



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Planning Board

Monday, June 22, 2026

6:00 PM

Council Chambers

1. Call To Order

2. Roll Call and Declaration of Quorum

Chair, Marge Govoni, called the meeting to order. Other members present were: Melissa Young, Evert Krikken, Kathleen Brown, Leo Gerrior, and Emily Legere.

Planning Director, Steve Puleo, was also present with Town Planner, Natalie Thomsen.

3. [PB 26-035](#) Approval of Minutes - The meeting of June 8, 2026

Attachments: [Minutes 6-8-2026 - draft](#)

Evert Krikken made a motion to approve the minutes of the June 8, 2026 meeting.

Seconded by Melissa Young.

Vote: All in favor.

Public Hearing

4. [PB 26-036](#) #25-26: LUO Amendments to Chapter 120, to Articles 5, 8, & 9 (Street Connections, Access Drive Standards, and Table 3 in Appendix B). The Town is proposing amendments to Chapter 120, Land Use Ordinance, including §§120-555, 120-812B, 120-814B, 120-911B, Table 3 in Appendix B, 120-911M, and the creation of a new §120-911O. The proposed amendments would incorporate fire protection considerations into applicable street and access standards, clarify the required number of public street connections for single-family, two-family, and multifamily developments, and revise access drive construction standards for developments containing 10 or fewer dwelling units.

Attachments: [25-26_PB_MEMO_LUO_AMD_Art8&9_StreetConnections&AccessDrives_061526.pdf](#)
[Amendments_Art5_8_9_061826.pdf](#)
[Amendments_Table3_AppendixB_061826.pdf](#)
[DeputyChiefWescott_Comments.pdf](#)
[ChiefLibby_Comments.pdf](#)

Steve Puleo explained that the proposed amendments would integrate the emergency response and fire protection from Chapter 70 Fire Prevention and Life Safety into Chapter 120 Land Use.

- This would allow a more intensive emergency response review, compliant with the life safety code, to be added to Article 5, Performance Standards.
- It would enable the Fire Department to:
 - o Determine what number of road connections were safe
 - o Modify access drive standards depending on the number of dwellings served
 - o Modify Appendix B for curb radii to meet larger truck turning standards
 - o Provide consistency with design standards; minimize impacts for smaller development; and allow maneuverability for larger emergency vehicles

Public Comment

There was no public comment. Public comment was closed.

Board Comment

- Had the amendments considered previous projects that were built upon existing roads, which didn't meet the standard or were cumulatively more than a particular number of units?
- Did this only encompass an existing condition?
- The language in Appendix B, Table 3 seemed inconsistent with the ordinance language regarding pavement width for a major private road.
- It felt like the proposed changes were incomplete and needed further review. Anything relating to what the Fire Chief wanted the applicant to look at should be in Chapter 70, not in Chapter 120.
- Whatever was kept in Chapter 120 should be noted as not being waivable.
- For clarification, Dwelling Units did not mean a building?
- Chapter 70, Section 10 D said if you obstructed a fire hydrant, the Fire Department could clear the obstruction at your cost for a fee set by the Town Council. That fee was not included in the town's fee schedule.

Steve Puleo reviewed his list of items to be reconsidered and/or changed:

- Check to be sure what is in Chapter 120 was reflected in Chapter 70 so that the standards considered by the Board were consistent with Chapter 70.
- Check to be sure that the concerns being raised were addressed, i.e. hammerhead, fire access, different elements of roads that may or may not show up in Chapter 70.
- Check with the town's attorney regarding:
 - o The waiver of standards from Chapter 120, including a possible notation that the Planning Board could not issue a waiver
 - o Preventing a tangle of standards resulting from amendments

Kathleen Brown made a motion to recommend with comments approval of the proposed amendments to Chapter 120, Land Use Ordinance, Articles 5 Performance Standards, 8 Site Plan Review, 9 Subdivision Review, and Appendix B, Table 3, establishing fire protection and emergency response review criteria.

Seconded by Melissa Young.

Board Comment

- Could the table be clarified that it be paved or gravel?
- The amendments needed a bit more time.
- Were others of a like mind to consider this again before recommending it to Town

Council?

Vote: Five in favor. Evert Krikken opposed. No one abstained.

Continuing Business

5. [PB 26-037](#) #25-13 Franklin Drive Multifamily- Major Subdivision & Site Plan - Final Plan Review - Franklin Drive - New Gen Estates, LLC
The application is for 306 apartments in two buildings on a 7.88 acre property. This project includes associated parking areas, internal vehicular drive aisles, and the construction of a public access trail to the adjacent Donnabeth Lippman Park. The development will be served by public water and sewer. The subject property is identified as Tax Map: 18; Lots: 26-2-A02 and 26-2-A03; Zone: Commercial 1 (C-1) in the Chaffin Pond/Little Sebago Lake watershed.

Attachments: [25-13 FranklinMultifamilySolar MJR SUB SP Final PB MEMO 061 826](#)
[25-13 MEMO AC&SC MJR SUB-SP FL FranklinMultifamilySolar 0 60826.pdf](#)
[230411-01 Local Comment Response Letter 2026-06-17](#)
[25-13 MJR SUB SP Final APPL FranklinMultifamily 05-05-26.pdf](#)
[25-13 MJR SUB SP Final PLAN FranklinMultifamily 06-17-26](#)
[25-13 MJR SUB SP Final GaragePLAN FranklinMultifamily 06-17-26](#)
[25-13 MJR SUB SP Final SW FranklinMultifamily 06-10-26](#)
[25-13 TMP FranklinMultiFamily 05-26-26.pdf](#)

Rob McSorley, from Sebago Technics, was present representing the application. He explained:

- The solar array portion of the overall project was currently under construction.
- They had obtained their Site Location of Development, Traffic Movement, and Maine Construction General permits.
- They requested a waiver regarding site lighting spillage along Franklin Drive. A sidewalk would be located there, so the lighting would benefit it.

Natalie Thomsen reviewed the application:

- The applicant proposed 306 dwelling units, in two buildings.
- Access to the development would be via the hammerhead at the end of Franklin Drive and the proposed future cul-de-sac.
- The site would be served by public water and sewer.
- They proposed 390 parking spaces, 12 of those were ADA compliant.
- 154 bike spaces were located among the buildings.
- Internal sidewalks would provide pedestrian access.
- Outdoor sitting areas would be provided.
- Donna Beth Lippman Park would be accessed by a six foot wide public access trail.
- There was a total of 53,235 square feet of open space.
- The three lots were staying under single ownership. If it changed in the future, a common elements plan would be needed.

Evert Krikken made a motion that the Major Subdivision & Site Plan final application for

project #25-13 Franklin Drive Multi-family was found complete in regard to the submission requirements based on the application checklist, but the Planning Board retained the right to request more information where review criteria were not fully addressed.

Seconded by Kathleen Brown.

Vote: All in favor.

Evert Krikken made a motion to approve the waiver request pursuant to §120-808B(2), waiving strict compliance with §120-812R(1)(b) to allow footcandle levels in excess of 0.5 at the front property line along the Franklin Drive right-of-way.

Seconded by Melissa Young.

Kathleen Brown moved to amend the motion to reference page 114 of the plan submitted for the Franklin Drive Multi-family residential development to reflect the lighting specifications on the plan.

Seconded by Melissa Young.

Vote: All in favor.

Vote on the amended motion: All in favor.

Mr. McSorely discussed recent updates to the project.:

- They had provided cleared areas under the trees.*
- A community park was located on lot 3 for the use of the development, hotel and the town.*
- A maintenance facility building for snow removal equipment storage had been added.*
- The dumpsters had been reconfigured.*
- Internal pedestrian access extended from the front building to the back building.*

Board Comment

- Board members were troubled by the method of calculation for open space, based on the number of units.*
 - o How would the open space be shared with the hotel?*
 - o Who would manage and maintain it?*
 - o It didn't feel like enough open space for 300 dwelling units. What areas were included as 15% of the common open space?*
- What about access to the park, notably for children on bikes. How would children be playing in and around the buildings?*
- There was a lot of impervious surface and not a lot of gathering space.*
- What would the buildings look like?*
- Was the intention to have two dumpsters side by side?*
- Who would maintain the path to Donna Beth Lippman Park?*
- What were the requirements for open space/green space/hard scape?*
- Could the lots be further developed in the future?*
- Had the school district been involved in this?*

Evert Krikken made a motion that the Major Site Plan & Subdivision final plan application for the #25-13 Franklin Drive Multifamily identified on Map: 18; Lot: 26-2-A02; Zone: Commercial 1 (C-1) zoning district and located in the Chaffin Pond/Little Sebago Lake watershed was to be approved with conditions with the following Findings of Fact, Conclusions, and Conditions of Approval.

FINDINGS OF FACT

Jurisdiction: The Franklin Drive Multifamily & Solar Development 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 with Covenant between JLB WINDHAM LLC and NEW GEN ESTATES, LLC dated January 2, 2024, and recorded on at the Cumberland County Registry of Deeds in Book 40556, Page 273. The Franklin Drive Subdivision was approved by the Planning Board on January 13, 2025 and the plan recorded on May 23, 2025 at the Cumberland County Registry of Deeds in Plan Book 225, Page 170.

ARTICLE 3 DEFINITIONS

Dwelling, Multifamily: "A building containing three or more dwelling units. A multifamily dwelling may 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: 18; Lot: 26-2-A02, the properties are located in the Commercial District I (C-1) (§120-410).*
- *The proposed use, "Dwelling, Multifamily" is permitted in the C-1 District §120-410B.*
- *Per §120-410F(3), one of buildings is oriented to the front lot line.*
- *Per §120-410F(4), at least one primary entrance must be located on the buildings' front façade for pedestrian access. Primary entrances must provide ingress and egress to Franklin Drive and be operable at all times the building is occupied.*
- *Per §120-410F(5), a zoning district boundary buffer shall be shown along the boundary of Lot 26-2-A03 (solar development) and the abutting Farm (F) districts.*

ARTICLE 5 PERFORMANCE STANDARDS

§120-511 – Buffer yards

C(2)(b)[1] All nonresidential uses permitted in the commercial zoning districts and proposed to abut a Residential Zoning District (F, FR, RL, RM, VR or any residential district in an adjacent municipality) line shall use Buffer Yard I along the boundary abutting the Residential Zoning District line.

C(3)(b) Buffers along streets. Commercial Districts (C-1, C-2, C-3, C-4, VC and WC Districts): use Buffer Yard G, see exhibit below.

§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 properties exceed the minimum lots size in the C-1 District.*
- (a) The applicant has not provided a net residential density calculation as there is not net density requirement in the C-1 District.*

(2) *The preliminary subdivision plan shows where proposed utilities will be located and shall be installed underground.*

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

- (3) *The plan shows water line and hydrant locations. The Portland Water District (PWD) Ability to Serve letter dated November 24, 2025 confirms sufficient water and sewer capacity for the multi-family project.*

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

- *A wetland delineation report showing the location of total amount wetland areas on the site*

(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.*

- o *The Town's consulting engineer commented that the project appears to meet the erosion and sediment control best management practices outlined in Appendix A and Appendix B of Maine DEP's Chapter 500. An Inspection, Maintenance, and Housekeeping Plan has been included in the projects Stormwater Report, which specifies erosion and sediment control BMPs during construction as well as post-construction.*

(2) *The applicant has provided a statement for the Maine licensed professional civil engineer preventing soil erosion and sedimentation from entering water bodies, wetlands, and adjacent properties.*

(3) *The topsoil is 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*

(1) • *The development proposes extending an existing gravity sewer main in Franklin Drive to serve each building. No on-site wastewater disposal is proposed.*

- *The PWD Ability to Serve letter (November 24, 2025) confirms sufficient sewer capacity. A 3" HDPE force main provides a future sewer connection to Lot 4.*

§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 Franklin Drive.*

- o *A landscaping plan and planting schedule has been submitted with the final plan application.*

(a) *The applicant has provided a general note on the subdivision plan stating that trees shall not be cleared where tree cover is depicted on the plan for at least five years, and that mandatory buffers shall not be cleared of vegetation unless the Planning Board grants an amendment, per §120-911E.*

(b) *The 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 applicant has identified all common elements on the plan and the requirement for a Maintenance of Common Elements plan or is not required at this time given the applicant's representation of single ownership, and is addressed through the Conditions of Approval in the event of future change in ownership structure.*

- o A 6-foot-wide public access trail to Donnabeth Lippman Park is proposed. A trail easement on Lot 3 has been submitted, along with a release deed extinguishing the prior easement and a separate release deed.
- o The Maine Historic Preservation Commission (MHPC) letter dated December 31, 2024 confirms no historic properties will be affected by the proposed undertaking per Section 106 of the National Historic Preservation Act.
- o Common elements including private drive aisles, parking areas, landscaping, pedestrian sidewalks, stormwater management facilities, and open space areas are identified on the plan.

§120-911F – Conformance with Land Use Ordinances

Comprehensive Plan:

- The plan meets the goals of the 2024 Comprehensive Plan, which encourages mixed commercial and residential development in the North Windham growth area.

Subdivision Ordinance, Chapter 120 Article 9:

- Standard notes, the standard conditions of approval, and the approved lighting waiver are shown on the plans.
- A digital transfer of subdivision plan data for inclusion in the Town's GIS has not yet been provided and is addressed through the Conditions of Approval.

Growth Management, Chapter 101:

- Growth permits are required for the creation of each new multifamily dwelling structure. Growth permit applications are submitted with building permit applications. The Town Council has approved an allocation of growth permits from the reserve pool.

§120-911G – Financial and Technical Capacity

(1) The Applicant has provided an estimated cost of the project and a letter from Maine Community showing sufficient financial resources to construct, operate, and maintain all aspects of the proposed development.

(2) The applicant has hired Sebago Technics, Inc. for the site planning, permitting, and engineering services for the proposed development.

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

- Fire and domestic water supply will be provided by an extension of the water main in Franklin Drive. Sewage disposal will be provided by gravity sewer also located in Franklin Drive. It appears the development will not adversely impact either the quality or quantity of groundwater at or around the site.

§120-911I – Floodplain Management

- The subject property is not within a mapped FEMA Floodplain boundary.

§120-911J – Stormwater

- The Stormwater Management Plan models the combined development of Tax Map 18, Lots 26-2-A01, 26-2-A02, and 26-2-A03, resulting in 8.00 acres of impervious area and 11.11 acres of total developed area. The stormwater management facilities serving the multifamily development on Lot 26-2-A01 are part of this combined system.
- The Stormwater Management Plan indicates that the proposed development includes water quality treatment that complies with Maine DEP Chapter 500 and the Town of Windham's Subdivision Ordinance through the construction of subsurface sand filters on Lot 2. As modeled in HydroCAD and confirmed by the Town's consulting engineer, Gorrill Palmer, the proposed stormwater BMPs on Lot 2 appear to detain, retain, or result in infiltration from the 2-year, 10-year, and 25-year storms such that peak flows do not exceed pre-project conditions.
- The applicant's updated Stormwater Management Report (June 2026) confirms that the final design meets the Maine DEP phosphorus standard as reflected in the issued

MDEP SLODA permit; the previously referenced compensation fee of \$47,343 and associated mitigation fee language have been removed from the report. The post-treatment phosphorus export of 1.13 lbs. P/year does not exceed the project phosphorus budget and no mitigation fee is required.

- UDSF-1 design plans have been submitted and approved under the Franklin Drive Subdivision application. The Lot 1 design plans and Franklin Drive Extension plans previously reviewed by the Town Engineer have been submitted under separate cover. A maintenance item for the underdrain outlet orifice has been added to the Inspection, Maintenance, and Housekeeping Plan per the Town Engineer's recommendation.
- The development will require a Site Location of Development Act Stormwater Permit and a Maine Construction General Permit (MCGP) from Maine DEP. Both permits must be obtained prior to construction.
- New Gen Estates, LLC is identified as the responsible entity for post-construction maintenance of all stormwater management facilities in accordance with §120-911N and the Post-Construction Stormwater Ordinance, Chapter 201, Article II, as further addressed in the Conditions of Approval

§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 provided a MaineDOT Traffic Movement Permit (TMP No. 01-000458 -A-N, approved May 26, 2026), confirming that the 306-unit multifamily development will generate 123 trips in the PM peak hour and 1,414 trips during a typical weekday. The TMP confirms 44 AM peak and 47 PM peak trips through the Route 302/Anglers Rd./Whites Bridge Rd. intersection. Mitigation for the development's traffic impacts was determined through the TMP process in the form of MaineDOT-assessed pedestrian, safety, and mobility impact fees totaling \$257,000.
- The North Route 302 Road Improvements Impact Fee per §120-1204 has not yet been finally determined. The applicant has proposed a fee calculation of \$11,862.34 based on 31 AM peak hour trips through the Route 302/Anglers Rd./Whites Bridge Rd. intersection at \$382.656 per trip, using a 25% trip distribution to/from the north. Staff has not yet confirmed whether this methodology and trip count are consistent with the TMP findings. The fee amount is addressed as TBD in the Conditions of Approval and will be confirmed by the Planning Director prior to the issuance of any building permit.

§120-911N – Maintenance of common elements.

- As the applicant has represented that Lots 1 and 2 will remain under single ownership by New Gen Estates, LLC, a formal Maintenance of Common Elements plan or agreement is not required at this time. This requirement is addressed through the Conditions of Approval in the event of future change in ownership structure.

§120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS

§120-812A – Utilization of the Site

- The development is located on two lots in the Franklin Drive Subdivision approved by the Planning Board on January 13, 2025. The proposed multifamily development on Lot 26-2-A02 is 7.88 acres.
- The site is undeveloped, mostly forested and contains areas of wetlands.
- Each lot has frontage on the proposed extension of Franklin Drive.

§120-812B – Vehicular Traffic

(1) The site is located on the north-easterly side of the extension of Franklin Drive. The applicant is proposing two driveway connection to Franklin Drive for the multifamily development.

- The Traffic Movement Permit from MaineDOT (approved 5/26/2026) has been provided.

(a) The applicant should identify the impact on any road intersections within a half mile of the project.

(b) The MaineDOT Traffic Movement Permit (approved May 26, 2026) serves as the traffic analysis confirming that existing streets and intersections can be expected to carry traffic generated by the development. The TMP confirms 44 AM peak and 47 PM peak trips through the Route 302/Anglers Rd./Whites Bridge Rd. intersection. The North Route 302 Road Improvements Impact Fee per §120-1204J(1) is addressed in the Conditions of Approval.

(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.

(3) The proposed sites will be accessed from Franklin Drive.

(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.

§120-812C – Parking and Loading

(1) The applicant has designed a parking layout that accommodates for 1 parking space per one bedroom dwelling units and 1.5 parking spaces per two bedroom units, totaling 390 space (including 12 accessible spaces).

- Parking areas with greater than 40 parking stalls shall landscape a minimum of 15% of the total area. Internal landscaping totals 30,893 SF (18.6%), exceeding the 15% minimum.

§120-812D – Pedestrian Traffic

The site plan shall provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system shall connect the major building entrances/exits with parking areas and with existing sidewalks. Walkways are shown around the proposed buildings connecting to the sidewalk at Franklin Drive and the proposed trail to the adjacent Lippman Park.

§120-812E – Stormwater Management

The Stormwater Management Plan was prepared for the anticipated full build-out of the Franklin Drive Subdivision, including the multifamily development (Lot 26-2-A01), the previously-approved solar energy system (Lot 26-2-A02), and a future development not yet submitted for review. The combined build-out is modeled to result in 8.00 acres of impervious area and 11.11 acres of total developed area. The stormwater management facilities serving the multifamily development on Lot 26-2-A01 are part of this combined system.

(1) The applicants have provided 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.

(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. The

applicant has provided a stormwater management system design for the collection and disposal of stormwater runoff from parking areas, roofs, travel ways, and other surfaces.

- The site is located in the Town's Urbanized Area and regulated by the MS4 (Municipal Separate Storm Sewer System). The applicant states that the site disturbance is anticipated to be more than an acre and will be subjected to the annual maintenance and inspection report to the Town required by the Post-Construction Stormwater Ordinance, Chapter 201 Article II, see Condition of Approval #5.
- The site is located in the Sebago Lake watershed, a direct watershed of a lake most at risk from new development as designated in DEP Chapter 502, thus in accordance with §120-807F(6), Town's third-party consulting engineer firm, Gorrell Palmer review, dated July 1, 2025 ensured compliance with performance standards contained in § 120-812E, F, H, J, and K.

§120-812F – Erosion Control

(2) The applicant has provided an erosion and sedimentation control plan that meets 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.

§120-812G – Water Supply Provisions

- (1) The buildings are proposed to be served by public water for domestic and fire protection from a main installed in the extension of Franklin Drive.
- An ability to serve letter dated November 24, 2025 from Portland Water District (PWD) approved the design and confirmed sufficient capacity of the water service.

§120-812H – Sewage Disposal Provisions

- This proposed residential development will connect to proposed public sewer infrastructure in Franklin Drive.
- An ability to serve letter dated November 24, 2025 from Portland Water District (PWD) approved the design and confirmed sufficient capacity of the sewer services.

§120-812I – Utilities

- The applicant confirmed all utility connections (electrical, telephone, and telecommunication services) will be subsurface.
- A utility and grading plan was provided with the plan set.

§120-812J – Groundwater Impacts

- The proposed development proposes to connect to the PWD public water system and the new North Windham sewer system so no groundwater impacts are anticipated on site.

§120-812K – Water Quality Protection

- The applicant states development will help protect Windham's water quality by using a public water and sewer system 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

- To ensure proper disposal, solid waste will be held in a solid waste container in dumpster pad shown on the plan until it can be transported by licensed private waste hauler. Two dumpster pads are shown on the plan and enclosure details on Sheet D-504.

§120-812P – Historical and Archaeological Resources

- The applicant provided a letter from Maine Historic Preservation Commission (MHPC), dated December 31, 2024, stating that no historic properties will be affected by the proposed undertaking, as defined by Section 106 of the National Historic Preservation Act.

§120-812Q – Floodplain Management

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

§120-812R – Exterior Lighting

- (1) The applicant provided lighting plan with hooded or shielded fixtures, cut sheets, and locations as part of the preliminary plan submission. Photometric Plan exceeds 0.5 footcandles at the front and side property lines required by §120-812R(1)(b). A formal waiver has been submitted and noted on the Subdivision Plan for the front property line along Franklin Drive R.O.W
- (2) The applicant shall connect all light poles and other exterior light fixtures underground.

§120-812S – Noise

- (1) The proposed multifamily 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 and planting schedule has been submitted with the final plan application. Service areas and trash receptacles are screened per the plan.

§120-814 Multifamily development standards.

§120-814 A. Building Architecture. The applicant provided building elevations for review.

- (1) Architectural variety
 - (a) The buildings are designed with varied rooflines, varied window sizes, and horizontal/vertical articulation to visually break up the façade.
 - (2) Facade.
 - (a) The building horizontal articulations are provided throughout the building, and rooflines incorporate varying heights and ridgelines.
 - (d) Street-facing façade fenestration is 26.44% (3,550 SF / 13,426 SF), meeting the requirement of §120-814A(2)(d).
 - (3) Orientation.
 - (a) The building entrances are oriented to face the 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 is sited to avoid problems with visibility, traffic circulation, drainage, or icing during winter months.

(2) Screening.

(a) Service areas, loading docks, delivery areas, trash receptacles, and mechanical equipment shall be screened with architectural elements such as walls or fences to minimize visibility from sensitive viewpoints, including Franklin Drive, the proposed public access trail to Donnabeth Lippman Park, residences outside the development, and adjacent public open space. Two double dumpster enclosures are shown on the plans, each consisting of a 12'-0" x 20'-0" concrete pad enclosed by 1x4 cedar board fence panels on a 2x6 pressure-treated frame, set on galvanized steel posts. Each enclosure includes galvanized acorn-top gate hinges and a diagonal metal brace to prevent gate sagging per §120-814B(2)(a), along with concrete-filled steel bollards to protect the enclosure corners.

(b) Existing residential abutters. A proposed treeline of balsam fir (*Abies balsamea*) and Fraser fir (*Abies fraseri*) is shown along the site's side and rear setback areas, as noted on Sheet C-101 ("PROPOSED TREELINE, TYP.") and detailed on the landscape plan (Sheets L-101/L-102). This evergreen buffer will provide year-round screening and obscure direct sightlines between the development and adjacent properties.

(3) Bicycle/pedestrian.

(a) Internal traffic flow internal walkways.

(c) Bicycle parking/racks.

[1] Internal sidewalks connect residential units, parking areas, and the Franklin Drive right-of-way. Bicycle parking is provided at a ratio of 0.5 spaces per dwelling unit, requiring 153 spaces for the 306-unit development; the plan provides 154 bicycle spaces, as noted in the Lot 2 Notes on the Subdivision Plan (Sheet C-100). Bike racks are shown at multiple locations near building entrances on Sheets C-101 and C-102..

(4) Recreation and open space.

(a) The applicant has designated 53,235 SF of usable open space across Lot 2, exceeding the 51,520 SF (15% of Lot 2) minimum required by §120-814B(4)(a). Per the Open Space Plan (Sheet C-203), this includes two sitting areas (4,983 SF and 3,345 SF), a 3,397 SF area adjacent to Building A, 5,850 SF of trail area, and 35,660 SF adjacent to the hotel parcel. A 6-foot-wide trail to Donnabeth Lippman Park is proposed in lieu of constructed amenities within the required open space, with a kiosk at the trailhead on Franklin Drive. A public access trail easement on Lot 3 has been submitted.

(5) Landscape/lighting.

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

(a) Landscaping: A landscaping plan has been provided for final plan review. Internal landscaping totals 30,893 SF (18.6%), exceeding the 15% minimum required for parking areas with more than 40 stalls, as noted in the Lot 2 Notes on Sheet C-100

(c) Lighting: A lighting plan has been provided for final plan review. Pole-mounted light fixtures are shown in scale with the buildings and do not exceed the 25-foot maximum height along driveways.

(6) Access drive standards.

(b) Other districts.

[1] Design standards. Access drives are designed to conform to the standards for "major private roads," including the cross sections in Appendix B Street Standards, as shown on the site plan.

[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. No minimum setback is 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. The site plan shows one curb cut connection to Franklin Drive. A secondary access (hammerhead turnaround) extends into the development for emergency/secondary access purposes; as a hammerhead rather than a curb cut, it is

not subject to the 75-foot separation standard. The approximately 34-foot separation between the primary curb cut and the hammerhead access does not constitute a deficiency under this standard.

(d) *Access drives* The following note shall appear on the final 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 study 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. The proposed subdivision will provide for adequate stormwater management.
17. 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, the lots created within the subdivision does not have a lot-depth to shore frontage ratio greater than 5 to 1. Not Applicable
18. 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.
19. 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. Not Applicable

20. 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 (final plan review)

1. The plan for development 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 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 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 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.
13. On-site landscaping does provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.

CONDITIONS OF APPROVAL (MAJOR SUBDIVISION)

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated May 19, 2025 as amended June 17, 2026 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. Should the ownership structure of the development ever change from single ownership — including but not limited to conversion to condominium, townhouse, or any other form of shared or divided ownership — the owner or successor in interest shall submit a Maintenance of Common Elements plan or agreement satisfying §120-911N of

the Land Use Ordinance to the Planning Board for review and approval prior to the sale of the first unit or transfer of any individual interest in the property. The agreement shall identify the responsible entity, enumerate all common elements and maintenance obligations, and be recorded at the Cumberland County Registry of Deeds prior to any such sale or transfer. This condition shall run with the land and be binding on all successors and assigns.

4. The development is subject to the following Article 12 Impact Fees, to be paid with the issuance of new building permits for the proposed uses: North Route 302 Road Improvements Impact Fee of \$ \$11,862.34 (31 AM trips × \$382.656) based on the confirmed peak hour trip count through the Route 302/Anglers Rd./Whites Bridge Rd. intersection; 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.

5. Approval is subject to the requirements of the Post-Construction Stormwater Ordinance, Chapter 201 Article II. Any person owning, operating, leasing, or having control over stormwater management facilities required by the post-construction stormwater management plan must annually engage the services of a qualified third-party inspector who must certify compliance with the post-construction stormwater management plan on or by June 1st of each year.

6. Prior to the recording of the final subdivision plan, the applicant shall submit a digital transfer of the approved subdivision plan data to the Town of Windham Planning Department in a format acceptable to the Town's GIS staff, for inclusion in the Town's GIS in accordance with the Subdivision Ordinance, Chapter 120, Article 9.

CONDITIONS OF APPROVAL (MAJOR SITE PLAN)

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated April 29, 2026 as amended June 18, 2026 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 §120-815 of the Land Use Ordinance.

2. In accordance with §120-815C(1)(b) of the Land Use Ordinance, the Construction of improvements covered by any site plan approval shall be completed within two years of the date upon which the performance guarantee is accepted by the Town Manager. 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 the site or to complete the improvements as shown on the approved plan.

Seconded by Leo Gerrior.

Vote: All in favor.

6. [PB 26-038](#)

#24-31 Turning Leaf Heights - Major Site Plan & Subdivision - Preliminary Plan Review - Turning Leaf Drive - Gateway Development LLC

The application proposes to subdivide the 12.2 acre property into 5 lots with a 1,200-foot extension of Turning Leaf Drive and a 600-foot extension of Drive-In Lane and develop 128 residential dwelling units in 35 buildings consisting of three (3) buildings with 32 units each, and sixteen (16) duplex buildings. All units will be served by public water and public sewer. Subject property is identified as Tax Map: 14; Lot: 9B; Zone: Commercial I (C-1) and Stream Protection (SP) in the Ditch Brook watershed.

Attachments: [24-31 MJR SUB-SP PRLM PB MEMO TurningLeafHeights 061526](#)
[24-31 AC&SR MEMO TurningLeafHeights MJR SUB-SP FP 06112 6.pdf](#)
[24-31 MJR SUB-SP FP APPL TurningLeafHeights 05-19-2026.pdf](#)
[24-31 MJR SUB-SP FP PLANS TurningLeafHeights 05-19-2026.pdf](#)

JP Conley, from DM Roma Consulting Engineers, was present representing the application. He explained recent changes to the plan:

- Two, 12 unit buildings previously located on lot 4 had been removed.
- They proposed 4,500 square feet of recreation and passive use areas.
- They proposed to make Turning Leaf Drive one way out of the development in order to reduce left hand turns from Roosevelt Trail.
- Their traffic engineer had determined that Drive In Lane already exceeded the threshold for a turning lane without including the project.
- Some collaboration was needed for the necessary improvements.
- They proposed a bus shelter at the intersection of Drive in Lane and Turning Leaf Drive.

Natalie Thomsen reviewed the application:

- There would be five lots with 128 units in 35 buildings.
- DEP had issued a site law permit for 146 units, it had to be revised.
- They would have public water and sewer.
- Other utilities would be underground.
- Turning Leaf Drive was to be extended 1,200 feet. Drive In Lane would be extended 600 feet.
- The traffic impact study was revised to 97 peak hour trips.

Board Comment

- There were things that needed to be worked out and given to the Board in writing.
- The application should have another preliminary plan review with additional public comment.
- There was another vacant lot on Turning Leaf Drive. What would happen to it if there was no entry onto Turning Leaf Drive?
- Did staff consider the application complete?
- There had been concerns about peak hour trips, and the number of units
- Had the Fire Department looked at the one way street cutting off access?
- Did the open space meet the requirement? Would it remain undeveloped?
- What would be involved if they decided to develop further?
- Was there a right-of-way across lot 4?
- How would residents access the recreation areas?
- Was there an ability to increase outside seating?
- What was the breakdown of one, two, and three bedroom units?
- Were evergreens included in the landscaping plan?
- How would Turning Leaf drive be made one way?

Other Business

7. Adjournment

Evert Krikken made a motion to adjourn.

Seconded by Kathleen Brown.

Vote: All in favor.