

PLANNING BOARD MEMO • MAJOR SUBDIVISION • PRELIMINARY PLAN REVIEW

DATE: June 4, 2026

TO: Windham Planning Board
FROM: Amanda Lessard, Assistant Town Manager
Cc: Steve Puleo, Planning Director
Dustin Roma P.E., DM Roma Consulting Engineers
Ron Goddard, Row Even, LLC

RE: #25-27 Eventide Subdivision – Major Subdivision – Preliminary Plan Review - 100 River Road - Row Even, LLC
Planning Board Meeting & Public Hearing: June 8, 2026

Overview:

The application is to develop a 17-lot conservation subdivision on 27.92 acres with a new road built to public standards. Lots will be 30,000 square feet, with the remaining 13.87 acres as open space. Lots will be served by private subsurface wastewater disposal systems, on-site wells and underground utilities. Subject property is identified as Tax Map: 1; Lots: 8 (portion), 8-1, 8-2; Zone: Farm (F) in the Presumpscot River watershed.



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

Review History:

Development Review Team meeting was held on November 18, 2025. The Planning Board reviewed the sketch plan on November 24, 2025 and held a site walk on December 13, 2025.

The applicant has submitted a preliminary subdivision application and a response to staff comments on the application. The preliminary plan differs from the sketch plan as the applicant has eliminated the parcel across the Mountain Division rail corridor adjacent to the Presumpscot River, Tax Map 1 Lot 9, from the subdivision review and realigned the street ROW to the abutting property to the north where future development is possible (Map 1 Lot 11).

As of the date of this memo, comments related to the stormwater management plan have not yet been fully addressed by the applicant and staff finds the application incomplete as the Planning Director did not grant the requested waivers from the landscape plan and traffic impact analysis submission requirements. Land Use Ordinance [§120-907B\(4\)](#) states that an application will not be considered by the Board until the additional information is submitted so staff recommend that the Board postpone or continue the scheduled public hearing.

SUBDIVISION REVIEW

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

Staff Comments:

1. Complete Application: The staff finds the application **Incomplete.**

MOTION: ~~[I move] the Major Subdivision application for project #25-27 Eventide Subdivision is found complete in regard to the submission requirements based on the application checklist, but the Planning Board retains the right to request more information where review criteria are not fully addressed.~~

2. Waivers:

Limitation of Waivers. The granting of a submission requirement waiver or site waiver may not conflict with, nor negate, any State Statutory requirements for the subdivision of land.

SUBMISSION REQUIREMENTS

The Planning Director, or designee, may waive any of the submission requirements of [§120-910](#) based upon a written request by the applicant that includes the reasons for which a waiver is sought. A waiver of any submission requirement may be granted only if the Planning Director, or designee, finds that the information is not required to determine compliance with the standards and criteria of the Land Use Ordinance or that the information relates to a standard that is not

applicable to the application. Per [§120-908B\(1\)](#) the Planning Director is not required to use any criteria in making his determination on the granting of a waiver of the submission requirements.

Submission Waivers Requested:

- a) [§120-910C\(3\)\(b\)](#) A landscape plan, including a list of proposed plant species and their size at the time of installation and maturity.

The Planning Director did not grant the requested waiver, finding the submission required to allow the Planning Board to make findings regarding compliance with [§120-911](#) design and buffering standards.

- b) [§120-910C\(3\)\(e\)](#) Traffic impact analysis.

The Planning Director did not grant the requested waiver, finding the submission required to allow the Planning Board to evaluate compliance with the performance standards of [§120-911](#), including those related to access management, roadway function, and public safety.

PERFORMANCE STANDARDS

Per [§120-908C](#) the Planning Board may waive the requirements of [§120-911](#) Performance and Design Standards when the applicant demonstrates that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met, and the public nullifying the intent and purpose of the land use ordinance. In granting site waivers, the Planning Board shall utilize the criteria in [§120-908C\(2\)](#).

Performance Standard Waivers Requested:

- a) [§120-911K\(6\)\(b\)](#): Minimum open space required

This is a request to waive the Land Use Ordinance (LUO)'s required open space calculation. According to LUO, open space should equal the net residential area plus 50% of any remaining land that has not been deducted from the net residential area. This required amount of open impedes the development of the number of lots determined by net residential density.

Open space calculations indicate that the applicant must reserve 16.21 acres of open space. According to the Preliminary Plan, the applicant provides 13.87 acres of open space, which is 2.34 acres less than the requirement. The design shows that the open space provided represents 50% of the entire parcel, compared to the required open space of 58%.

MOTION: [I] move to approve/deny the waiver request of [§120-911K\(6\)\(b\)](#): **Minimum open space required** to reduce the required open space from 16.21 acres to 13.87 acres of open space.

- b) [§ 120-911M\(2\)\(a\)](#), [§ 120-911M\(5\)\(a\)\[1\]](#) and [Table 2 Appendix](#): Minimum Access spacing

The applicant has requested a Waiver from the requirement for minimum access spacing, which at a speed limit of 45 mph is 265-ft. The spacing to the nearest existing neighboring

access is only 70'. The Applicant has proposed closing two of the existing entrances on its parcel just to the south to minimize the number of accesses on the subdivision lot.

MOTION: [I] move to approve/deny the waiver request of [§ 120-911M\(2\)\(a\)](#), [§ 120-911M\(5\)\(a\)\[1\]](#) and [Table 2 Appendix: Minimum Access spacing](#) to reduce the minimum access spacing from 265 feet to 70 feet.

c) [§120-911J\(6\)](#): Stormwater flooding standard

The estimated peak runoff rates for post-development exceed the pre-development runoff rates at Study Point SP-5 for the 10-yr and 25-yr storms. For the 10yr storm the peak pre vs. post flowrates increase is 1.59 cfs (17%) and the 25-yr post-development peak flow is also increased by 6.3%.

MOTION: [I] ~~move to approve/deny the waiver request of [§120-911J\(6\)](#): Stormwater flooding standard~~

In the June 1, 2026 response to comment the applicant states that when they receive the Delegate Stormwater Permit review comments, they will revisit the stormwater design in an attempt to reduce the peak flow rates.

3. Public Hearing: A public hearing is scheduled for the June 8, 2026 Planning Board meeting.
4. Site Walk: The Planning Board held a site walk on December 13, 2025.

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

MOTION: [I ~~move~~] the Major Subdivision application for project #25-27 Eventide Subdivision development identified on Tax Map: 1; Lots: 8 (portion), 8-1, 8-2; Zone: Farm (F) in the Presumpscot River watershed is to be ~~(approved with conditions/denied)~~ with the following Findings of Fact, Conclusions, and Conditions of Approval.

FINDINGS OF FACT

Jurisdiction: The Eventide Subdivision project is classified as a Major Subdivision, which the Planning Board is authorized to review and act on by [§120-903](#) of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted a copy of An Option to Purchase Real Property between Row Even LLC and Michael E. Tevanian dated October 30, 2025 and a Revocable Transfer on Death Deed dated June 30, 2025, and recorded on June 30, 2025, at the Cumberland County Registry of Deeds in Book 41547 and Page 82.

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: 1; Lots: 8 (portion), 8-1, 8-2; is located in Farm (F) zoning district ~~and Resource Protection (RP) shoreland zoning district governed by the provisions of [Chapter 185](#), Shoreland Zoning.~~

- The applicant's ~~sketch~~ plan shows a 17-lot subdivision with lots ranging in size from 0.69 acres to 0.72 acres, exceeding the minimum lot size for conservation subdivisions lots connected to public water in the Farm (F) zoning district, per [§120-406E\(1\)\(b\)](#).

ARTICLE 5 PERFORMANCE STANDARDS

§120-511 – Buffer yards

- C(3)(f) Buffers along streets. Farm and Farm Residential Districts: agriculture and forestry uses and lots created as part of a residential subdivision approved after July 9, 2020 are not subject to this standard.

§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).

§120-911 - SUBDIVISION PERFORMANCE STANDARDS

§120-911A – Basic Subdivision layout

- (1) The property has ~~33.69~~27.92 acres 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 ~~101,534~~91,960SF of road R/W, ~~11,7385,455~~11,7385,455 SF of steep slopes, ~~976 SF within the 100-year floodplain, 158,236 SF in Resource Protection~~ and ~~99,448~~98,260 SF of wetlands for the net area of ~~25.15~~23.43 acres. The net residential density is 60,000 SF, equaling ~~18.217~~ lots/dwelling units.
- (b) The seventeen (17) proposed single-family lots side lot lines are generally perpendicular to the proposed roadway.
- (e) For the final plan review, the applicant shall consult with the E-911 Addressing Officer to assign lot numbers and a street name. The street name Eventide Drive has been approved by the Addressing Officer.
- (2) The plans show where the proposed utilities will be located and shall be installed underground.
- (3) The plans show the location of the proposed subdivision monuments.

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

- (3) Public water is located at 230 River Road and at River Road at Rousseau Road, each over 1 mile from the subdivision. The subdivision is not within the distance required to connect to the public water system (100 feet multiplied by number of lots in the subdivision).
- (3) The plan show proposed well locations and subsurface wastewater disposal areas in compliance with the Maine Subsurface Waste Water Disposal Rules and the Well Drillers and Pump Installers Rule. **Lot 15 and Lot 17 should include well exclusion areas that prohibit wells within 100 feet of a septic location.**

- Wells 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 on the affected lots.
- At the Development Review Team meeting, the Fire Chief stated that for firefighting purposes, the residential dwellings will require sprinkler systems. See Note 15 on the plan.

§120-911C - Erosion Control and sedimentation control

- The wetland delineation report prepared by Maily Soils LLC in September 2025 shows the location of total amount wetland areas on the site. The amount of wetlands proposed to be altered for the development (3,563 sq ft) is listed in Note 10 and identified on the plan.
 - (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 plan was developed by Maine licensed professional civil engineer stating that the plan will prevent soil erosion and sedimentation from entering water bodies, wetlands, and adjacent properties.
 - (3) For the preliminary plan review, the applicant 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 provided a Class A-High Intensity Soil Survey Report dated September 23, 2025 prepared by certified soil scientist Mark Hampton and a soil evaluation of subsurface wastewater disposal systems dated December 16, 2025 prepared by licensed soil evaluator Alexander Finamore of Mainely Soils LLC with a finding that a suitable site for first-time single-family home wastewater disposal was found and located on each of the 17 lots. Test pit locations are shown on the plan.

§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 River Road.
 - (a) The applicant provided note 14 not allowing the clearing of trees where tree cover is depicted on the plan for at least five years. Mandatory buffers 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 requested a waiver of the submission requirement for landscape plan including a list of proposed plant species and their size at the time of installation and maturity, including the street tree plantings no more than 50 feet apart. **A landscape plan must be provided.**

- Roadway Plan and Profile Sheets revised June 1, 2026 show and call out street street shall be planted or preserved at an interval of at least 1 tree every 50 feet of roadway, both sides. No proposed plant species or size detail is provided.
- 6 evergreen trees, minimum 6 feet tall are shown on Sheet PP-1. No proposed plat species is provided.

(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 documentation.

§120-911F – Conformance with Land Use Ordinances

Comprehensive Plan:

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

Land Use Ordinance, Chapter 120:

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

Subdivision Ordinance, Chapter 120 Article 9:

- 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.

Growth Management, [Chapter 101](#):

- Growth permits are required for the creation of each new single-family dwelling. Growth permits for dwelling units to be located in a proposed subdivision, may be applied for after the project receives preliminary subdivision approval from the Planning Board pursuant to Article 9 of Chapter 120, Land Use.

§120-911G – Financial and Technical Capacity

(1) The applicant provided a certificate of good standing from the Maine Secretary of State, a cost estimate for the construction of the subdivision infrastructure and a loan proposal from InnoVestus, LLC, but it does not constitute a commitment to finance the development, but indicates the application has creditworthiness and financial capacity to complete the project.

(2) The applicant provide evidence of technical ability and qualifications of DM Roma Consulting Engineers, Survey Inc, Mainely Soils LLC, Mark Hampton Association and Main-Land Development Consultants Inc to design, supervise, construct, and inspect the required improvements in the proposed subdivision.

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

(1) The applicant provided a Nitrate-nitrogen Impact and Groundwater Feasibility Assessments dated March 24, 2026 prepared by Scott Dixon, PE, CG, LSE of Main-Land

Development Consultants, Inc that stated that proposed leachfields for all lots except Lots 1 through 3 are exempt such that wastewater flow is toward a drainage divide and/or are internal to the property and provided evidence that leachfield locations for Lots 1 through 3 shall not increase any contaminant concentration in the groundwater and shall meet the State's drinking water standards.

- (2) The Groundwater Feasibility Assessment provided well data for 23 wells within 0.5 mile of the property and based on existing bedrock water supply wells in the area the proposed subdivision shall not result in water table drawdowns beyond the subdivision boundaries.

§120-911I – Floodplain Management

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

§120-911J – Stormwater

- (1) Stormwater management for subdivisions shall incorporate appropriate treatment measures for water quantity and quality to meet the requirements specified below for development of the lots as well as the infrastructure to support the project. The application shall include, for each lot, maximum developed area, disturbed area, and impervious area, as those terms are defined in DEP Chapter 500, Stormwater Management.
 - The Stormwater Management Plan included with the preliminary plan submission proposes to manage stormwater runoff from the proposed 2.4 acres of impervious area and 7.76 acres of lawn, landscaping and BMPs totally 10.16 acres of developed area road through the construction of five (5) underdrained filter basins. Buildings will have roofline drip edges. The plan also included a stormwater maintenance and inspection plan.
 - (2) The amount of impervious and total disturbed area will require a Maine DEP Stormwater Permit and a Maine Construction General Permit (MCGP) from Maine DEP. The Town has delegated [DEP Stormwater Capacity](#).
 - (6) For all subdivisions, regardless of size, a stormwater management plan shall be submitted that complies with Section 4E, Flooding Standard, of the DEP Chapter 500, Stormwater Management, as amended (*see waiver request above).
- **The Stormwater Management Plan was reviewed by LJB Engineering on June 2, 2026 and several comments made with a finding that the submitted application does not appear to meet the standards of MaineDEP's Chapter 500.**
 - The responsibility of maintaining the stormwater management system will be assigned to the future Homeowner's Association, as per [§120-911N](#). For final plan review, applicants must submit HOA documents such as a draft deed with covenants and restrictions, a bylaw, and a stormwater maintenance and inspection plan.

§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 local street 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 (50 feet on the cul-de-sac).

- Per [§120-911K\(3\)\(a\)\[2\]](#), the applicant has provided the site analysis plan as a base for an existing resource inventory of the primary conservation resource element on the site. The sketch plan shows the primary conservation resource as the wetlands, ~~and floodplain and steep slopes and Resource Protection District adjacent to Presumpscot River~~. The applicant has preserved the highest-value natural resource.
- The applicant has not shown any secondary conservation resource on the site analysis plan, per [§120-911K\(6\)\(c\)\[2\]](#).
- The plan **does not** show 100-foot building setbacks from primary conservation areas and 50-feet from secondary conservation areas, per [§120-911K\(3\)\(c\)](#).
 - In the June 2, 2026 response the applicant states that the wetlands located on Lots 5, 8 and 9 are forested wetlands so we are not designating any required setback for the Building envelope. Similarly, the wetland that runs through Lots 15 and 16 is a forested drainage ditch so it did not appear necessary to treat these areas as primary conservation resources that would benefit from preserving 100 feet of structure setback. We understand that the ordinance defines all wetlands as primary conservation areas, but to develop the property in the most responsible manner we believe it is important to establish a hierarchy of resource value and to focus on preserving areas that may be more susceptible to negative impacts from adjacent development such as streams.
- The applicant is providing 13.87 acres of total open space on the 27.92-acre site. See waiver request for minimum amount of open space required.
 - The applicant proposes to most of the reserved open space adjacent to the Mountain Division rail trail corridor (11.04 AC), per [§120-911K\(3\)\(d\)](#).
 - The applicant is also providing three smaller open space areas: 1.83 and 0.49 acres around an unnamed stream, and 0.53 acres adjacent to River Road, which includes the required 100 ft street buffer. The size of this area exceeds 10,000 square feet in area per [§120-911K\(3\)\(b\)\[4\]](#).
 - Per [§120-911K\(3\)\(c\)\[2\]](#), Open Space Area 1 provides for buildings setback at least 100 feet from River Road but is entirely being used for stormwater treatment and provides no buffering or screening of the subdivision from the public street. ***When buildings will be visible from the existing streets, the applicant shall minimize the visual impact of new development through larger setbacks or screening with elements such as low walls, split-rail fencing, trees or other plantings.***
- Per [§120-911K\(3\)\(c\)\[3\]](#) the 50-foot buffer from the external perimeter of the property line is not part of the open space as the area is not a primary or secondary conservation area delineated in accordance with [§120-911K\(3\)\(a\)](#).
 - The 50 foot external perimeter buffer required by [§120-911K\(3\)\(c\)\[3\]](#), on Lots 1, 2, 3, and 4 are using the existing field for stormwater treatment and providing no screening of the abutting residential dwellings. The

ordinance requires that the buffer strip shall be naturally vegetated or landscaped. The provisions of § 120-911K are designed to ensure that conservation subdivision developed in the Town: [7] Minimize the impact of residential development on the Town, neighboring properties, and the natural environment.

- In the June 2 response, the applicant stated that a proposed evergreen buffer to be planted along the rear property line of Lot 1 to provide screening to the existing dwelling to the north. 6 evergreen trees, minimum 6 feet tall are shown on Sheet PP-1.
- For the final plan review, a note should be added to the plan requiring that the buffers shall be permanently marked prior to the start of construction. The applicant should also provide a draft of deed restrictions for buffer areas. See Condition of Approval #5.
- The use of the open space shall not be for commercial or private clubs, but to be used by the homeowner's association.
- A trail system is shown within the open space, per §120-911K(3)(e).

§120-911L – Compliance with Timber Harvesting Rules

- For preliminary plan review, the application should address how the subdivision will comply with timber harvesting rules.

§120-911M – Traffic Conditions and Street

- (1) The Applicant has estimated that the proposed subdivision will generate 161 trips on a typical weekday, which exceeds the 140 trip/day threshold that requires that the Applicant conduct a traffic analysis per § 120-910C(3)(e). Applicant will need to include a Traffic Analysis as part of their application.**
- (2) The applicant will be required to obtain a driveway permit from the Department of Public Works.**
- (3) The applicant is proposing to meet the Town's "Minor Local Street" standards found in Appendix B.**
 - The proposed plan is to build an 1,800-foot public road with a 50-foot-wide R/W and hammerhead turnaround at the end.
 - The homeowner's association will maintain the R/W road once the subdivision is completed until the street is offered for public acceptance.
 - At the Development Review Team meeting, the Police Department requested a streetlight at the intersection of the subdivision street and River Road.
- (4) The subdivision access shall meet the requirements of Appendix B.**
 - At the Development Review Team meeting, the Public Works Director and Town Engineer were concerned about the entrance spacing and the number of curb cuts that already serve this lot. The preliminary plan shows the existing dwelling at 100 River relocate its driveway to the subdivision street and the two existing River Road driveways closed.
 - The street must exceed the required minimum 425 feet of sight distance for the 45 MPH posted speed.
 - The applicant requested a waiver from the minimum access spacing requirement.

(5)(b)[5] [a] A hammerhead turnarounds shall be installed every 1,000 linear feet. At the Development Review Team meeting, the Fire Chief stated that they would need the required hammerhead turnaround for firefighting purposes as the subdivision is not served by public water.

[b] Dead-end streets shall be constructed to provide a cul-de-sac turnaround. At the Development Review Team meeting the Public Works Director said the cul-de-sac standard of the ordinance was not large enough for Town plows and the proposed radius should be increased. A hammerhead turnaround is permissible on public streets at which the Planning Board has required an extension of a right-of-way to provide access to undeveloped land 120-911M(5)(b)[5][d].

[6] The applicant shall provide either a sidewalk or a paved shoulder. The preliminary plan provides an additional width of paved shoulder. ***The road design does not meet the public road standard and must include a 2' gravel shoulder.***

§120-911N – Maintenance of common elements.

- For the final plan review, the applicant shall provide draft homeowners association documents for the Town Attorney's review and comment.

CONCLUSIONS

- ~~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 subdivision **has/does not have** sufficient water available for the reasonably foreseeable needs of the site plan.~~
- ~~5. The proposed subdivision **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 subdivision **will/will not** provide adequate sewage waste disposal.~~
- ~~8. The proposed subdivision **conforms/does not conform** to a duly adopted subdivision 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 subdivision **will/will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.~~
- ~~11. The proposed subdivision **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/does 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 November 3, 2025 as amended [*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. 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.
3. The development is subject to the following [Article 12 Impact Fees](#), to be paid with the issuance of building permits: [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. In accordance with [§120-911N\(5\)](#) of the Land Use Ordinance, the homeowners' association documents shall be approved as to form by the Town Attorney and recorded in the Cumberland County Registry of Deeds within 90 days of the date that the subdivision plan is recorded in the Cumberland County Registry of Deeds. Evidence of such recording shall be provided to the Planning Department. No lots shall be sold in the subdivision prior to recording of such homeowners' association documents, and all deeds shall reference the declaration establishing the homeowners' association.
5. Before issuing building permits the applicant or builder must have the town engineer verify that the 50-foot conservation subdivision exterior boundary buffer line is pinned, staked, or fenced in the field.
6. ***Prior to the release of the signed subdivision plan for recording, the parcel identified as Lot 9 on Tax Map 1 shall be conveyed to the Town of Windham by deed recorded at CCRD.***