

PLANNING BOARD MEMO • AMENDED SUBDIVISION • FINAL PLAN REVIEW

DATE: October 23, 2025

TO: Windham Planning Board
FROM: Amanda Lessard, Senior Planner/Project Manager
Cc: Steve Puleo, Planning Director
William Gerrish PE, PLS, Sebago Technics Inc
Scott & Lea Hennigar

RE: #21-17 Heights at Colley Wright Brook – Amended Subdivision– Final Plan Review – Cooper Ridge – Scott & Lea Hennigar
Planning Board Meeting: October 27, 2025

Overview:

The applicant is proposing to amend the approval to develop a 6-lot conservation subdivision initially approved by the Planning Board on June 13, 2022 to amend the lot lines of Lot 23-G and relocate the wells and septic systems on Lots 23-B through 23-F. There are no changes to lot size or total subdivision open space.

The property is identified as Tax Map: 10 Lots: 23, 23-B, 23-C, 23-D, 23-E, 23-F, 23-G; Zone: Farm (F) in the Colley Wright Brook watershed. Uses: Dwelling, single-family.

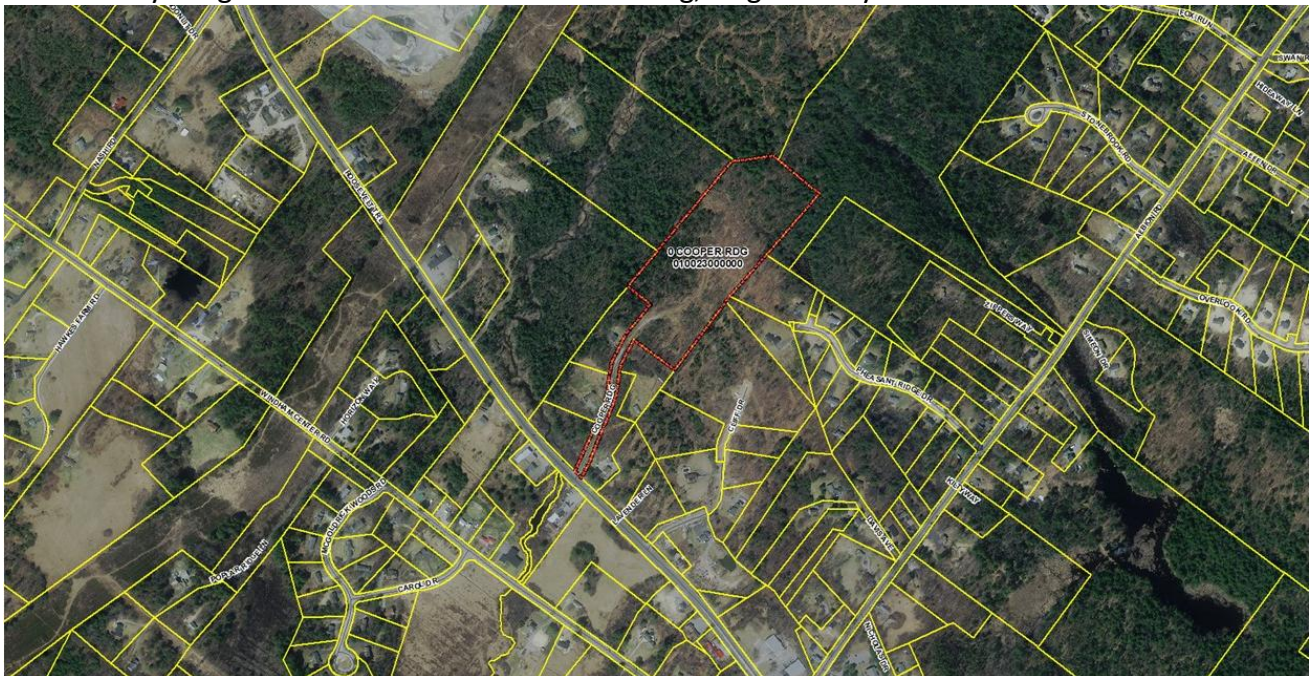


Figure 1: Aerial View of the subject parcel(s) relative to surrounding properties and street network

Planning Board Review Authority

The Planning Board's review authority is governed by [§120-913A](#), which stipulates that the Board must make findings of fact to determine whether the proposed revision meets the criteria outlined

in [30-A M.R.S.A. §4404](#). Under [§120-913B\(2\)](#), the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval shall be followed. The application must include sufficient supporting information to demonstrate that the proposed revisions satisfy the standards of Article 9 and the relevant State subdivision statutes. The revised plan must clearly indicate it is a revision of the previously approved and recorded plan, as required by [§120-913B\(3\)](#).

Per [§120-913B\(4\)](#), the Planning Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.

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guidance document, and suggested topics for board discussion are listed; ~~the strikethrough text is items that are no longer applicable since the last review;~~ plain underlined text are that are changes since the Planning Board memo dated June 13, 2022; and *italic text is for information or previously reviewed and/or approved items.*

Staff Comments:

1. Complete Application:

MOTION: [I move] the Amended Subdivision application for project #21-17 Heights at Colley Wright Brook 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 [§120-811](#) 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.

None Requested

Previously approved submission requirement waivers:

- [§120-910C\(3\)\(a\)](#) - High-Intensity Soil Survey.
- [§120-910C\(3\)\(b\)](#) – Landscaping Plan.

PERFORMANCE STANDARDS

Per [§120-908C](#) the Planning Board may waive the requirements of [§120-911](#) Performance and Design Standards when the applicant demonstrates that the performance standards of these

regulations and the criteria of the subdivision statute have been or will be met, and the public nullifying the intent and purpose of the land use ordinance. In granting site waivers, the Planning Board shall utilize the criteria in [§120-908C\(2\)](#).

None Requested

Previously approved performance standard waivers:

- [§120-911J\(6\)](#) – Stormwater Management, for increased runoff during the 25-year event.
- [§120-911A\(2\)\(a\)](#) - Utilities, to allow the existing to maintain the overhead utility connections

3. Public Hearing: The Board held a public hearing on June 13, 2022. A public hearing is not required for an amended subdivision.
4. Site Walk: The Board conducted a site walk on December 4, 2021. A site walk is not required for an amended subdivision.

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

MOTION: [I move] the Amended Major Subdivision application for project #21-17 Heights at Colley Wright Brook development identified on Tax Map: 10 Lots: 23, 23-B, 23-C, 23-D, 23-E, 23-F, 23-G; Zone: Farm (F) in the Colley Wright 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 Heights at Colley Wright Brook Subdivision project is classified as a Major Subdivision, which the Planning Board is authorized to review and act on by [§120-903](#) of the Town of Windham Land Use Ordinance. The Planning Board has authority to review revision to approved plans in accordance with [§120-913](#).

Title, Right, or Interest: The applicant has submitted a copy of a Warranty Deed between Leon C. Cooper, Jr, Jean K Reeves, and John L. Cooper and Scott E. Hennigar and Lea M. Hennigar dated April 23, 2012, and recorded on April 24, 2012, at the Cumberland County Registry of Deeds in Book 29527 and Page 211. The applicant has submitted authorizations from the owners of Tax Map 10 Lot s23-B, 23-C, 23-E, and 23-F.

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: 6; Lots 23, 23-B, 23-C, 23-D, 23-E, 23-F, 23-G; are located in Farm (F) zoning district.
- The final plan shows a six (6)-lot subdivision with lots ranging from 30,133 SF to 39,987 SF exceeding the minimum lot size for conservation subdivisions lots in the Farm (F) zoning district, per [§120-406E\(1\)\(b\)](#). The amended plan amends thee lot lines of Lot 23-G, but the lot area is unchanged from the original approval.

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)

- (a) The total land area of the conservation subdivision is 618,405 SF, the road area occupancies 94,758 SF, and there are 50,205 SF of wetlands or very poorly drained. The net residential area is 473,442 SF, and the net residential density in the Farm District (F) is 60,000 SF per dwelling unit allowing a maximum number of dwelling units of 8.19.
- (b) The final plan shows a six (6)-lot subdivision with lots ranging from 30,133 SF to 39,987 SF and the side lot lines are perpendicular to the street. The amended plan amends the lot lines of Lot 23-G, but the lot area is unchanged from the original approval.
- (e) Lot numbers are provided on the final plan. The planned changes to the driveway locations will require the assignment of new street addresses. The plan has been provided to the Assessing Department who will issue new address following approval that will be used for building permit applications.

- (2)
 - (a) All utilities shall be installed underground except for the existing electrical and telephone utilities serving the existing residences along Cooper Ridge Road (see above waiver request of Section 911.A.2.(a)). The applicant is proposing to install a riser on the new pole utility across from the proposed hammer to underground to two new transformers, north of the road.
 - (b) The applicant has provided the size, type, and location of public utilities, such as storm drains, electric lines, and telephones lines, on the final plan for review.
- (3)
 - (a) The final plan includes the proposed subdivision recording plan of street line monuments showing the locations of the monuments for review.
 - (b) The applicant has shown existing property iron pins and the location of proposed property boundary iron pins.

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

- (a) There is no public water supply within Roosevelt Trail fronting the Cooper Ridge Road.
- (b) The subdivision will not install a public fire hydrant.
- (c) The applicant has shown the location of individual wells for the single-family homes and subsurface wastewater disposal systems.
 - 1. The applicant is locating the wells in the front yard area and the wastewater subsurface systems in the rear of the homes. The amended plan relocates the

wells and septic systems on Lots 23-B, 23-C, 23-D, 23-E and 23-F to locate the septic fields in the front yard and the wells behind the homes.

- iii. ~~The proposed locations of the well appear to be within 50 feet of the travel way.~~ The relocated wells are more than 100 feet from the travel way.
2. Lot design shall permit placement of wells, subsurface wastewater disposal areas, and reserve site subsurface wastewater disposal area in compliance with the Maine Subsurface Wastewater Rules and the Well Drillers and Pump Installers Rules.
- (d) The applicant submitted hydrogeologic assessment prepared by Marcotte Environmental dated April 9, 2022 demonstrating that the septic locations do not exceed the state drinking water standard of 10 mg-N/L at the property lines. The amended application provides a peer review prepared by Haley Ward dated May 29, 2025 noting that the relocated disposal areas are located a greater distance from the downhill gradient subdivision boundaries that will not cause the ground water plumes to reach the property boundary.
- (e) This subdivision is not located over a significant sand and gravel aquifer or in a "Direct Watershed of a Lake Most Risk," as defined by the DEP.
- (f) The applicant provided a Significant Wildlife Habitat evaluation, per Chapter 335, and did not identify any significant vernal pool habitat consisting of a vernal pool depression or a portion of the critical terrestrial habitat within 250 feet of the spring or fall high watermark of the depression.

§120-911C - Erosion Control and sedimentation control

- (1) The soil erosion and sedimentation control plan was reviewed by the Town Engineer and is acceptable to control erosion and sedimentation during the construction activity.
 - (a) The applicant has provided draft easements to the homeowner's association.
 - (b) Maintenance easement shall be the responsibility of the homeowner's association.
 - (c) The easement shall specify that of the applicant the homeowner's association the Town reserves the maintain the easement at the applicant of homeowner's expense.
- (2) The plan shows double soil erosion control measures installed upland from the wetland areas during the construction of the private road upland of the wetland areas and on the development of the single-family building lots. A note shall be added to the subdivision plan for the final plan review.
- (3) The final plan application includes a wetland delineation report and vernal pool assessment showing the location of the total amount of wetland areas on the site and the total amount of wetlands altered for the development of the road.
- (4) The applicant shall submit with the final plan a Natural Resource Protection Act (NRPA) Permit-by-Rule (PBR) for any wetland alteration less than 4,300 SF in size. The applicant has shown a sufficient forested buffer and the project will not adversely impact the Colley Wright Brook.

§120-911D – Sewage disposal

- (2) The applicant provided a preliminary septic evaluation dated July 19, 2021 prepared by licensed site evaluator Chris Coppi and December 3, 2021 by Brady Frick, both of Albert

Frick Associates, Inc, with a finding that a suitable site for first-time single-family home wastewater disposal was found and located on each of the lots. Test pit locations are shown on the plan.

- On the amended plan, the relocated leach field on Lot 5 appears to be within 75 feet of a stream. A note will be added to the plan that activity within 75 feet of the stream requires a DEP NRPA Permit.

§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 by the extension of Cooper Ridge.
 - (a)** Limits of tree clearing should be shown on the plan. A note should be added to the subdivision recording plan stating that clearing of trees is not allowed in areas where tree cover is depicted on the plan for at least five (5) years from the date of Planning Board approval, per Section 903.E.1.(a).
 - (b)** Street trees must be planted at least every 50-feet along the length of the new subdivision street, per Section 911.E.1.(b). The applicant is requesting a waiver of submitting a landscaping plan. The aerial images indicate that the area proposed to be developed is mostly vegetated with trees. The applicant has shown the existing tree line in the final plan submittal.
- (2)** All open space common land, facilities, and properties shall be owned by the owners of the lots by means of the Homeowners' Association (HOA). An association's principal purpose is for the conservation or preservation of in "essentially" its natural state. The applicant is proposing the use of the common open space for stormwater.

§120-911F – Conformance with Land Use Ordinances

Comprehensive Plan:

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

Land Use Ordinance, Chapter 120:

- The minimum lot size of 30,000 SF for conservation subdivision lots in the F zoning district.
- Lots meet the lot frontage requirement of 100 feet for the F Zone.
- The net residential density requirement is 60,000 SF.
- The net residential density calculations are provided in the final plan application and shall be shown on the final subdivision recording plan.

Subdivision Ordinance, Chapter 120 Article 9:

- Standard notes, the standard conditions of approval, and approved waiver must be shown on the plans.
- Per §120-913B(3)(d) the plan shall include a note that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.
- The Tax Map and Lot numbers shall be shown on the final plan as well.
- The data of the amended subdivision plan shall be compatible with the Town's GIS system in the a .DWG file format and provided to the Town before release or the signed recording plan.

- The building setback requirements are shown on the final plan submission for all lots.
- Homeowner association documents should be provided with the Final Plan submission and must specify the rights and responsibilities of each lot owner with respect to the maintenance, repair, and plowing of the subdivision streets and stormwater infrastructure.
- The final plan showed all parcels in common ownership within the last 5 years.
- The final plan shall include a boundary survey, stamped by a certified by a Maine Licensed Professional Surveyor.
- Residents within the subdivision are anticipated to contract with private haulers for the removal and disposal of household solid waste and recyclable materials.

Growth Management, Chapter 101:

- Growth permits are required for the creation of each new single-family dwelling. Growth permit applications are submitted with building permit applications.

§120-911G – Financial and Technical Capacity

- (1) Mr. Mike Vinnie, Vice President of Gorham Saving Banks date February 18, 2022, has provided a letter stating Scott and Lea Henniger have been a customer for 14 years and have handled all their accounts. The bank has reviewed the plan and feels comfortable that the Hennigars have the management skills and financial strength to complete the project.
- (1) The plans and applications were prepared by Northeast Civil Solutions, Inc (NCS). Civil Engineering is performed by William Gerrish, P.E., and is a Maine Licensed Professional Engineer PE #8830. A Boundary Survey was prepared by Troy McDonald, PLS# 2080 with NCS. Septic system design was performed by Chris Coppi, LSE with Albert Frick Associates. Traffic Engineering was performed by Bill Bray, PE, PTOE with Traffic Solutions.

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

- (1) The lots in the subdivision will have individual private septic systems designed to comply with the Maine subsurface wastewater disposal rules and shall not increase any contaminant concentration in the groundwater and shall meet the State's drinking water standards.
- (2) (a) Any water table drawdowns beyond the subdivision boundaries shall not adversely impact the groundwater supply availability to existing wells nor cause structural damage to abutting properties.
(b) The proposal shall not result in a lowering of the water at the subdivision boundaries by increasing runoff with a corresponding decrease in the infiltration of precipitation.
The applicant shall meet one of the flowing standards; Sections 911.H.2.(b)(1), (2), or (3).

§120-911I – Floodplain Management

- The new lots of the subdivision are not located in a designated mapped FEMA Floodplain Boundary. The final plan shows the flood zone boundary in which the applicant is proposing to realign the private road access entrance, 1,415 SF of wetland fill, and move an existing MDOT guard rail.

§120-911J – Stormwater

- (1) Stormwater management for subdivisions shall incorporate appropriate treatment measures for water quantity and quality to meet the requirements specified below for development of the lots as well as the infrastructure to support the project. Each application shall include, for each lot, maximum developed area, disturbed area, and impervious area, as those terms are defined in DEP Chapter 500, Stormwater Management.
- The proposed project is designed to fit into the topography and natural features to the maximum extent practical. The proposed stormwater runoff from the development will be treated in a series of BMPs and conveyed through swales or pipes to discharge the runoff into the open space areas. The treatment of the stormwater runoff from this site has been designed to meet the treatment of using buffers per MDEP Chapter 500 Stormwater Management standard. Although, the applicant has requested the Planning Board to waive the Flood Standards to allow 75% of the impervious and developed areas to be treated with forested buffers
 - The Town Engineer supports the flooding standard waiver and has requested more information to evaluate the stormwater management system (see following comments).
 - The Town Engineer is satisfied with the applicant's response to his inquiry.
 - The applicant states that the total development of the site will create 1.11 acres of impervious area and 2.47 acres of landscape area, requiring 3.58 acres of total developed area. A "Permit-By-Rule" (PBR) Stormwater Permit application has been submitted to the MDEP for review and shall be provided for final plan review.
 - The responsibility of maintaining the stormwater management system will be assigned to the future Homeowner's Association, as per [§120-911N](#).
 - The amended plan proposes relocating the septic systems on the lots and changing the lot line for Lot 6, but no changes to the road, level spreaders, drainage swales and culverts, which have all been built, are proposed. The revised layout results in an increase of the overall impervious area on the site by approximately 5,000 square feet. The applicant provided sizing calculations to demonstrate that the 2 stone berm level spreaders, as constructed, are sufficient in size to handle the additional runoff from the increase in impervious areas and still meeting Chapter 500 Standards. The proposed changes will have no impact on the DEP permits.
 - Town Engineer agreed that the increased development should not have any significant adverse impact on the performance of the level spreaders and requested more information on the assumed impervious and developed areas on each lot.
 - The applicant provided a table of the quantities that will be included on the final subdivision plan.

§120-911K – Conservation Subdivision

- (1) The final plan shows the delineation of open space. The amended plan changes the boundaries of the open space adjacent to Lot 6, but the amount of open space remains unchanged.

- a. At the Development Review Team meeting on August 27, 2021, Amanda Lessard, Planning Director, added that the building envelopes should include the 100' setback required by the Conservation Subdivision ordinance.
 - i. The applicant is providing 54% of the total lot area as open space.
 - ii. The final plan shows open space, and to the greatest extent possible, protects the site features. The applicant must include in the final plan identified Existing Resources Inventory and Site Analysis and has reviewed the final plan. The applicant has provided a color exhibit showing the primary and secondary conservation resources setbacks and none of the building development areas are in the resource setbacks.
 - iii. For a portion of the existing private Cooper Ridge, the applicant shall provide the area in the final plan review.
 - iv. The applicant has not shown the setbacks from the primary conservation and secondary resources.
 - v. The applicant has provided the layout of the building area outside of the
 - b. If vernal pool habitat is identified, the applicant shall meet the Maine DEP Chapter 335: Significant Wildlife Habitat requirements. The applicant provided a habitat plan in the final plan review.
 - c. Per Section 911.K.3.(a)(2)e., the boundaries of Open Spaces shall be marked by natural features wherever possible, such as hedgerows, stone walls, edges of woodlands, streams, or individual large trees. Where no such existing demarcations are present, additional plantings, fences, or other landscape features shall be added to enable residents or the public, if applicable, to distinguish where the Open Space ends and where private lot areas begin. These boundaries are shown in the Final plan.
 - d. Building envelopes should be shown on the plan that meets the requirements of Sections 911.K.3.(a)(3) and provided for the Final plan review.
 - e. Road alignment and design shall meet the requirements of Section 911.K.3.(a)(4), for the final plan review.
 - f. 911.K.3.(a)(4), for the final plan review.
3. Basic Standards for Conservation Subdivisions:
- a. The applicant has provided building envelopes on the proposed lots and illustrated the placement of the building on the lot in the final plane review. The application will provide treatments of spaces, paths, roads, services, and parking areas as part of the Final plan review.
 - b. For the Conservation Subdivisions not serviced by public water supply, the applicant shall demonstrate on the plan the possible location of a subsurface wastewater disposal field and a well on each lot.
4. Arrangement of Lots:
- a. The Planning Board shall consider the diversity and originality of the lot layout and encourage the best possible relationship between the proposed development and the land under consideration.
 - b. The applicant shall provide evidence and the staff has reviewed the final plan review, how the seven (7) factors were considered for the arrangement of lots, per Section 911.5.(b)1. through 7.

5. Open Space Requirements for Conservation Subdivisions:
 - (a) The applicant shall provide a note for review on the Final plan stating, “Open Space – Reserved for Recreation, Agricultural, and/or Conservation Purposes.” Per Section 911.6.(a).
 - (b) The applicant shall provide evidence and Staff has reviewed the final plan review, how the open space areas meet "Minimum Amount Required," per Section 911.6.(b)1. and 2.
 - (c) The applicant shall provide a “Priorities for Land Included in Open Space” analysis. for the Final plan review, per Section 911.6.(c)1. and 2.
 - (d) Open Space not retained by the subdivider shall provide one principal access point of a minimum width of 20-feet from the road network and a secondary access point of a minimum of 10-feet. The Planning Board shall review and approve the size and location of the principal and secondary access points.
 - (e) The Planning Board shall consider the proposed location of the Open Space areas should consider the relation to and logical connection to other Open Space areas on abutting properties

§120-911L – Compliance with Timber Harvesting Rules

- Limits of tree clearing are shown on the plan. A note should be added to the plan stating that clearing of trees is not allowed in areas where tree cover is depicted on the plan for at least five (5) years from the date of Planning Board approval.

§120-911M – Traffic Conditions and Street

1. General Standards:
 - (a) The applicant’s final plan shows the designed transportation system of the subdivision provides safeguards against hazards and avoids traffic congestion, safe and convenient circulation for vehicles, bicyclists, and pedestrians is compatible with the estimated Average Annual Daily Traffic of the street and has a positive relationship to the natural setting.
2. General Access Standards:
 - (a) Access to Roosevelt Trail shall meet permitting requirements of the Maine Department of Transportation "Highway Driveway and Entrance Rules." For the Final plan review, the applicant shall provide evidence Cooper Ridge Road meets MDOT entrance rules, and if an MDOT permit is required, the applicant shall provide a permit for the final plan review.
 - (b) The existing private road intersects Roosevelt Trail and serves four (4) single-family houses and will be improved and extended to serve the proposed six (6)-lot subdivision, meeting the applicable Private Road Standard in Section 911.M.5.(5).
3. General Internal Subdivision Street Standards:
 - (a) Where a proposed development abuts unplatted land, or a future development phase of the same development, the Board may require the dedication of a right-of-way equal to the right-of-way width of the internal subdivision street to provide continuation of the road where future development is possible.
 - (1) The applicant has shown two (2) ROWs to the two (2) abutting properties on the final plan.

- (2) The applicant is providing a second hammerhead turnaround at the end of the private road to allow the two (2) ROWs.
- (c) All Town-approved street names shall be shown on the final plan review.
- (d) The Police Chief and Director of Public Works have required the installation of a streetlight at the intersection of Roosevelt Trail and Cooper Ridge Road. The light shall not cause adverse impacts to abutting properties and shall illuminate the entrance along Roosevelt Trail for safe access to the road. The applicant shall provide a photogrammetry plan and light fixture detail that will meet MDOT street light requirements for the final plan review. Streetlights located within the Town's ROW should be Town owned and accepted by the Town Council. Staff is recommending the applicant work with the Town Staff and CMP to locate the streetlight required to illuminate the road intersection. See Note #4 of Sheet 3 of 12; Title: Site, Layout and Utility Plan – Sheet 1
- 4. Specific Access Standards:
 - (a) The improvements of the existing private street Cooper Ridge Road will realign the road access perpendicular to Roosevelt Trail and will modify the MDOT-owned guardrail. In a letter dated May 10, 2022 from MDOT, the relocation of the guardrail along the Roosevelt Trail crossing of Colley Wright Brook is approved to be relocated to realign the private road entrance.
 - (4) The applicant is proposing to pave the first 20-feet from the Roosevelt Trail intersection, per Table 3 Road Standards.
 - (5) The applicant shall provide evidence the Town's Minimum Sight Distance standards (see Table 1) are being met for the final plan review.
 - (6) The applicant has not provided the final plan review traffic volume estimate as defined by the latest edition of the Trip Generation Manual published by the Institute of Transportation Engineers.
- 5. Specific Street Design and Construction Standards
 - (a) The applicant is proposed to meet the general standards for a minor private road.
 - (2) For Final plan review, the applicant shall submit to the Board a detailed construction drawing showing the plan view, profile, and typical cross-section of the proposed private road.
 - (3) The road will remain private and not be offered to the Town Council.
 - (i.) The plans for the street which are not proposed to be accepted by the town shall be to the Director of Public Works and Town's consulting engineer for review and comment."
 - (5) All private roads shall be designated and be signed indicating the road is private and not publicly maintained.
 - (i.) The existing private road has an adequate sign meeting the Town's Road sign standards.
 - (iv.) All properties served by the private, including the existing properties, shall have adequate access to emergency vehicles and shall conform to the approved local street numbering system.
 - (v.) The final subdivision shall have a note stating the following:
"All roads in this subdivision shall remain rive 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.”

- (vi.) The applicant shall provide the homeowners’ association meeting the Conservation Subdivision requirements found above in Section 911.K. The road is to be built to the Minor Private Road standards and will remain a private road and maintained by the HOA
- (vii.) The applicant is showing a paved entrance for the public road on the final plan for review.
- (viii.) The Minor Private Road Standard requires 18’ of gravel travel way, with both shoulders with 2’ of gravel. The applicant should provide a proposed road profile with the Final plan Submission and request any necessary waivers from the applicable road standards.
- (ix.) The total number of lots served by the private road is ten (10), four (4) existing, and six (6) new.

§120-911N – Maintenance of common elements.

- The final plan includes draft homeowner association documents including draft Declarations and a draft Road Maintenance Agreement
- The combination of the documents above requires the lot owners to have the responsibility of maintaining the common property of facilities, levy annual charges to cover the expense for maintenance, repair, and replacement of facilities, lien properties, and the developer or subdivider shall maintain control of the common property, and maintenance of common facilities until transferred to owners’ association. ~~See Condition of Approval #2-~~
- The Declaration of Easement, Covenant, Conditions and Restrictions for The Heights at Colley Wright Brook Association was recorded in the Cumberland County Registry of Deeds on March 27, 2025, in Book 41351 Page 4. The Declaration shall be amended to reflect the amended subdivision plan and revised boundaries of the open space property to be owned by the Association.

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 **does not have** a lot-depth to shore frontage ratio greater than 5 to 1.
17. **NOT APPLICABLE:** 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. **NOT APPLICABLE:** For any proposed subdivision that crosses municipal boundaries, the proposed subdivision **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. **NOT APPLICABLE:** 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

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated October 6, 2025 as amended October 20, 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. Homeowner's Association Bylaws, Convents, and Documentation for the care and maintenance of the private road and open space areas shall be recorded in Cumberland County Registry of Deed (CCRD) prior to the pre-construction meeting and a copy of the recorded documentation shall be submitted to the Planning Department for verification.~~
2. All residences shall install a fire suppression system to be reviewed and approved by the Fire Chief before issuing building permits.

3. ~~Completion of Construction of Required Improvements. The construction of the improvements covered by any subdivision plan approval shall be completed within two (2) years of the date upon which the performance guarantee is accepted by the Town Manager, per Section 915.B.5.~~ 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.
4. If the two (2) rights of ways (ROWS) are to be developed in the future, they must be replaced with an equivalent amount of open space on another property and contiguous with The Heights at Colley Wright Brook Subdivision open space. When the developer proposes to construct a road within this ROW, the developer shall apply to the Planning Board for approval. If the road is to be extended through open space for future development, additional net residential area and open space will need to be provided to offset the right of way deduction. Because the two (2) ROWs extend through an existing stream, if it is to be developed, additional state and federal permits may need to be obtained.
5. 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](#).
6. Before issuing building permits the applicant or builder must have the town engineer verify that the 50-foot conservation subdivision exterior boundary buffer line is pinned, staked, or fenced in the field.