) report 457, process concludes a dedicated left-turn is not warranted. The traffic study does not assume any trip generation for Lots 1 and 2 of the subdivision. See Condition of Approval #4.

(3) The applicant is providing a dedicated right-of-way to connect to abutting property condominium development. The applicant shall address the need of a streetlight at the intersection of Vintage Drive and Roosevelt Trail. All driveway curb cuts will require a driveway open permit from Public Works Department.

(4) The access to Vintage Drive is perpendicular to Roosevelt Trail and meets the minimum requirements in Table 3 in Appendix B. The applicant is proposing to use the porous-paver concrete blocks as a stormwater Best Management Practice (BMP) and required in the applicant's MeDEP stormwater permitted. The Town road standards require bituminous pavement surface across the entire wide of the street. The Vintage Drive does not meet the Commercial and Industrial Street standards and the applicant is requesting a waiver of §120-911M(5)(b) and plans on keeping the road a private road.

(5) The applicant shall provide an additional note if the subdivision streets are to remain private, the following words shall appear on the recorded plan: "All roads in this subdivision shall remain private roads to be maintained by the developer, lot owners or road association, and shall not be offered for acceptance, or maintained, by the Town of Windham until they meet all municipal street design and construction standards."

- The project includes a lighting plan with building mounted lighting fixtures to illuminate the sidewalks, on-street parking and parking lots next to the buildings. There will be lighting fixture mounted on 12 to 14-foot pole located behind the dumpster pad. The applicant states that the pole is at least 70 feet from the closest property line. The applicant shall provide a photometric plan, as required in §120-813C(1).

§120-911N – Maintenance of common elements

- The project is intended to be developed as an apartment project with rented units, so we did not include condominium documents or road association documents with the application because they are not applicable.

§120–813 Commercial District Design Standards for Commercial District (In addition to meeting all the Design Standard in the C-1 district, the applicants must comply with a minimum of eight (8) other Design Standards.)

§120–813A – Architecture/Building (Required for Final Plan Review)

- Required: §120–813A(1): Building style. The building is not a national franchise prototype and is not stylized to the point where it is a form of advertising.
- Required: §120–813A(2): Materials. The building will consist of vinyl clapboard siding with vinyl trim.
- Required: §120–813A(3): Color. The colors used for the siding will be traditional residential gray tones with white trim. All colors will be low-reflectance and non-fluorescent.
- Required: §120–813A(4): Roofline. Roof pitch is proposed to be 8/12 which exceeds the minimum 5/12 pitch required in this standard. There will be no visible mechanical equipment on the roof.
- Required: §120–813A(5): Facades. The façades that face the roadways have been designed with windows and entry areas that have transparent openings to substantially conform with the standard. There are no proposed vending machines. All windows and

doors will be trimmed to create a frame around the opening. The wall plane facing the roadways has been designed so that the walls are broken up with porches and window awnings that create wall plane projections.

- Required: §120–813A(6): Building style coordination (multi–building). Architecture for all buildings is similar.
- Required: §120–813A(7): The buildings are designed with porch roof canopies over the main entrances to clearly define the entrance locations.
- Required: §120–813A(8): Architectural details. The architectural detailing and trim are proportional to the scale and design of the building.

§120–813B – Site/Parking

- Optional: §120–813B(1): Parking Location. The proposed parking areas are located to the side and rear of the proposed buildings.
- Optional: §120–813B(2): Internal Traffic Flow. The parking lot will be paved and striped with white reflective pavement marking so that parking spaces and drive aisles are clearly identified.
- Optional: §120–813B(3): Interconnected parking lots. The projects has multiple connected parking lots, and the roadway has been designed so that it could connect with the abutting parcels.
- Optional: §120–813B(4): Orientation of Building. The buildings are located as close the front property line as established under the zoning regulations. Parking is located to the rear and side of the buildings.
- Required: §120–813B(6): Screening, Utility, and Service Areas. The dumpster will be screened with fencing.
- Optional: §120–813B(7): Parking Lot Landscaping. Parking lot perimeter landscaping is proposed so that at least 15% of the parking lot area will include landscaping.
- Optional: §120–813B(8): Low Impact Stormwater. The stormwater design utilizes low impact development techniques to infiltrate runoff on-site and provide water quality treatment.
- Optional: §120–813B(9): Shared Stormwater Treatment. The infiltration areas provides collection and treatment of multiple lots in the subdivision.

§120–813C – Landscaping/Lighting

- Optional: §120–813C(1): Lighting/Photometric Plan. Lighting specifications are contained in Section 12 of the Application.
- Optional: §120–813C(2): Lighting Coordinated with Architecture. The proposed lighting will bring attention to the doorway entrance elements without creating glare or distraction.
- Optional: §120–813C(3): Lighting Coordinated with Landscaping. The proposed lighting over the doorway entrances will not be negatively impacted by the mature growth of landscaping on the property and will not result in eventual dark spots.
- Required: §120–813C(5): Snow Storage Areas Designated. The site has been designed to provide snow storage in multiple areas adjacent to the parking spaces, without damaging the landscaped areas or conflicting with the stormwater drainage.
- Optional: §120–813C(6): Planting variety. The planting schedule provides a balance between monoculture and too much variety.
- Optional: §120–813C(7): Planting suitability. The chosen plant species require a low degree of maintenance and are suitable for Maine climate conditions.
- Optional: §120–813C(8): Mass plantings. The landscaping has been proposed in planting beds to create large mass of plantings instead of individual specimens.
- Optional: §120–813C(9): Illumination levels. The light fixtures installed on the building are in scale with the site and building development. The pole mounted light that will be installed behind the dumpster is less than 20 ft tall. The illumination levels are

appropriate for the site and use.

§120–813D – Bicycle/Pedestrian

- *Optional: §120–813D(1): Continuous internal walkways. A paved sidewalk is proposed to be built that will connect to the existing sidewalk on Roosevelt Trail.*
- *Required: §120–813D(2): Links to community. The project creates a link to the adjacent parcel to the south that is being developed with a similar residential use.*
- *Optional: §120–813D(3): Outdoor activity. The applicant is providing a fenced play area for the children.*
- *Optional: §120–813D(4): Sidewalks and planted esplanades. Sidewalks currently exists on Roosevelt Trail.*
- *Optional: §120–813D(5): Crosswalks for sidewalks. The project includes proposed crosswalks at road intersections with ADA sidewalk ramps.*
- *Required: §120–813D(6): Bicycle parking and racks s. Each of the units will include basements with bulkhead entry that can be used for bike storage.*

CONCLUSIONS

1. *The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the site plan.*
2. *The proposed subdivision will not cause an unreasonable burden on an existing water supply.*
3. *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.*
4. *The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.*
5. *The proposed subdivision will provide for adequate sewage waste disposal.*
6. *The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste.*
7. *The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.*
8. *The proposed subdivision conforms with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.*
9. *The developer has adequate financial and technical capacity to meet the standards of this section.*
10. *The proposed subdivision is not situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.*
11. *The proposed subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.*
12. *The proposed subdivision is not situated entirely or partially within a floodplain.*
13. *All freshwater wetlands within the proposed subdivision have been identified on the plan.*
14. *Any river, stream, or brook within or abutting the subdivision has been identified on any maps submitted as part of the application.*
15. *The proposed subdivision will provide for adequate storm water management.*
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, §480-B, none of the lots created within the subdivision 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 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. Timber on the parcel being subdivided has/has not been harvested in violation of rules adopted pursuant to Title 12, §8869, sub§14.

CONDITIONS OF APPROVAL

1. Approval is dependent upon and limited to, the proposals and plans contained in the application dated January 22, 2024, amended on March 11, 2024, and final review on April 22, 2024 supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board and any variation from such plans, proposals and supporting documents, and representations are subject to review and approval by the Planning Board or the Town Planner in with §120-815 of the Site Plan and §120-913 of the Subdivision Ordinances.

2. Approval is subject to the requirements of the Post-Construction Stormwater Ordinance, Chapter 201. 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.

3. The development is subject to the following Article 12 Impact Fees, to be paid with the issuance of building permits for the North Windham Side Impact Fee of N/A plus the cost of the annual inflation rate at the time applying for building permits; North Route 302 Road Improvements Impact Fee of \$1,530.60; Recreation Impact Fee, Open Space Impact Fee, Public Safety Impact Fee; and Municipal Office Impact Fee. At the time Lots 1 and 2 are approved for development, the applicant or applicants are required to address the cumulative traffic generation from all the lots within the subdivision and pay the North Route 302 Road Improvements Impact Fee

Seconded by Christian Etheridge.

Vote: All in favor.

Other Business

9. Adjournment

Shonn Moulton made a motion to adjourn.

Seconded by Evert Krikken.

Vote: All in favor.