



PLANNING BOARD MEMO • MINOR SUBDIVISION • FINAL PLAN REVIEW

DATE: January 7, 2025

TO: Windham Planning Board
FROM: Steve Puleo, Planning Director
Cc: Robert A. McSorley, P.E., Sebago Technics, Inc.; Agent
Suresh Gali, New Gen Estates, LLC; Applicant

RE: #24-28 – Minor Subdivision – Franklin Drive Subdivision – 20 Franklin Drive – Final Plan Review – New Gen Estates, LLC

Planning Board Meeting: January 13, 2025

Overview –

The application is a proposed four lot subdivision to create lots for future commercial and residential uses of the property. Then property is identified as Tax Map: 18; Lot: 26-2 and located in the Commercial I (C-1) zoning district and withing the in the Chaffin Pond / Little Sebago Lake watershed.

A Development Review Team meeting was held on November 20, 2024, with the sitewalk held November 23, 2024. Comments received during the meeting are reflected in the memo below.

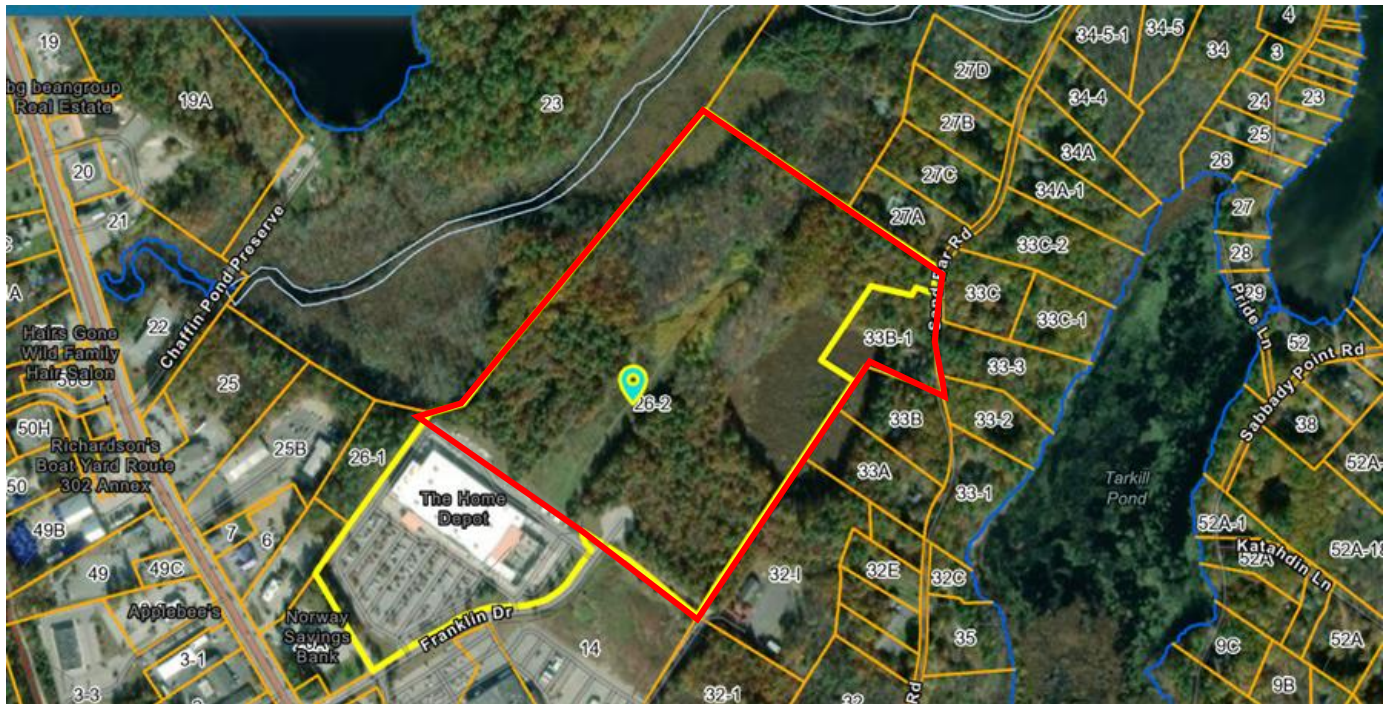


Figure 1: Aerial View of the subject parcel relative to surrounding properties and street network.

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;~~ ***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:

MOTION: [I move] the Minor Subdivision application for project #24-28 Franklin Drive Subdivision project 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:

None requested

3. Public Hearing: The Board will hold a public hearing on January 13, 2025.

4. Site Walk: The Board conducted on November 23, 2024.

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

MOTION: [I move] the Minor Subdivision application for the #24-28 Franklin Drive Subdivision identified on Tax Map: 18; Lot: 26-2; Zone: Commercial I (C-1) and located in the Chaffin Pond / Little Sebago Lake watershed is to be **(approved with conditions/denied)** with the following Findings of Fact, Conclusions, and Conditions of Approval.

FINDINGS OF FACT

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

Title, Right, or Interest: The applicant has submitted a copy of the deed indicating ownership by **New Gen Estates, LLC**, recorded in the **Cumberland County Registry of Deeds, Book 40556, Page 273.**

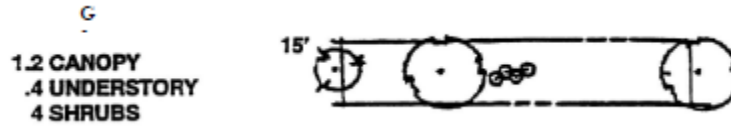
ARTICLE 4 ZONING DISTRICTS

- As shown on the Town of Windham [Land Use Map](#) approved by the Town Council, date April 9, 2024, Tax Map: 18; Lot: 26-2.
- The property is located in Commercial I (C-1) zoning district.

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

- (1) The parcel meets the Commercial I (C-1) zoning district dimensional standards, per §120-410E
- The property is 38.59 acres in size.
 - The applicant has shown all required setbacks and street frontage, see sheet C-101 of the plan set.
 - The C-1 district does not have a net residential density standard.
 - All utility connections (water, sewer, electric, telephone, and telecommunication services) will be located underground. A utility and grading plan will be submitted for see sheets C-201 and C-301 of the plan set

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

- All lots will be served by public water.
- **The applicant has not applied for the construction of any buildings which required water with the minor subdivision.** Any future uses requiring water flow will be required to provide an “Ability to Serve” letter from the Portland Water District (PWD) confirming adequate supply and pressure.

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

- A soil erosion and sediment control plan has been submitted as part of the stormwater.

§ 120-911D – Sewage disposal

- The proposed subdivision will connect to the public sewer system managed by the Portland Water District (PWD).
- **The applicant has not applied for the construction of any buildings which required water with the minor subdivision application.** Future development and uses will need to comply with the Town of Windham's sewer extension standards, ensuring that all lots within the subdivision are serviced by the public sewer. Coordination with the Town and PWD will be essential to ensure all regulatory requirements are met, including any necessary permits for the sewer extension.
- **The applicant has not applied for the construction of any buildings which required water with the minor subdivision.** Any future uses requiring water flow will be required to provide

an “Ability to Serve” letter from the Portland Water District (PWD) confirming adequate supply and pressure, including any requirements for infrastructure extensions or upgrades.

- Erosion control measures will be required during the construction of the sewer lines to prevent contamination of nearby wetlands and the vernal pool.

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

- A landscaping plan is provided in the plan set and found on sheet L-100.
- The final plan shows the limits of tree clearing, and a note will be added to state that no clearing is allowed in designated areas for five years from the date of Planning Board approval.
- The project area includes a vernal pool and wetlands that have been identified as environmentally sensitive. The applicant has provided narrative (see attached file; 24-28_MNR_SUB_FP_REV_APPL_FranklinDriveSub_010825.pdf, Section 7), reviewed by the Town Engineer and Environmental and Sustainability Coordinator, identifying measures to protect these areas, ensuring minimal disturbance. A buffer zone will be maintained around the vernal pool and wetland areas, as required by local and state regulations.

§ 120-911F – Conformance with Land Use Ordinances

Comprehensive Plan:

- The subdivision is consistent with the goals of the 2024 Comprehensive Plan, which encourages mixed commercial and residential development in the North Windham growth area.

Land Use Ordinance:

- There is no net residential density standard in the C-1 zoning district, meaning the subdivision complies with the zoning requirements for this area.

Subdivision Ordinance:

- A landscaping plan has been submitted see sheet L-100.
- Standard notes and the standard conditions of approval must be shown on the final plans.
- A digital transfer of the subdivision plan data must be submitted with the final plan for inclusion in the Town’s GIS system.

§ 120-911G – Financial and Technical Capacity

- (1) For final plan review, the applicant has estimated the cost of development at \$660,000 and will finance by the applicant’s cash position.
- (2) The applicant has provided technical capacity with development experience and has completed multiple housing and hospitality developments in other communities in southern Maine. The project team is comprised of Sebago Technics, a multi-disciplinary engineering firm with 40 years of experience. They offer a wide range of services, including land development design, landscape architecture, planning, engineering, permitting, land surveying, traffic analysis, environmental consulting, construction management, and soil science.

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

- (1) The development will be connected to public water and public sewer, so no significant impact on groundwater quality or quantity is anticipated.
- (2) There is no reliance on private wells or groundwater extraction, which further reduces the potential for any adverse groundwater impacts

§ 120-911I – Floodplain Management

- The property does not lie within a special flood hazard area as delineated by FEMA.

§ 120-911J – Stormwater

- The Town Engineer has reviewed the applicant's responses to his comments, see attached file; 24-28_MNR_SUB_FP_RESPONSE_FranklinDriveSub_010825.pdf), and is satisfied the proposed stormwater management system complies with MDEP Chapter 500 standards.

§ 120-911K – Conservation Subdivision

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

§ 120-911L – Compliance with Timber Harvesting Rules

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

§ 120-911M – Traffic Conditions and Street

- The proposed development includes a four-lot subdivision, which is not expected to generate significant traffic volumes.
- Future development within the subdivision will be subject to additional traffic reviews, and a traffic impact study will be required for any further significant commercial or residential developments.
- The subdivision will extend Franklin Drive by approximately 390 feet to provide access to three lots, and Lot 4 will have access from Sandbar Road.
- The Town Engineer has reviewed and confirmed that the road design complies with Town standards, including street widths, turning radii, and emergency vehicle access.
- The proposed street will be a public street.

Conformity with Local Plans and Ordinances

1. Land Use

- The applicant is proposing a four-lot subdivision intended for future commercial and residential uses. The subdivision will include provisions for utility connections and stormwater management systems.
- The development includes the extension of Franklin Drive by approximately 390 feet, with Lot 4 having frontage and access from Sandbar Road. The project meets the minimum setback requirements outlined for the C-1 Commercial District.
- The subdivision is located within the C-1 zoning district, where both commercial and residential uses are permitted.

- A utility and grading plan will be provided during the final plan review.
2. Comprehensive Plan
- The proposed subdivision aligns with the goals and objectives of the 2024 Comprehensive Plan.
 - Coordination with the Town and Park Department is ongoing regarding the existing pedestrian trail system. The subdivision may include provisions for improved public access or integration with the local trail network. Details will be provided in the **final plan submission**.

(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/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 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.
12. On-site landscaping **does** provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.
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 stormwater 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 **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 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 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 September 30, 2024, December 23, 2024, as amended January 13, 2025 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 [§120-912](#) 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. 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.
4. Prior to any land use activities on Lots 1, 2, 3, and 4, subdivision and site plan Planning Board or Staff Review Committee approvals are required.