



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Draft

### Planning Board

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Monday, October 7, 2024

6:30 PM

Council Chambers

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#### 1 Call To Order

#### 2 Roll Call and Declaration of Quorum

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

*Planning Director, Steve Puleo, and Town Planner, Evan O'Connor, were also present.*

*Attorney Durward Parkinson, was present, representing the Board, and Attorney Mary Costigan was present representing the Town.*

#### 3 [PB 24-092](#) Approval of Minutes - Meeting of September 23, 2024

**Attachments:** [Minutes 9-23-2024-draft.pdf](#)

*Christian Etheridge made a motion to approve the minutes from September 23, 2024.*

*Seconded by Kathleen Brown.*

*Vote: Six in favor. No one opposed. Evert Krikken abstained.*

#### Public Hearings

- 4 [PB 24-075](#) #24-13 - After-the-Fact Major Subdivision - Cross Ridge Subdivision - Lockland Drive and Flintlock Drive - Final Plan Review - PTG Properties Inc.
- The application is to create eight lots for single-family dwelling use. All lots will utilize existing private roadways for access, frontage and utilities. No new roadways or extensions are being proposed. Tax Map: 22; Lot: 20-5, 23-3, 23-3B, 23-6, 23-7, 23-8, 23-9, 23-10, 23-11, 23-12; Zone: Farm Residential (FR) zoning district and located in the Pleasant River watershed

**Attachments:** [24-13 MJR SUB PB MEMO FP CrossRidgeSub 100324.pdf](#)  
[24-13 MJR SUB FP SR&C CrossRidgeSub 092424 DRAFT](#)  
[24-13 MJR SUB APPL RESPONSE CrossRidgeSub 2024 10 1.pdf](#)  
[24-13 MJR SUB FP APPL CROSSRIDGESUBDIVISION 082124](#)  
[24-13 MJR SUB PRLM PLANS CrossRidgeSubdivision 030424.pdf](#)  
[24-13 MJR SUB REVISED FP CrossRidgeSub 100224.pdf](#)  
[FC Comments 082624.pdf](#)  
[PUBLIC COMMENT 2024-10-02 J Kellner Attorney](#)

*Dustin Roma, from DM Roma Consulting Engineers was present representing the application. He detailed:*

- *Proposed improvements to the roadways.*
- *Proposed creation of two separate road maintenance associations, one for Cross Ridge, and one for Lockland. Their sole purpose and charge would be to maintain the roads.*

*Fire Chief, Brent Libby spoke to:*

- *The ability of the proposed cisterns to provide water that was not currently available.*
- *His department's ability to serve the neighborhood.*

*Attorney Parkinson explained his understanding that 16 members of the public, present at the meeting, were represented by their attorney. He also detailed the recommended procedure for the Board's consideration of the application.*

*Evert Krikken made a motion that the major site plan application for project #24-13 Cross Ridge Subdivision project was found complete in regard to the submission requirements based on the application checklist, but the Planning Board retained the right to request more information where review criteria were not fully addressed.*

*Seconded by Kathleen Brown.*

*Vote: All in favor.*

*Public Comment*

*Attorney Sam Hamilton, from Eaton Peabody, spoke in representation of the Cross Ridge Community, a newly formed group of residents of the existing subdivision. He reviewed a memo they had submitted which discussed:*

- *Concern regarding waiver requests and request criteria*
- *Consent agreement language*
- *The need for two street connections*
- *Previous lot divisions*
- *Existing street conditions*

*Joe Kellner, Cross Ridge Drive – He explained they had formed a non-profit neighborhood association. Generally, he didn't have opposition to the applicant building more homes in the neighborhood. They did oppose doing so without addressing safety concerns and financial burdens placed on the residents and didn't feel their suggestions were overly burdensome.*

*He stated:*

- *Everyone in the neighborhood used Cross Ridge Drive and would eventually be responsible for maintaining and funding road maintenance.*
- *The consent agreement didn't require the Board to approve waivers.*
- *The second entrance was required for the total number of homes served.*
- *There were safety issues with the road.*

*Public comment was closed.*

*The Board queried:*

- *Road maintenance agreements*
- *Interpretation of the waiver request for two street connections*
- *Cross Ridge Community's requested conditions*
- *Road standards*
- *Previous lot divisions*
- *Firefighting capabilities*
- *Safety concerns*

*Evert Krikken made a motion that ordinance standard 120-911M(5)(3)(7)(a) Street Connection Requirements to provide two connections to serve the subdivision did not apply to the application.*

*Seconded by Anne Daigle.*

*Vote: No one in favor. All opposed.*

*Evert Krikken made a motion to approve the waiver request for section 120-911M (5)(3)(7) (a) Street Connection Requirements to provide two connections to serve the subdivision, specifically for the section between Smith and the intersection of Lockland and Cross Ridge.*

*Seconded by Christian Etheridge.*

*The Board considered waiver criteria:*

*[1] Evert Krikken made a motion that the requested waiver would not result in undue air or water pollution.*

*Seconded by Kathleen Brown.*

*Vote: All in favor.*

*[2] Evert Krikken made a motion that the requested waiver would not result in undue light pollution or glare.*

*Seconded by Kathleen Brown.*

*Vote: All in favor.*

*{3} Evert Krikken made a motion that the requested waiver would not result in an inadequate water supply.*

*Seconded by Kathleen Brown.*

*Vote: All in favor.*

[4] Evert Krikken made a motion that the requested waiver would not result in unreasonable soil erosion.

Seconded by Kathleen Brown.

Vote: All in favor.

[5] Evert Krikken made a motion that the requested waiver would not result in unreasonable traffic congestion or safety risk.

Seconded by Anne Daigle.

Mr. Roma agreed to pave the first 50 feet of Cross Ridge Drive from the Smith Road intersection, adding private and secondary shoulders, consistent with the major private road standards, and with a single painted line in the middle for the first 50 feet.

Vote: Four in favor. Anne Daigle, Christian Etheridge, and Shonn Moulton opposed.

[6] Evert Krikken made a motion that the requested waiver would not result in decreased pedestrian safety or access.

Seconded by Anne Daigle.

Vote: Four in favor. Anne Daigle, Christian Etheridge, and Shonn Moulton opposed.

[7] Evert Krikken made a motion that the requested waiver would not result in an inadequate supply of parking spaces.

Seconded by Kathleen Brown.

Vote: All in favor.

[8] Evert Krikken made a motion that the requested waiver would not result in an inadequate sewerage disposal capacity.

Seconded by Kathleen Brown.

Vote: All in favor.

[9] Evert Krikken made a motion that the requested waiver would not result in an inadequate solid waste disposal capacity.

Seconded by Anne Daigle.

Vote: All in favor.

[10] Evert Krikken made a motion that the requested waiver would not result in an adverse impact on scenic or natural beauty, aesthetics, historical sights, or rare or irreplaceable natural areas.

Seconded by Kathleen Brown.

Vote: All in favor.

[11] Evert Krikken made a motion that the requested waiver would not result in flooding or adverse drainage impacts on abutting properties.

Seconded by Christian Etheridge.

Vote: All in favor.

[12] Evert Krikken made a motion that the requested waiver would not result in an adverse impact on the Town's ability to provide the subdivision with public safety services.

Seconded by Kathleen Brown.

Vote: Four in favor. Anne Daigle, Christian Etheridge, and Shonn Moulton opposed.

[13] Evert Krikken made a motion that the requested waiver would not result in not protecting public health, safety, and welfare, and did not have the effect of nullifying the intent and purpose of this chapter 911.

Seconded by Anne Daigle.

A condition of approval would be that the cisterns would be installed; inspected by the Fire Department; filled with of water; and in working order, before issuance of a building permit.

Mr. Roma agreed to square off and gravel, for increased width, the 90 degree turn on Lockland Drive.

Vote: Four in favor. Anne Daigle, Christian Etheridge, and Shonn Moulton opposed.

Vote on the motion to approve, with conditions, the waiver request for section 120-911M(5)(3)(7)(a) Street Connection Requirements to provide two connections to serve the subdivision, specifically for the section between Smith and the intersection of Lockland and Cross Ridge: Four in favor. Anne Daigle, Christian Etheridge, and Shonn Moulton opposed.

The Board considered the Conclusions:

1. The development plan reflects the natural capacities of the site to support development.

§120-911E – The subdivision has large single-family house lots with natural landscaping minimum area of tree clearing and reflect the natural environment.

Evert Krikken made the motion to approve.

Seconded by Shonn Moulton.

Vote: All in favor.

2. Buildings, lots, and support facilities will be clustered in those portions of the site that have the most suitable conditions for development.

§120-911A – *The proposed lots are located in areas of the site that are most suitable for development and reviewed by the appropriate soil scientist.*

*Shonn Moulton made the motion to approve.*

*Seconded by Christian Etheridge/Evert Krikken.*

*Vote: All in favor.*

3. *Environmentally sensitive areas, including but not limited to wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and sand and gravel aquifers will be maintained and protected to the maximum extent.*

§120-911E – *Based on an assessment done by the Maine Department of Environmental Protection (MDEP), the proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, or threatened or endangered plant habitat.*

*Christian Etheridge made the motion to approve.*

*Seconded by Kathleen Brown.*

*Vote: All in favor.*

4. *The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the site plan.*

§120-911B – *The applicant's Soils Scientist has showed abutting property well and septic locations in order to evaluate conditions for a hydrogeological/groundwater study. The analysis shows there is sufficient water to serve the single-family homes and has provide adequate separation.*

*Shonn Moulton made the motion to approve.*

*Seconded by Kathleen Brown.*

*Vote: All in favor.*

5. *The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.*

§120-911C- *The plans for the proposed subdivision make use of BMPs and appear to minimize erosion concerns to the greatest extent possible.*

*Shonn Moulton made the motion to approve.*

*Seconded by Christian Etheridge.*

*Vote: All in favor.*

6. *The proposed use and layout 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.*

§120-911M – The applicant has shown on the plan the addition of traffic stop-signs. The locations are the intersections of Cross Ridge Drive and Lockland Drive, Lockland Drive and Winchester Drive, Idlewood Drive and Lockland Drive, at the 90° corner along Lockland Drive, and Flintlock Drive and Lockland Drive, and improvements with gravel at the 90 degree turn on Lockland Drive.

Rick Yost made the motion to approve.

Seconded by Shonn Moulton.

Vote: All in favor.

7. N/A The proposed subdivision will/will not provide adequate sewage waste disposal.

8. The proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan.

§120-911A – The proposed subdivision does conform to the subdivision regulations, with the approved waivers.

Shonn Moulton made the motion to approve.

Seconded by Anne Daigle.

Vote: All in favor.

9. The developer has the adequate financial capacity to meet the standards of this section.

§120-911G – The applicant has estimated the cost of development at \$140,000.00 and shall provide a performance guarantee equal to the amount of the required improvement plus contingency will be required within six months of approval.

Shonn Moulton made the motion to approve.

Seconded by Christian Etheridge.

Vote: All in favor.

10. The proposed subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

§120-911B- The proposed subdivision will be utilizing private wells.

Christian Etheridge made the motion to approve.

Seconded by Shonn Moulton.

Vote: All in favor.

11. The proposed subdivision will provide for adequate stormwater management.

§120-911J – The responsibility of maintaining the stormwater management system will be the applicant until such time it could be assigned to the future Homeowner's Association

(HOA), as required per §120-911N.

Christian Etheridge made the motion to approve.

Seconded by Shonn Moulton.

Vote: All in favor.

12. N/A The proposed location and height of buildings or structure walls and fences, parking, loading, and landscaping shall be such that it will/will not interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value

13. On-site landscaping does provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.

§120-911C - The applicant's engineer has provided a statement from a Maine licensed professional civil engineer preventing soil erosion and sedimentation from entering water bodies, wetlands, and adjacent properties.

Christian Etheridge made the motion to approve.

Seconded by Shonn Moulton.

Vote: All in favor.

14. All freshwater wetlands within the proposed subdivision have been identified on the plan.

§120-911E – All freshwater wetlands have been identified on the plan.

Kathleen Brown made the motion to approve.

Seconded by Shonn Moulton.

Vote: All in favor.

15. Any river, stream, or brook within or abutting the subdivision has been identified on any maps submitted as part of the application.

§120-911E – All water features have been identified; no adverse impact anticipated.

Shonn Moulton made the motion to approve.

Seconded by Kathleen Brown.

Vote: All in favor.

16. The proposed subdivision will provide for adequate stormwater management.

§120-911J – The applicant has received a stormwater permit from DEP.

Shonn Moulton made the motion to approve.



*Seconded by Christian Etheridge.*

*Vote: All in favor.*

*18. N/A 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 a lot-depth to shore frontage ratio greater than 5 to 1.*

*19. N/A The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.*

*20. N/A 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.*

*21. N/A The timber on the parcel being subdivided has/has not been harvested in violation of rules adopted pursuant to Title 12, §8869, sub§14.*

*Evert Krikken made a motion that the major subdivision application for the #24-13 Cross Ridge Subdivision development identified on Tax Map: 22; Lots: 23-3B, 23-9, 23-10, 23-11, 23-12, 23-3, 23-8, 23-7, 23-6, and 20-5 ; Zone: Farm Residential (FR) zoning district and located in the Pleasant River watershed was to be approved with conditions with the following Findings of Fact, Conclusions, and Conditions of Approval.*

*Finding of Fact, Conclusions and Conditions of Approval*

*1. The development plan reflects the natural capacities of the site to support development.*

- §120-911E – The subdivision has large single-family house lots with natural landscaping minimum area of tree clearing and reflect the natural environment.*

*By a vote of 7-0, the Board found the subdivision reflects the natural capacity of the site to support the development. The motion was proposed by E. Krikken and seconded by S. Moulton.*

*2. Buildings, lots, and support facilities will be clustered in those portions of the site that have the most suitable conditions for development.*

- §120-911A – The proposed lots are located in areas of the site that are most suitable for development.*

*By a vote of 7-0, the Board found the building and lots are clustered to support the development. The motion was proposed by S. Moulton and seconded by E. Krikken.*

*3. Environmentally sensitive areas, including but not limited to wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and sand and gravel aquifers will be maintained and protected to the maximum extent.*

- §120-911E – Based on an assessment done by the Maine Department of Environmental Protection (MDEP), the proposed activity will not unreasonably harm any*

*significant wildlife habitat, freshwater wetland plant habitat, or threatened or endangered plant habitat.*

*By a vote of 7-0, the Board found the proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, or threatened or endangered plant habitat. The motion was proposed by S. Moulton and seconded by E. Krikken.*

*4. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the site plan.*

- §120-911B – The applicant’s Soils Scientist has showed abutting property well and septic locations in order to evaluate conditions for a hydrogeological/groundwater study. The analysis shows there is sufficient water to serve the single-family homes and has provide adequate separation.*

*By a vote of 7-0, the Board found the proposed subdivision has sufficient water available for the reasonably foreseeable needs of the site plan. The motion was proposed by S. Moulton and seconded by K. Brown.*

*5. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land’s capacity to hold water so that a dangerous or unhealthy condition results.*

- §120-911C- The plans for the proposed subdivision make use of BMPs and appear to minimize erosion concerns.*

*By a vote of 7-0, the Board found the proposed subdivision will not cause unreasonable soil erosion or a reduction in the land’s capacity to hold water. The motion was proposed by S. Moulton and seconded by C. Etheridge.*

*6. The proposed use and layout will not be of such a nature that it will make vehicular or pedestrian traffic more hazardous than is normal for the area involved.*

- §120-911M –The applicant has shown on the plan the addition of traffic stop-signs. The locations are the intersections of Cross Ridge Drive and Lockland Drive, Lockland Drive and Winchester Drive, Idlewood Drive and Lockland Drive, at the 90° corner along Lockland Drive, and Flintlock Drive and Lockland Drive.*

*By a vote of 7-0, the Board found the proposed use and layout will not be of such a nature that it will make vehicular or pedestrian traffic more hazardous than is normal for the area involved. The motion was proposed by R. Yost and seconded by S. Moulton.*

*7. Not Applicable: The proposed subdivision will/will not provide adequate sewage waste disposal.*

*8. The proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan.*

- §120-911A – The proposed subdivision does conform to the subdivision regulations.*

*By a vote of 7-0, the Board found the proposed subdivision does conform to the subdivision regulations. The motion was proposed by S. Moulton and seconded by A. Daigle.*

*9. The developer has the adequate financial capacity to meet the standards of this*

section.

- §120-911G – The applicant has estimated the cost of development at \$140,000.00 and shall that a performance guarantee equal to the amount of the required improvement plus contingency will be required prior to starting construction.

By a vote of 7-0, the Board found the developer has the adequate financial capacity to meet the standards of this section. The motion was proposed by S. Moulton and seconded by K. Brown.

10. The proposed subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

- §120-911B- The proposed subdivision will be utilizing private wells.

By a vote of 7-0, the Board found the proposed subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater. The motion was proposed by C. Etheridge and seconded by S. Moulton.

11. The proposed subdivision will provide for adequate stormwater management.

- §120-911J – The responsibility of maintaining the stormwater management system will be the applicant until such time it could be assigned to the future Homeowner's Association (HOA), as required per §120-911N.

By a vote of 7-0, the Board found the proposed subdivision will provide for adequate stormwater management. The motion was proposed by C. Etheridge and seconded by S. Moulton.

12. Not Applicable: The proposed location and height of buildings or structure walls and fences, parking, loading, and landscaping shall be such that it will/will not interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value.

13. On-site landscaping does provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.

- §120-911C - The applicant's engineer has provided a statement from a Maine licensed professional civil engineer preventing soil erosion and sedimentation from entering water bodies, wetlands, and adjacent properties.

By a vote of 7-0, the Board found On-site landscaping does provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping. The motion was proposed by C. Etheridge and seconded by S. Moulton.

14. All freshwater wetlands within the proposed subdivision have been identified on the plan.

- §120-911E – All freshwater wetlands have been identified on the plan.

By a vote of 7-0, the Board found all freshwater wetlands within the proposed subdivision have been identified on the plan. The motion was proposed by C. Etheridge and seconded by S. Moulton.

15. Any river, stream, or brook within or abutting the subdivision has been identified on any maps submitted as part of the application.

- §120-911E – All water features have been identified; no adverse impact anticipated.

By a vote of 7-0, the Board found Any river, stream, or brook within or abutting the subdivision has been identified on any maps submitted as part of the application. The motion was proposed by C. Etheridge and seconded by S. Moulton.

16. The proposed subdivision will provide for adequate stormwater management.

- §120-911J – A sufficient stormwater management plan has been developed and provided.

By a vote of 7-0, the Board found the proposed subdivision will provide for adequate stormwater management. The motion was proposed by C. Etheridge and seconded by S. Moulton.

17. Not Applicable: 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/ has not a lot-depth to shore frontage ratio greater than 5 to 1.

18. Not Applicable: The long-term cumulative effects of the proposed subdivision will/will not unreasonably increase a great pond’s phosphorus concentration during the

19. Not Applicable: 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. Not Applicable: The timber on the parcel being subdivided has/has not been harvested in violation of rules adopted pursuant to Title 12, §8869, sub§14.

WAIVERS:

a) The Board approved the waiver of §120-911E(1)(b): – Street tree per lot. At the August 26, 2024 meeting by a vote of 6-0 (R. Yost absent). The motion was proposed by E. Krikken and seconded by K. Brown.

b) The Board approved the waiver of §120-911M(5)(a)[5] Private Roads and Att. §120-2 Attachment 2 - Appendix B: –Street Design and Construction, At the August 26, 2024 meeting by a vote of 6-0 (R. Yost absent). The motion was proposed by E. Krikken and seconded by K. Brown.

c) At the October 7, 2024 meeting, the waiver of §120-911M(5)(3)(7) Street Connection Requirements was re-heard, and the waiver standards (below) were individually voted upon. At the October 7, 2024 meeting by a vote of 4-3 (A. Daigle, S. Moulton, & C. Etheridge opposed). The motion was proposed by E. Krikken and seconded by C. Etheridge.

§120-908C(2)(b) The waiver will not result in the following:

- [1] Undue water or air pollution. The Board found by a vote of 7-0 that the waiver

approval will not result in any undue water or air pollution. The motion was proposed by E. Krikken and seconded by K. Brown.

[2] Undue light pollution or glare. The Board found by a vote of 7-0 that the waiver approval will not result in any undue light pollution or glare. The motion was proposed by E. Krikken and seconded by K. Brown.

[3] An inadequate water supply. The Board found by a vote of 7-0 that the waiver approval will not result in an inadequate water supply. The motion was proposed by E. Krikken and seconded by K. Brown.

[4] Unreasonable soil erosion. The Board found by a vote of 7-0 that the waiver approval will not result in unreasonable erosion. The motion was proposed by E. Krikken and seconded by K. Brown.

[5] Unreasonable traffic congestion or safety risk. The Board found by a vote of 4-3 (A. Daigle, S. Moulton, & C. Etheridge opposed) that the waiver approval will not result in any unreasonable traffic congestion or safety risk. The motion was proposed by E. Krikken and seconded by A. Daigle.

[6] Decreased pedestrian safety or access. The Board found by a vote of 4-3 (A. Daigle, S. Moulton, & C. Etheridge opposed) that the waiver approval will not result in decreased pedestrian safety or access. The motion was proposed by E. Krikken and seconded by A. Daigle.

[7] Inadequate supply of parking spaces. The Board found by a vote of 4-3 (A. Daigle, S. Moulton, & C. Etheridge opposed) that the waiver approval will not result in inadequate supply of parking spaces. The motion was proposed by E. Krikken and seconded by A. Daigle.

[8] Inadequate sewage disposal capacity. The Board found by a vote of 7-0 that the waiver approval will not result in inadequate sewage disposal capacity. The motion was proposed by E. Krikken and seconded by K. Brown.

[9] Inadequate solid waste disposal capacity. The Board found by a vote of 7-0 that the waiver approval will not result in solid waste disposal capacity. The motion was proposed by E. Krikken and seconded by A. Daigle.

[10] An adverse impact on scenic or natural beauty, aesthetics, historic sites, or rare or irreplaceable natural areas. The Board found by a vote of 7-0 that the waiver approval will not result in an adverse impact on scenic or natural beauty, aesthetics, historic sites, or rare or irreplaceable natural areas. The motion was proposed by E. Krikken and seconded by K. Brown.

[11] Flooding or adverse drainage impacts on abutting properties. The Board found by a vote of 7-0 that the waiver approval will not result in flooding or adverse drainage impacts on abutting properties. The motion was proposed by E. Krikken and seconded by C. Etheridge.

[12] An adverse impact on the Town's ability to provide the subdivision with public safety services. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)] The Board found by a vote of 4-3 that the waiver will not result in an adverse impact on the town's ability to provide the subdivision with public safety services. The motion was proposed by E. Krikken and seconded by K. Brown.

[13] The Board found public health, safety, and welfare of are met with following Conditions of Approval. The Board found by a vote of 4-3 that public health, safety, and welfare of are met with following Conditions of Approval. The motion was proposed by E. Krikken and seconded by K. Brown.

#### CONDITIONS OF APPROVAL (REQUIRED)

1. Approval is dependent upon and limited to the proposals and plans contained in the applications dated March 4, 2024, May 1, 2024, July 22, 2024, August 26, 2024, amended as October 7, 2024, 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 §120-912 of the Land Use Ordinance.*

*2. The signed subdivision recording plan shall be recorded three years from the date of the final approval by 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. The new building permits are subject to Windham’s impact fees, which include 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.*

*4. Prior to issuing building permit, the Fire Chief shall provide a written inspection report to the Director of Planning all fire cisterns are installed per NFPA and manufacturer performance standards.*

*5. Per the Planning Board waiver approval of §120-911M(5)(3)(7) Street Connection Requirements, the applicant shall pave the first 50’ of Cross Ridge Drive and meet pavement requirements of Major Private Road, provide appropriate turning radii at the intersection of Smith Road, widen the road shoulders, and align the center of the roadway.*

*6. The applicant shall install gravel on the outside radius of the “90-degree” corner on Lockland Drive to allow large trucks to pass along the curve.*

*Seconded by Shonn Moulton.*

*Vote: Five in favor. Anne Daigle opposed.*

*Shonn Moulton made a motion that the Board authorized the Chair to sign the Notice of Decision for the Cross Ridge Subdivision review.*

*Seconded by Evert Krikken.*

*Vote: All in favor.*

*Meeting went into Recess*

*Meeting Reconvened*

**5**      [PB 24-087](#)

#24-25 - Major Subdivision & Site Plan - Andrew School Redevelopment - 55 High Street - Preliminary Plan Review - Westbrook Development Corp  
 The application is a mixed-income development consisting of eighteen affordable apartments for senior housing, This project also includes associated parking areas, internal vehicular drive aisles, pedestrian pathways, a centralized open green space, and stormwater treatment area.  
 Tax Map: 37; Lot: 24; Zone: Village Commercial (VC) zoning district in the

Upper Presumpscot River watershed.

**Attachments:** [24-25 MJR SUB-SP PP PB MEMO AndrewSchool 100324](#)  
[24-25 MJR SUB-SP PP SR&C AndrewSchool 100324](#)  
[24-25 MJR SUB-SP PP SR&C RESPONSE AndrewSchool 100324](#)  
[4](#)  
[24-25 MJR SUB-SP PP APPL AndrewSchool 091924](#)  
[24-25 MJR SUB-SP PP PLAN AndrewSchool 091924](#)  
[24-25 MJR SUB-SP PP SW AndrewSchool 091924](#)  
[24-25 MJR SUB-SP PP AE AndrewSchool 091924](#)

Tyler Norad, from Westbook Development Corporation was present with:

- Jon Smith and Julie Curran, from Great Falls Construction
- Amy Segall and Kelsey Weir, from Sebago Technics
- Mike Coyne, from Archetype Architects

The application proposed four buildings containing a total of 18 affordable housing, one bedroom apartments, with associated infrastructure.

Evert Krikken made a motion that the major subdivision and site plan application for project #24-25 Andrew School Redevelopment project 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 Shonn Moulton.

Vote: All in favor.

Public Comment

Terry Villacci, High Street – She said it would be great and go well with the neighborhood. She thought it was a great project and hoped it passed. There was no more public comment.

Steve Puleo explained the site was in an MS4 area, which required annual reporting to the town. The town requested construction of a manhole and pipe connection in High Street for connection to the project's stormwater basin in order to prevent discharge of contaminants into the MS4 system.

Evert Krikken made a motion that the preliminary plan application for project #24-25 Andrew School Redevelopment identified on Tax Map: 37; Lot: 24; Zone: Village Commercial (VC) and located in the Upper Presumpscot River watershed is to be approved with conditions with the following Findings of Fact, Conclusions, and Conditions of Approval.

FINDINGS OF FACT

Jurisdiction: The Andrew School Redevelopment project is classified as a Major Subdivision & Site Plan, which the Planning Board is authorized to review and act on by §120-905A(2) of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted documentation of an award between

the Town of Windham and Great Falls Construction. For final plan review, please provide an acceptable form to satisfy the Right, Title, and Interest evidence.

#### 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 April 9, 2024, Tax Map: 37; Lot: 24.
- The property is located in Village Commercial (VC) zoning district.
- Multifamily dwellings are a permitted use found in § 120-415B.

#### ARTICLE 5 PERFORMANCE STANDARDS

##### §120-511 – Buffer yards

C(3)(b) Commercial Districts (C-1, C-2, C-3, C-4, VC and WC Districts): use Buffer Yard G.

##### §120-911 - SUBDIVISION PERFORMANCE STANDARDS

##### §120-911A – Basic Subdivision layout

(2) Utilities are shown on the provided subdivision plan.

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

(3) The applicants have shown connection with the public water system on the provided subdivision plan.

For the Final Plan Review, the applicant shall submit documentation of Ability to Serve from PWD.

##### §120-911C - Erosion Control and sedimentation control

(1) The applicants have 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.

(3) The applicant or developer shall consider 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 has provided evidence of site suitability for subsurface sewage disposal prepared State of Maine Subsurface Waste Disposal Rules.

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

(1) The applicants are developing the access driveway and dwelling units in the open space of the site, preservation 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 included a landscape plan with the application.

(2) For final plan review, the applicant must reserve or dedicate maintenance of open space.

#### §120-911F – Conformance with Land Use Ordinances

##### Comprehensive Plan:

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

##### Subdivision Ordinance

- the applicants have provided a landscaping plan.
- Standard notes, the standard conditions of approval, and approved waiver must be 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.

#### §120-911G – Financial and Technical Capacity

(1) The applicant has provided evidence of financial and estimated cost of development.

(1) The applicant has provided evidence of technical capacity. The applicants have contracted Sebago Technics, Inc. to manage the permitting and design of the development.

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

(1) The applicant has provided evidence that the subdivision shall not increase any contaminant concentration in the groundwater and shall meet the State primary drink water standards. A hydrogeological evaluation shall be required to demonstrate nitrates as nitrogen meet the maximum contaminant level.

(2) The proposed development will connect to available water supply provided by the Portland Water District (PWD) that has an existing main along High Street. The scale of this development is not anticipated to adversely impact the overall quality or quantity of available water supply.

#### §120-911I – Floodplain Management

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

#### §120-911J – Stormwater

- The project will require a Chapter 500 Stormwater Management Law permit for MeDEP.
- A Stormwater Permit by Rule with Maine DEP will be required. For final plan review, the Applicant should submit documentation that a Notice of Intent for this permit has been filed with DEP
- For final plan review, the applicant shall provide condominium documents include a draft deed for the units with covenants and restriction, by-laws, and stormwater maintenance and inspection plan, among other requirements.

#### §120-911K – Conservation Subdivision

(1) The development is in the VC district and therefore is not required to meet the conservation subdivision ordinance.

#### §120-911L – Compliance with Timber Harvesting Rules

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

*§120-911M – Traffic Conditions and Street*

- A Traffic Memorandum was submitted by the Applicant that concludes that proposed traffic levels are below the threshold for requiring a traffic Management Plan (TMP) from (6 peak hour trips) Maine DOT or a Traffic Impact Analysis under the Town's Subdivision ordinance (58 trips/day). This appears to be appropriate for the scale of the development.

*§120-911N – Maintenance of common elements.*

- For the final plan review, the applicants shall provide draft condominium association documents for the Town Attorney's review.

*(SUBDIVISION) CONCLUSIONS (Final Plan Review)*

1. The development plan reflects the natural capacities of the site to support development.
2. Buildings, lots, and support facilities will be clustered in those portions of the site that have the most suitable conditions for development.
3. Environmentally sensitive areas, including but not limited to wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and sand and gravel aquifers will be maintained and protected to the maximum extent.
4. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the site plan.
5. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
6. The proposed use and layout will 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 subdivision will provide adequate sewage waste disposal.
8. The proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan.
9. The developer has the adequate financial capacity to meet the standards of this section.
10. The proposed subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
11. The proposed subdivision will provide for adequate stormwater management.
12. The proposed location and height of buildings or structure walls and fences, parking, loading, and landscaping shall be such that it will not interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value.
13. On-site landscaping does provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.
14. All freshwater wetlands within the proposed subdivision have been identified on the plan.
15. Any river, stream, or brook within or abutting the subdivision has/has not been identified on any maps submitted as part of the application.
16. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, §480-B, none of the lots created within the subdivision has/does not have a lot-depth to shore frontage ratio greater than 5 to 1.
17. The long-term cumulative effects of the proposed subdivision will/will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
18. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will/will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the

subdivision is located.

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

**CONDITIONS OF APPROVAL (REQUIRED)**

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated August 27, 2024 as amended TBD and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board. Any variation from such plans, proposals, supporting documents, and representations is subject to review and approval by the Planning Board or the Town Planner in accordance with §120-914 or §120-815 of the Land Use Ordinance.
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. In accordance with §120-815C(1)(b) of the Land Use Ordinance, the Construction of improvements covered by any site plan approval shall be completed within two years of the date upon which the performance guarantee is accepted by the Town Manager. If construction has not been completed within the specified period, the Town shall, at the Town Manager's discretion, use the performance guarantee to either reclaim and stabilize the site or to complete the improvements as shown on the approved plan.
4. In accordance with §120-914B(5) of the Land Use Ordinance, the Construction of improvements covered by any subdivision plan approval shall be completed within two years of the date upon which the performance guarantee is accepted by the Town Manager. The developer may request a one-year extension of the construction completion deadline prior to the expiration of the period. Such request shall be in writing and shall be made to the Planner. The Town Manager may require an update to the schedule of values and the amount of the guarantee when accepting an extension of the construction period. If construction has not been completed within the specified period, the Town shall, at the Town Manger's discretion, use the performance guarantee to either reclaim and stabilize or to complete the improvements as shown on the approved plan.
5. Recreation Impact Fee (\$600 x 4 = \$2,400), Open Space Impact Fee (\$450 x 18 = \$8,100), Public Safety Impact Fee (\$1,008 x 4 = \$4,032); and Municipal Office Impact Fee (\$333 x 4 = \$1,332). All fees (\$2,400 + \$8,100 + \$4,032 + \$1,332 = \$15,864) will be determined and collected for any building, or any other permits necessary for the development, §120-1201C (MASTER FEE SCHEDULE)

Seconded by Christian Etheridge.

Vote: All in favor.

**New Business**

6 [PB 24-089](#)

#24-27: Amendments to the Town of Windham's Code, Chapter 185, Shoreland Zoning, to revise the Table of Land Uses, requiring certain non-residential uses in the Shoreland Zoning District to comply with Chapter 120 Land Use Article 8. Per §185-8 Amendments, the Planning Board shall review and provide a land use recommendation; this chapter may be amended by the Town Council in accordance with the Town Charter.

**Attachments:** [24-27 PB MEMO AmendmentsChapter185Shorland\\_092624.pdf](#)  
[Moratorium Ordinance Effective 03.26.2024 \(1\).pdf](#)  
[185-14 Table of Land Uses \(revised\).pdf](#)  
[185-15 Land use standards \(revised\).pdf](#)  
[185-16 Administration \(revised\).pdf](#)  
[185-17 Definitions \(revised\).pdf](#)  
[120-105 Conformance required \(revised\).pdf](#)  
[120-805 Classification of projects \(revised\).pdf](#)  
[120-812 Performance standards and approval criteria \(revised\).pdf](#)

*Steve Puleo explained the town was mandated to enact the amendments to the Shoreland Zoning and Land Use Ordinances by December 26, 2024 because of an emergency moratorium that was currently in place.*

- The amendments were intended to attach the two ordinances so that the more intensive nonresidential uses in the shoreland zone would require Planning Board review and approval of site plan criteria.*
- The amendments included definition corrections; additions to the land use table; and approval modifications.*

## **Other Business**

### **7 Adjournment**

*Chrisitan Etheridge made a motion to adjourn.*

*Seconded by Evert Krikken.*

*Vote: All in favor.*