



January 8, 2025
04351

Steve Puleo, Planning Director
Town of Windham
8 School Road
Windham, Maine 04062

Minor Subdivision Application

Monique Drive Subdivision, Windham – Robert Cloutier

Tax Map: 11; Lot: 49D, 49D-4, 49D-5

January 5, 2025 Comment Response

Dear Steve,

On behalf of Robert Cloutier, Sebago Technics, Inc. is pleased to provide responses to Staff Review comments dated January 5, 2025, for the after-the-fact subdivision to approve 3 lots and for upgrades to Lisa and Jules Drive to establish the required road frontage for lot 49D-5. The subject lots can further be identified on the Town Tax Map 11 as Lots 49D, 49D-4, and 49D-5. We offer the following responses in **bold**:

Fire Department

- *The nearest hydrant is at Presumpscot Road 700' north of Monique. Any dwelling units beyond the 1000' mark would need to be sprinkled. You can find this under Section 900 (5) Dead End Streets.*

Response: Acknowledged.

Town Engineer

- *Portions of the Jules Drive are less than the required 18' travel way required for a minor private road per Windham's land Use ordinance, Ch. 120, Appendix B. The road also does not appear to have a 50-ft right of way as required by the road standard. A waiver of these portions of the Town road standards has been submitted and may be reasonable pending the required site walk.*

Response: Acknowledged.

- *Jules Drive does not have an existing turnaround, but the plans show that a hammerhead will be added, which appears to meet the design requirement in the Ch. 120 Appendix B.*

Response: Acknowledged.

- *Monique Drive is approximately 1,100-ft long with no hammerhead turnaround or cul-de-sac and there is no public water or hydrants. A hammerhead or cul-de-sac is required, and it must meet the requirements in Ch. 120 Appendix B Attachment 2-12 or 2-13. Any houses beyond 1,000-ft will need to be sprinkled.*

Response: Monique Drive serves Lots 1 and 2, which are legal lots of record with existing homes that were permitted through Code Enforcement along with Monique Drive. Improvements are not

proposed to Monique Drive as no additional dwelling units, or lots are being added as a part of this application. We understand that a hammerhead or cul-de-sac will be required as a part of an amended subdivision application if additional dwelling units or lots are proposed in the future. We also acknowledge that any houses proposed in the future will need to be sprinkled if beyond 1,000-feet.

- *Based on the Subdivision Plan sheet submitted, it does not appear that Monique Drive has the required width for a Minor Private Road (18'). It is also not clear whether the construction meets the road standard. The road construction will need to be assessed for general conformance during the site walk. If it turns out that the road doesn't meet these requirements it will need to be upgraded appropriately and/or a waiver submitted and approved by the Planning Board.*

Response: Monique Drive is an approximately 18 feet wide, 700-foot long road that was constructed between 2007 and 2010 and serves Lots 1 and 2. Lots 1 and 2 are legal lots of record with existing homes that were permitted through Code Enforcement along with Monique Drive. Improvements are not proposed to Monique Drive as no additional dwelling units, or lots are being added as a part of this application. We acknowledge that the road construction will need to be assessed for general conformance during the site walk.

We also acknowledge that an approximately 16 feet wide, 400-foot long drive was constructed off of Monique Drive between 2020 and 2021 to provide access to Map Lot 49D-4 which is not developed and is not a part of this application. The drive was constructed within an access/utility easement as shown on the subdivision plan. The drive was constructed less than 18 feet wide to minimize wetland impacts. We understand that a hammerhead or cul-de-sac, and potential waivers will be required as a part of an amended subdivision application if additional dwelling units or lots are proposed in the future.

Planning Department:

- *The Planning Board decided to hold a Site Walk on January 11, 2025.*

Response: Acknowledged.

- *Typically, the after-the-fact minor subdivision recording sheet 2 of 5, would be recorded at the Cumberland County Registry of Deeds, to make the Lots 1, 2, and 3 (Tax Maps; 11, Lot: 49-D05) legal conforming lots of record for development. Please amend to the sheet to include the General Notes found on the cover sheet, include a section for the Planning Board Conditions of Approval and a section for the Approved Waiver by the Planning Board.*

Response: The subdivision plan provided on sheet 2 of 5 was revised to include the general notes found on the cover sheet, planning board conditions of approval, the approved waivers by the planning board.

- *Include the follow waiver on the recording sheet.*
 - *The waiver approval of 120-911-M(5)(a)[1] and §120-2 Attachment 2 - Appendix B.*

Response: The waivers were added to the subdivision plan provided on sheet 2 of 5.

- *According to §120-911M(5)(a)[5[e], the applicant shall include in the general notes of the recording plan the following:*

"All roads in this subdivision shall remain private roads to be maintained by the developer, lot owners or road association, and shall not be offered for acceptance, or maintained, by the Town of Windham until they meet all municipal street design and construction standards."

Response: The requested note was added to the general notes as note 8 on the subdivision plan provided on sheet 2 of 5.

CONDITIONS OF APPROVAL (REQUIRED)

1. *Approval is dependent upon and limited to the proposals and plans contained in the application dated September 3, 2024, December 23, 2025, 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 Manager's discretion, use the performance guarantee to either reclaim and stabilize or to complete the improvements as shown on the approved plan.*
3. *Prior to issuance of a building permit on, the 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 of Lot 3 (Tax Map:11 Lot: 49-D05), §120-1201C.*
4. *Prior to issuance of a building permit on Lot 3 (Tax Map:11 Lot: 49-D05), the applicant shall provide to the Planning Director a recorded Access Easement Exhibit A "Right of Way" pullout on Lot 3.*

Response: The conditions of approval were added to the subdivision plan provided on sheet 2 of 5.

We look forward to working with the Town as this project progresses. In the interim, please contact me at ahunter@sebagotechnics.com or by telephone at (207) 200-2099 if you have any questions or require additional information. Thank you for your time and consideration.

Sincerely,

SEBAGO TECHNICS, INC.



Aaron C. Hunter, PE
Project Manager

ACH/jtg

Enc.