

## PLANNING BOARD MEMO • MAJOR SITE PLAN & SUBDIVISION

DATE: October 23, 2025

TO: Windham Planning Board  
FROM: Amanda Lessard, Senior Planner/Project Manager  
Cc: Steve Puleo, Planning Director  
Dustin Roma, PE, DM Roma Consulting Engineers  
Ron Smith, Casco Bay Holdings, LLC

RE: #25-18 Marigold Lane Subdivision (formerly 250 Windham Center Road Condos) – Major Subdivision & Site Plan – Preliminary & Final Plan Review – 250 Windham Center Road – Casco Bay Holdings, LLC  
Planning Board Meeting: October 27, 2025

### Overview –

The application is for a 6-unit residential condominium development in 3 duplex buildings on a 3.26 acre property. The development will have a 400-foot private access driveway and be served by public water, private wastewater disposal systems, and underground utilities. Subject property is identified as Tax Map: 12; Lot: 52-A; Zone: Windham Center (WC) in the Black Brook watershed.



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

### Review History

A Development Review Team meeting was held on July 7, 2025. The Planning Board reviewed the sketch plan on July 14, 2025. At that meeting the Board discussed that a raised sidewalk on Windham Center Road would be beneficial, the entrance needed site distance improvements and requested the proposed landscaping and open space areas. The Board held a site walk on September 15, 2025.

The Planning Board held a public hearing on the preliminary plan submission on September 22, 2025. At that meeting the Board heard comments from the public about the need to preserve the historic resources and maintain the rural character of this area. The Board found the preliminary plan application complete and postponed the application to the next meeting as the applicant had not provided a response to staff comments. The applicant has submitted a final subdivision and site plan application that includes a response to staff comments on the preliminary plan and is requesting that the Board approve the preliminary and final plan application. The name of the subdivision has also changed to reflect the assigned street name.

As of the date of the memo, the applicant has provided a response to staff comments on the final plan submission, but staff finds the final plan application incomplete. The applicant must provide detail sheets of proposed light fixtures that demonstrate compliance with the performance standards of [§120-812R](#), not just an image of a proposed fixture. Staff recommends that if the final plan application remains incomplete the Board only take action on a decision on the preliminary subdivision plan as all staff comments related to Article 9 Subdivision Review have been addressed.

### **SUBDIVISION/SITE PLAN 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 no longer applicable~~; ***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:

***Staff does not find the final site plan application complete. The applicant has not provided §120-811B(1)(c)[12] Detail sheets of proposed light fixtures.***

**MOTION:** [I move] the Major Site Plan & Subdivision final application for project #25-18 Marigold Lane 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:

Waiver of Submission Requirements: *The Planning Director, or designee, may waive any of the submission requirements of [§120-811](#) or [§120-910](#) based upon a written request by the*

*applicant. Such a request shall be submitted at the time of the preapplication conference for minor developments or as part of the sketch plan application for major developments. 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.*

a) [§120-910C\(3\)\(a\)](#) High Intensity Soil Survey

*The Planning Director has waived the High Intensity Soil Survey submission requirement*

b) [§120-910C\(3\)\(c\)](#) Hydrogeologic Assessment

*The Planning Director has waived the Hydrogeologic Assessment submission requirement.*

Waiver of the Site Plan Performance Standards. *The Planning Board may waive the requirements of [§120-812](#) if it finds that extraordinary an unnecessary hardship, not self-imposed, may result from strict compliance with the site plan review standards. In all cases, waivers shall not be deemed a right of the applicant, but rather shall be granted at the discretion of the Planning Board. The applicant shall submit a list of the requested waiver(s) in writing. For each waiver requested, the applicant shall submit answers to each criterion in [§120-808B\(2\)](#).  
**None requested.***

Waiver of the Subdivision Performance Standards. *The Planning Board may waive the requirements of [§120-911](#) Performance and Design Standards when the applicants demonstrates that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met, and the public health, safety, and welfare are protected and provided the waivers do not have the effect of nullifying the intent and purpose of the land use ordinance. In granting site waivers, the Planning Board shall utilize the criteria in [§120-908C\(2\)](#).  
**None requested.***

3. Public Hearing: A public hearing was held on September 22, 2025.

4. Site Walk: A site walk was held on September 15, 2025.

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

**MOTION:** [I move] the Major Site Plan & Subdivision **preliminary (and final)** application for the #25-18 250 Windham Center Road Condo development identified on Tax Map: 12; Lot: 52-A; Zone: Windam Center (WC) in the Black Brook watershed is to be **(approved with conditions/denied)** with the following Findings of Fact, Conclusions, and Conditions of Approval.

**FINDINGS OF FACT**

**Jurisdiction:** The Marigold Lane Subdivision is classified as a Major Site Plan & Subdivision, which the Planning Board is authorized to review and act on by [§120-903](#) and by [§120-803A\(1\)](#) of the Town of Windham Land Use Ordinance.

**Title, Right, or Interest:** The applicant has submitted a copy of a Quitclaim Deed Without Covenant between Sawin Capital, LLC and Casco Bay Holdings, LLC dated April 29, 2025, and recorded on April 30, 2025 at the Cumberland County Registry of Deeds in Book 41413 and Page 54. The applicant has submitted a copy of the Quitclaim Deed Without Covenant conveying a parcel with the existing house at 250 Windham Center Road from Casco Bay Holdings, LLC to Royal River Development Company dated October 2, 2025 and recorded on October 2, 2025 at the Cumberland County Registry of Deeds in Book 41766 and Page 4.

### ARTICLE 3 DEFINITIONS

Dwelling, Two-family: “A building containing two attached dwelling units. A two-family dwelling may, or may not, 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, Map: 12; Lot: 52-A.
- The property is located in in Windham Center (WC) zoning district.
- New, enlarged or rebuilt uses shall provide sidewalks along any public way that border the property when there is an existing sidewalk to which the proposed sidewalk can connect, per §120-415.1F(1)(g). The final plan shows a proposed sidewalk on Windham Center Road from the intersection of Marigold Lane south along the frontage of the subdivision parcel. No sidewalk is shown on the north toward the Corsetti’s Market parcel. The applicant has responded that it is not possible to build a sidewalk in this location while providing the radii required.
- Street trees shall be planted along the street frontage of Windham Center Road, at least one tree every 50 feet, per §120-415.1F(1)(i).

### ARTICLE 5 PERFORMANCE STANDARDS

#### §120-541 – Net residential area of acreage

- B. The net residential area or acreage of a lot proposed for subdivision, as defined, shall be calculated by subtracting the eight (8) items listed in the subsection from the gross acreage of a lot and dividing the resulting net residential area of the parcel by the net residential density standard of the appropriate zoning district (see Article 4, Zoning Districts).

### §120-911 – SUBDIVISION PERFORMANCE STANDARDS

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

- (1) The property has 3.26 acres exceeding the minimum lot size in the WC zoning district. The existing house lot was conveyed on October 2, 2025.
  - (a) The applicant provided a net residential density calculation; the applicant deducted 41,530 SF of poorly drained soils, for the net area of 100,840 SF. The net residential density for WC is 15,000 SF, equaling 6 dwelling units.
  - (e) The final plan reflects lot numbers and street name, Marigold Lane, assigned by the E-911 Addressing Officer.
- (2) Underground utilities are shown on the provided subdivision plan.

- (3) All subdivision boundaries corners shall be marked. ~~There are several property corners on the subdivision plan that do not show existing or proposed iron pins.~~

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

(3) The applicants have shown connection with the public water system in Windham Center Road on the provided subdivision plan. Existing hydrants are located in front of Corsetti's Market on Gray Road and at 262 Windham Center Road. All units in the subdivision are within 1,000 feet of a hydrant. For the final plan review, the applicant provided an "Ability to Serve" letter from the Portland Water District dated October 7, 2025.

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

- Wetlands were delineated by Alex Finamore with Mainely Soils LLC in June 2025. The development proposes impacts to 2,360 sf of forested wetlands. The applicant provided US Army Corps of Engineer Self-Verification Notification Form for wetland alteration filed on September 3, 2025.
  - (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.
- The project will disturb more than an acre of land. The contractor/developer will need to file for a Construction General Permit from Maine DEP before starting work.
  - (2) The plan developed by a Maine licensed professional civil engineer preventing soil erosion and sedimentation from entering water bodies, wetlands, and adjacent properties.
  - (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 is proposing a private sewage system for 6 unit condominium development. The project has a total wastewater design flow of 1,620 gallons per day based on six dwelling units each having three bedrooms. The wastewater disposal has been divided into two wastewater disposal fields. The HHE-200 designs are included in the preliminary plan submission.

**§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 Windham Center Road by creating the access driveway in the general location of the existing driveway.

- (a) The subdivision plan includes 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 subdivision plan includes 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
- (2) The plan notes that the common land or open space shall not be used for future building lots.

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

Comprehensive Plan:

- The plan does meet the goals of the 2016 Comprehensive Plan. The property is located in the Windham Center growth area.

Land Use Ordinance, Chapter 120 Article 9:

- There is a net residential density in the Windham Center zoning district of 15,000 SF

Subdivision Ordinance, Chapter 120 Article 9:

- Standard notes, the standard conditions of approval, and approved waiver must be shown on the plans.
- As part of the final plan submission a digital transfer of the subdivision plan data was provided for inclusion with the Town's GIS.
- In accordance with §120-914A the applicant shall provide a performance guarantees for an amount adequate to cover 110% of the total construction costs of all required improvements. §120-914A(1)(d) states that in lieu of the furnishing of a performance guarantee before the recording of the final plan, the Planning Board may accept the agreement of the subdivider that no lot or parcel of land shall be conveyed, and no building permit for any building or portion of the development shall be issued by the Code Enforcement Officer, until the completion of required improvements. Such agreement shall be acknowledged by a note on the final subdivision plan (see proposed Condition of Approval #4).

Growth Management, Chapter 101:

- Growth permits are required for the creation of each new dwelling unit. 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 has provided an estimated cost of the project and a letter from Norway Savings showing sufficient financial resources to construct, operate, and maintain all aspect of the proposed development.
- (2) The applicant has provided evidence of technical capacity, identifying the past experience of the principals and the professional engineers, surveyors and soil scientists hired to manage the permitting and design of the development.

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

- (1) The subdivision proposes septic systems that will comply with the State of Maine Subsurface Waste Disposal Rules.
- (2) The proposed development will connect to available water supply provided by the Portland Water District (PWD) with an extension of existing main along Windham Center Road. 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 subdivision will result in 18,073 SF of impervious area and 23,006 SF of developed area. Since the project will result in the construction of less than one (1) acre of impervious surface but will disturb more than one acre, the project will be required to obtain a Stormwater Permit By Rule from the MDEP.
- The applicant provided Maine DEP Stormwater PBR & Notice of Intent Acceptance dated September 22, 2025.
- ~~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.~~
- The Stormwater Management Plan submitted indicates that the proposed development includes water quality treatment that complies with Maine DEP Ch. 500 Redevelopment Standard and the Town of Windham's Subdivision Ordinance through the construction of one (1) underdrained filter basin and roofline drip edges around each of the buildings.
- The responsibility of maintaining the stormwater management system in the stormwater maintenance and inspection plan will be assigned to the ~~future Condominium Association, as per~~ §120-911N the applicant/owner.
- ~~For final plan review, applicants must submit condominium documents such as a draft deed with covenants and restrictions, a bylaw, and a stormwater maintenance and inspection plan.~~
- *The Town Engineer commented:*
  - *Please clarify/show how the steep slopes at the end of the road and on the underdrain soil filter embankment will be stabilized. Based on the proposed grading, the slopes are 2:1 so something more substantial than just loam, seed and hay mulch will be needed.*
  - *Please provide a detail/plan for stormwater management prior to and during construction of the underdrain soil filter. Will the UDSF be generally shaped and act as a sediment basin prior to placing drainage and filter media? If so, provide a detail for this use.*
- The final plan submission provided a construction sequencing note on the filter basin detail on the Grading & Utility plan and revised the note that stated "2:1 slope, see detail" to specify the placement of erosion control blanket.

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

- (1) The applicant is not proposing a conservation subdivision, therefore this section is not applicable.

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

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

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

- The Applicant submitted a traffic summary that indicates that the subdivision will generate 4 trips in the PM peak hour and 43 trips during a typical weekday. A traffic impact analysis is not required as the project does not generate 140 trips per day or 50 vehicle trips in the peak hour.
- The applicant is proposing a new street connection to Windham Center Road, an access driveway meeting the Town's "Major Private Road" standard for design and construction. found in [Appendix B](#).
  - The ~~condominium association~~ applicant/owner will maintain the R/W road once the subdivision is completed.
  - The private road note of [§120-911M\(5\)\(a\)\[5\]\[e\]](#) is shown on the plan.
- The access drives must exceed the required minimum 200 feet of sight distance for the 25 MPH posted speed. Sight distance looking right extends through the signalized intersection with Gray Road. To achieve the required sight distance looking left (at least 310 feet), excavation will occur along the roadside to remove the embankment and construct the sidewalk.
- The applicant is proposing a hammerhead turn around at the end of the access driveway for vehicle and truck maneuvering.
- Driveway and street opening permits will need to be obtained from Windham Public Works prior to construction of the driveways and installation of the water main extension.

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

- ~~For the final plan review, the applicant shall provide draft condominium association documents for the Town Attorney's review and comment.~~
- The applicant/owner will be responsible for maintenance of common elements. Any future condominium conversion would require the Planning Board to approve an amendment to the subdivision plan to review the standards of [§120-911N](#).

## **§120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS**

### **§120-812A – Utilization of the Site**

- The subject parcel is approximately 3.26 acres in size.
- There is an existing single-family dwelling on the site that is proposed to be split off as a separate lot not part of the subdivision. An existing barn will be demolished.
- The site fronts along Windham Center and has 100 feet of road frontage.

### **§120-812B – Vehicular Traffic**

- (1) The site is located on the easterly side of Windham Center Road. The applicant is proposing a new road connection to Windham Center Road, realigning the existing driveway. The entrance is proposed to be an access ~~Condominium~~ driveway meeting the Town's "Major Private Road" standard for design and construction. A right-of-way is not required for an access driveway in the Multi-family performance standards, found in [§120-814B\(6\)\(b\)\[2\]](#).
  - (a) The applicant does not expect to impact any road intersections within a half mile of the project.
  - (b) The project is not expected to generate 50 or more trips during either the a.m. or p.m. peak hour. See Subdivision Review.
- (2) The access shall be designed to have minimum sight distance, according to MDOT and [Appendix B Street Design and Construction Standards](#), to avoid hazardous conflicts with existing turning movements, to avoid traffic congestion, and to prevent queuing of vehicles entering and exiting the site. See Subdivision Review.
  - At the Development Review Team meeting the applicant described that a portion of the hill along the frontage of the property will need to be cut back to improve site distance looking left.
- (3) The proposal site will be accessed by an access driveway from Windham Center Road.
- (4) The site is designed to allow internal vehicular circulation in common with the other property owner for the safe movement of passenger, service, and emergency vehicles through the site. The existing dwelling at 250 Windham Center Road is proposed to have an easement to utilize the access driveway.

#### [§120-812C](#) – Parking and Loading

- (1) The applicant has designed a parking layout that accommodates two (2) parking spaces for each of the 3 duplex buildings.

#### [§120-812D](#) – Pedestrian Traffic

There are no existing sidewalks along the property frontage on Windham Center Road. Sidewalks are not required for the access drive. The curb cut for the abutting property, Corsetti's Market, is very large, but has a sidewalk at the Route 202 intersection. See Subdivision Review.

#### [§120-812E](#) – Stormwater Management

- (1) The applicants have provided a stormwater management system design for the collection and disposal of all the stormwater that runs off of parking areas, roofs, travel ways, and other surfaces. See subdivision review.
  - (f) Major site plans, regardless of size, shall comply with Sections 4C(2) and 4C(3) of the General Standards of the MDEP Chapter 500 Stormwater Management Law. See Subdivision Review.

#### [§120-812F](#) – Erosion Control

- (2) The applicant has provided for the preliminary plan review an erosion and sedimentation control plan that will meet the Basic Standards per Section 4(A) of the MeDEP Chapter 500 Stormwater Rule. See Subdivision Review.

#### §120-812G – Water Supply Provisions

- (1) The existing building is served by a Portland Water District water main. See Subdivision Review.

#### §120-812H – Sewage Disposal Provisions

- See Subdivision Review

#### §120-812I – Utilities

- The applicant all utility connections (electrical, telephone, and telecommunication services) will be subsurface. A utility and grading plan has been provided. See Subdivision Review.

#### §120-812J – Groundwater Impacts

- The building conversion is connected to the PWD public water system, and the wastewater disposal system is not anticipating a disposal system with a capacity of 2,000 gallons per day (GPD).

#### §120-812K – Water Quality Protection

- The applicant states development will help protect Windham’s water quality by using a public water system, a state-approved wastewater disposal system that shall comply with the State’s drink water standards, and stormwater management system to provide treatment to runoff. The day-to-day operations do not require substances that are hazardous, such as fuels, industrial chemicals, waste, etc.

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

- (1) No hazardous materials will be stored on site.

#### §120-812M – Shoreland Relationship

- The site is not in a shoreland zoning district.

#### §120-812N – Technical and Financial Capacity

- See Subdivision Review.

#### §120-812O – Solid Waste Management

- The applicant proposes that the two-family dwellings with participate in the Town’s curbside collection program.

#### §120-812P – Historical and Archaeological Resources

- The applicant provided a letter dated September 24, 2025 from the Maine State Historic Preservation Commission concluding that there are no historic properties (architectural or archaeological) affected by the proposed development.

#### §120-812Q – Floodplain Management

- The site is not located in the mapped FEMA 100-year floodplain hazard.

#### §120-812R – Exterior Lighting

- (1) **The applicant has not provided a lighting plan or detail sheets of proposed light fixtures.** The final plan application states that each dwelling will include the installation of exterior lighting mounted to the building on the front porch, exterior of the garage facing the driveway and on the exterior rear wall adjacent the basement entry and deck and includes an image of the proposed fixture. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists or pedestrians or from adjacent dwellings and so that they do not unnecessarily light the night sky. Direct or indirect illumination shall not exceed 0.5 footcandle at the lot line or upon abutting residential properties.
- (2) The applicant shall connect exterior light fixtures underground.

#### §120-812S – Noise

- (1) The proposed residential development shall not exceed 55 dB between 7:00 AM to 10:00 PM and 45 dB between 10:01 PM to 6:59 AM.
- (3) No construction activities are allowed between the hours of 10:00 PM and 6:00 AM.

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

- A landscaping plan is shown on Sheet S-1.

#### §120-814 Multifamily development standards.

A. Building Architecture. The applicant provided building elevations as part of the final plan submission. **The building elevations show a 2-story building with bulkhead doors. At the site walk the applicant indicated that some of the buildings would have daylight basements with decks on the rear. Provide building elevations that reflect the final site grading.**

- (1) Architectural variety
  - (a) Buildings shall employ more than a single color application. **No colors were provided with the final plan submission. Plan note 18 states that the siding color of the building containing Units 3&4 shall not be the same color as the siding of the building containing Unit 1, 2, 5 & 6.**
  - (b) Buildings shall employ more than a single material application. The response to comments states that buildings will include concrete foundation, vinyl siding, metal wrapped trim and composite decking, which accounts for four different material applications.
  - (c) At least two different building designs shall be included in developments with multiple buildings. Building designs shall be differentiated through variations to building materials, color, rooflines, massing or a variation of form. The applicant proposes to build the structures that will include Units 1, 2, 5 & 6 with a gable-end

roof and the building that will house Units 3 & 4 (the middle building) will have a hip roof.

(2) Facade.

(a) The building horizontal articulations are provided throughout the building, and rooflines incorporate varying heights and ridgelines. Facades will not be visible from the public street.

(3) Orientation.

(a) The building entrances shall be oriented to face the subdivision street. No buildings are adjacent to an existing street.

(b) Buildings may be oriented to open space areas, provided that street frontages are developed consistent with above.

B. Site design.

(1) Parking.

(b) Provisions are made for snow storage in the design of all parking areas. The areas used for snow does not conflict with proposed landscaping. The areas shall be sited to avoid problems with visibility, traffic circulation, drainage, or icing during winter months.

(2) Screening.

(a) Utilities. Service areas, loading docks, delivery areas, trash receptacles, and mechanical equipment will be screened to minimize visibility from sensitive view-points such as public and private roadways, main entrances, residences outside the development, public open spaces, and pathways. Service areas shall be screened with architectural elements such as walls or fences. Screening may be further enhanced with evergreen trees, shrubs, and earth berms. Gates on utility enclosures shall be designed to prevent sagging.

(b) Existing residential abutters. When new residential development is adjacent to an existing residential use, landscaping, including large evergreen trees, and/or garden features (e.g., trellis or supplementary fencing), will provide a buffer or screening between properties and obscure direct sightlines into private yard areas or windows on adjacent properties. The existing vegetation within the proposed treeline will be maintained to provide a buffer to the existing residential abutters at 2 and 8 Corsetti's Way. **The final plan shows two spruce trees along the property line with residential abutter at 250 Windham Center Road.**

(3) Bicycle/pedestrian.

(a) Internal traffic flow internal walkways. There are no existing sidewalks on Windham Road. No sidewalks are proposed on Marigold Lane. Bike/ped traffic will utilize the paved shoulder.

(c) Bicycle parking/racks.

[1] The development will provide facilities for the parking of bicycles at a ratio of 0.5 bicycle parking space per dwelling unit.

(4) Recreation and open space.

(a) For the *final plan review*, the applicant must designate and permanently reserve a minimum of 15% of the total lot area as usable common open space (21,356 sq ft). The subdivision plan shows 25,668 square feet of land that is dedicated open space.

(5) Landscape/lighting.

A plan for site lighting and landscaping must be provided for final plan review.

(a) Landscaping. Street trees are proposed along Windham Center Road and Marigold Lane. Each duplex unit will have a landscaping bed planted along the front of the porch.

(c) Lighting. No pole-mounted lighting within the development is proposed. On building lighting is proposed.

(6) Access drive standards.

(b) Other districts.

[1] Design standards. Access drives shall be designed to conform to the standards for "major private roads" in these regulations, including the standards contained in Table 3, Table 4, and the applicable cross sections in Appendix B Street Standards.

[2] Rights-of-way. The minimum right-of-way width for a "major private road" in Table 3 of Appendix B is not applicable to an access drive.

[3] Setbacks. There shall be no minimum setback required between an access drive and a structure.

(c) Curb cuts on the access drive must be separated by a minimum of 75 feet where possible and aligned with curb cuts on the opposite side of the access drive to the greatest extent possible.

(d) Access drives shall remain private and shall not be maintained or repaired by the Town. A note shall appear on the site plan: All internal access roads and driveways shall remain private and shall be maintained by the developer, lot owners, homeowners/condominium association, or road association and shall not be offered for acceptance, or maintained, by the Town of Windham unless they meet all municipal street design and construction standards at the time of offering.

## SUBDIVISION CONCLUSIONS

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** 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. N/A~~
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. N/A~~
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. N/A~~
19. The timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to [Title 12, §8869, sub§14](#).

#### SITE PLAN CONCLUSIONS

1. The plan for development **does** reflect 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 site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
5. The proposed site plan **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 site plan **will** provide adequate sewage waste disposal.
8. The proposed site plan **conforms/does not conform** to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.

9. The developer **has** the adequate financial capacity to meet the standards of this section.
10. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
11. The proposed site plan **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 with or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonably affect its value.

#### CONDITIONS OF APPROVAL

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated June 23, 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 [§120-912](#) or [§120-815](#) of the Land Use Ordinance.
2. In accordance with [§120-914B\(5\)](#) and [§120-815C\(1\)\(b\)](#) 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 Manager'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 new building permits for the uses: [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 permit for the development, [§120-1201C](#).
4. In lieu of a performance guarantee for the construction of the project improvements, no lot or parcel of land may be conveyed, and no building permit for any building or any portion of the development shall be issued by the Code Enforcement Officer, until the completion of all streets, utilities and other required improvements in accordance with this plan and all applicable laws, ordinances and standards. If the applicant wishes to convey a lot prior to all project improvements being completed in accordance with this plan and all applicable laws, ordinances and standards, a performance guarantee equal to the cost of the remaining improvements shall first be approved by the Town Manager, in consultation with the Planning Director, and submitted to the Town.