

PLANNING BOARD MEMO • MAJOR SUBDIVISION & SITE PLAN • PRELIMINARY PLAN REVIEW

DATE: May 8, 2025

TO: Windham Planning Board
FROM: Amanda Lessard, Senior Planner/Project Manager
Cc: Dustin Roma PE, DM Roma Consulting Engineers
James Cummings, 25 River Road LLC
Steve Puleo, Planning Director

RE: #25-01 – Major Site Plan & Subdivision – Dolley Farm Subdivision – River Road –
Preliminary Plan Review – 25 River Road, LLC
Planning Board Meeting & Public Hearing: May 8, 2025

Overview

This application is for a 42-unit residential condominium development on a 33.5-acres property. The development will have an access drive to the 21 duplex buildings. All units will be served by private on-site septic systems, and public water will be extended 400-feet in River Road to service the dwellings.

The subject property is identified as Tax Map: 5; Lot: 25; Zone: Medium-density Residential (RM) zoning district in the Presumpscot River watershed.

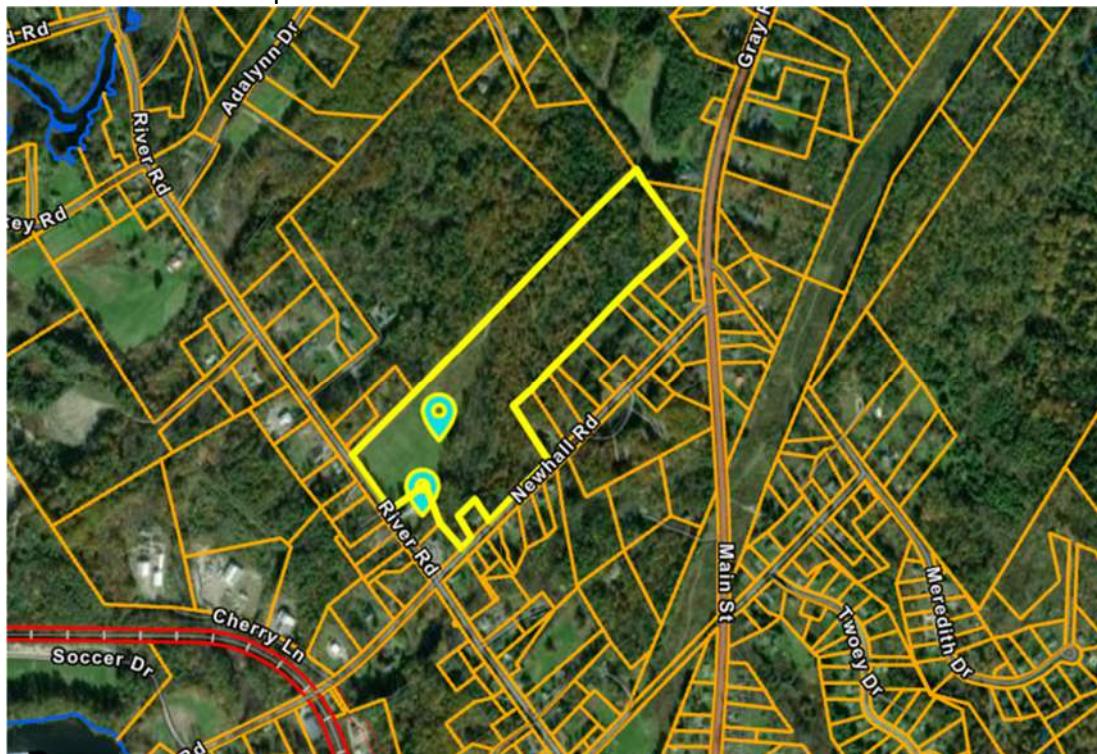


Figure 1. Aerial view of the subject parcel relative to surrounding properties and street network.

Review History

A Development Review Team meeting was held on January 15, 2025. The Planning Board reviewed the sketch plan on January 27, 2025. At that meeting the Board discussed maintaining as much vegetation as possible in the area of the existing well, pedestrian access to and throughout the property and the future potential development of the parcel. The Board held a site walk on March 1, 2025.

The applicant has revised the plan to reduce the number of units from 44 to 42. The development is now proposed to be served by two private access drives without a ROW. A widened paved shoulder on River Road is proposed to be constructed to provide improved pedestrian access to the intersection of River Road and Gambo/Newhall Roads.

Staff provided comments on the preliminary plan submission to the applicant in an attached memo dated May 6, 2025. As of the date of this memo, the applicant has not provided a response to staff comments.

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 Major Subdivision & Site Plan preliminary application for project #25-01 Dolley Farm 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 or §120-811 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 its determination on the granting of a waiver of the submission requirements.

a) No waivers of submission requirements have been requested.

PERFORMANCE STANDARD WAIVER - SUBDIVISION

Limitation of Waivers. 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\(2\)](#).

a) No waivers of submission requirements have been requested.

PERFORMANCE STANDARD WAIVER – SITE PLAN

Waiver of the Site Plan Performance Standards. The Planning Board may waiver 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\(2\)](#).

a) [§120-814B\(6\)\(c\)](#). Multifamily Development Access Drive Standards.

The applicant is requesting a waiver from the requirement that curb cuts be separated by a minimum of 75 feet.

[§120-808](#) Waivers does not authorize the Planning Board to waive the requirements of [§120-814](#) Multifamily development standards, only requirements of [§120-812](#) Performance Standards. For final plan review, the applicant should show on the site plan the distances between driveways and provide an explanation where and why it is not possible to separate curb cuts by a minimum of 75 feet as required by [§120-814B\(6\)\(c\)](#).

3. Public Hearing: A public hearing is scheduled for May 12, 2025

4. Site Walk: The Planning Board held a site walk on March 1, 2025.

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

Staff recommend postponing action on the application until the applicant responds to staff comments.

MOTION: ~~[I move] the Major Site Plan & Subdivision application for the 25-01 Dolley Farm Subdivision development identified on Tax Map: 5; Lot: 25; Zone: Medium density Residential (RM) zoning district and located 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 Dolley Farm Subdivision project is classified as a Major Site Plan & 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 a Quitclaim Deed between Charles R, Haddock and 25 River Road, LLC, dated November 26, 2024, and recorded on November 27, 2024 at the Cumberland County Registry of Deeds in Book 41151 and Page 335.

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.”

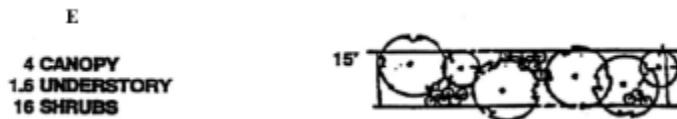
ARTICLE 4 ZONING DISTRICTS

- As shown on the Town of Windham [Land Use Map](#) approved by the Town Council, date April 9, 2024, Tax Map: 5; Lot: 25.
- The property is located in Medium-density Residential (RM) zoning district.
- Two-family dwellings are a permitted use found in [§ 120-409B](#).

ARTICLE 5 PERFORMANCE STANDARDS

§120-511 – Buffer yards

Per [§120-511C\(2\)\(a\)](#) in Table 2, a Buffer Yard is required for other residential multifamily over 4 dwelling units a buffer yard E is required along the frontage of the development.



On the Site & Landscaping Plan, no landscaping is proposed along River Road. The Multifamily Development Standards narrative in the submission states that the existing mature trees along River Road will be preserved except for the driveway entrances. Show tree line of existing trees along River Road on the subdivision plan or propose street trees along River Road in accordance with §120-911E(1)(b).

§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- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS

As the application is for Preliminary Subdivision Review, the submission has not been fully reviewed against the Site Plan Review standards of Article 8.

§120- 814 Multifamily Development Standards

1. **Buildings adjacent to River Road shall have entrances oriented to face the existing street as required by §120-814A(3)(a).**
2. **The proposed evergreen trees along a portion of the southern property line does not fully provide a buffer or screening to the existing residential abutter at 469 River Road required by §120-814B(2)(b).**
3. **For final plan review, the site plan shall designate, within the common open space, the required amount of contiguous area and the proposed constructed amenities for passive use or active areas required by §120-814B(4)(c).**

§120-911 - SUBDIVISION PERFORMANCE STANDARDS

§120-911A – Basic Subdivision layout

- (1) The property has 33.5 acres or 1,458,226 SF exceeding the minimum lot size in the Medium-density Residential (RM) zoning district, per **§120-409E. There is a discrepancy between the parcel acreage on the survey (33.41 acres) and the subdivision/site plan (33.5 acres). Update plans and net residential density calculations as appropriate.**
 - (a) The applicant provided a net residential density calculation by deducting 14,390 SF of steep slopes areas and 250,369 SF of poorly drained soils, and for the net area of 1,193,467 SF. The net residential density is 15,000 SF, equaling 79 dwelling units. 42 dwelling units are proposed. **The net density calculation on the plan lists 44 units proposed when only 42 units are shown on the plan. Update units proposed and remove units reserved for future phase.**
- (2) Underground 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, including a 400-foot extension of the water main in River Road. For the final plan review, the applicant shall provide an “Ability to Serve” letter from the Portland Water District.
- **Fire Department comments April 30, 2025: Two fire hydrants are required in the subdivision. One fire hydrant at the intersection of River Road and Dolly Farm Road, and another fire hydrant at the intersection of Dolly Farm Road and Thayer Drive.**

§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 is proposing six (6) private on-site subsurface disposal systems for the 42 condominium development. The applicant proposes to install advanced treatment units for three of disposal fields. For final plan review, the HHE-200s for disposal fields A, C, and D should include the Fuji Clean CEN-21 advanced treatment.

§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 to serve the development. The majority of the open space will remain intact, preserving the natural beauty and aesthetics.
- (a)** The applicant has not 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 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 2024 Comprehensive Plan.

Subdivision Ordinance

- The applicant has 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 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.
- (1)** 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 applicant has provided evidence in form of a nitrate-nitrogen impact assessment dated April 21, 2025 that the subdivision shall not increase any contaminant concentration in the groundwater and shall meet the State primary drink water standards, so long as leachfields A, C, and D incorporate Advanced Tertiary Treatment units upstream of the leachfields.
- (2) The proposed development will connect to available water supply provided by the Portland Water District (PWD) with an extension of existing main along River 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 112,850 SF of impervious area and 251,165 SF of developed area so will require a Chapter 500 Stormwater Management Law permit for MeDEP.
- For final plan review, A Stormwater Permit from Maine DEP will be required.
- 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 two (2) underdrained filter basins, a meadow stormwater treatment buffer and roofline drip edges around each of the buildings.
- The Town Engineer comments dated May 5, 2025:
 - The subdivision will result in 112,850 SF of impervious area and 251,165 SF of developed area so it will need a Stormwater permit from Maine DEP. The stormwater analysis provided by the Applicant shows that 95% of the impervious area will be treated and 75% of the developed area using two underdrain soil filters, roof drip edges on the buildings and a meadow buffer for a portion of Thayer Road, which meets Maine DEP General Standards in Ch. 500. I spot-checked the input data in the Hydro CAD computations and find that the assumptions for the stormwater model appear to be consistent with the plans.
 - I reviewed the water quality calculations and agree that the project meets Chapter 500 General Standards for water quality based on the type and sizing of stormwater BMPs proposed. For water quantity, Windham Ordinance § 120-911J(6) requires that post-development flows are less than or equal to the predevelopment flow for all subdivisions. The stormwater flow analysis provided by the Applicant, as summarized in Table 1 of the Stormwater Management Report shows that this condition is met except with SP-2 for the 2-yr storm where the post-development flow exceeds the predevelopment flow by 18%. The flow from the subcatchments that contribute to SP-2 enters the drainage ditch along River Road in the Town

- Right-of way and an increase the potential for erosion into that ditch. The Applicant should evaluate ways of reducing this flow.**
- **Since the existing contours appear to be derived from LIDAR, the Applicant should conduct field a survey of stormwater management facility areas in order to determine actual ground conditions at the ponds and buffers. The ground survey will help confirm that the contours don't concentrate stormwater at buffer areas.**

§120-911K – Conservation Subdivision

- (1)** The development is in the RM 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

- The Applicant submitted a traffic assessment that indicates that the subdivision will generate 28 trips in the PM peak hour and 270 trips during a typical weekday. Since this exceeds 140 trips per day, the Applicant will need to submit a traffic impact analysis per § 120-910C(3)(e). **The submitted “Traffic Assessment” appears to include all the items specified for a traffic impact analysis in § 120-910C(3)(e) except for “effect upon the level of service of the street giving access to the site and neighboring streets which may be affected”.**
- The applicant is proposing two new street connections to River Road. Both are access driveway meeting the Town’s “Major Private Road” standard for design and construction. found in **Appendix B. On Thayer Drive the plans show a 1-ft gravel shoulder, but Windham’s Road standards (Appendix B, Table 3 of the Land use Ordinance) require a 2-ft gravel shoulder so this should be corrected.**
 - The condominium association 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, Dolley Farm Road and Thayer Drive both exceed the required minimum 250 feet of sight distance for the 30 MPH posted speed.
- The Applicant proposes to widen River Road by adding a 5-ft shoulder for a distance of approximately 400 feet south from the Dolley Farm Road entrance to the convenience store property (Duck farm Variety).
 - The current width including shoulder is 31 feet. **Staff are concerned that the paved shoulder proposed along River Road will increase vehicle travel speed and not provide adequate safety to pedestrians and recommends that the Planning Board request review and recommendation from the Town’s consulting traffic engineer.**
 - **§ 120-911M(5)(a)[4]** states, “Where the applicant proposes improvements within existing public streets, the proposed design and construction details shall be approved, in writing, by the Director of Public Works or the Maine Department of Transportation, as appropriate.”
 - **The Public Works Directors comments dated May 6, 2025: Widening River Road another 5-ft would not work in that area and that a sidewalk is a much**

better/safer option, as well as expanding it to Newhall Road with the addition of a pedestrian cross walk.

- **The Applicant proposes to install a cobrahead streetlight on River Road on the southerly side of the subdivision, but it is 100-ft from the center of the Dolley farm Road entrance, which appears to be too far away to provide adequate lighting. An alternative for lighting this entrance should be explored.**
- **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 applicants shall provide draft condominium association documents for the Town Attorney's review.
- The condominium association documents shall be recorded in the Cumberland County Registry of Deeds within 90 days of the date that the subdivision plan is recorded. See COA #3.

SUBDIVISION CONCLUSIONS

1. The development plan **reflects** the natural capacities of the site to support development.
1. Buildings, lots, and support facilities **will** be clustered in those portions of the site that have the most suitable conditions for development.
2. 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.
3. The proposed subdivision **has** sufficient water available for the reasonably foreseeable needs of the site plan.
4. 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.
5. 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.
6. The proposed subdivision **will** provide adequate sewage waste disposal.
7. The proposed subdivision **conforms/does not conform** to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan.
8. The developer **has** the adequate financial capacity to meet the standards of this section.
9. The proposed subdivision **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
10. The proposed subdivision **will/will not** provide for adequate stormwater management.
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/does not** 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. ~~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.~~
16. ~~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)
17. ~~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)
18. ~~The timber on the parcel being subdivided **has/has not** been harvested in violation of rules adopted pursuant to Title 12, §8869, sub§14.~~ (N/A)

CONDITIONS OF APPROVAL (REQUIRED)

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated December 23, 2024 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](#) 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 Manager's discretion, use the performance guarantee to either reclaim and stabilize or to complete the improvements as shown on the approved plan.
3. In accordance with [§120-911N\(5\)](#) of the Land Use Ordinance, the condominium association documents shall be 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 units shall be sold in the subdivision prior to recording and all deeds shall reference the declaration establishing the condominium association.

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4. Recreation Impact Fee, Open Space Impact Fee, Public Safety Impact Fee; and Municipal Office Impact Fee. All fees will be determined and collected for any building, or any other permits necessary for the development, §120-1201C.