



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Planning Board

Monday, September 22, 2025

6:00 PM

Council Chambers

1. Call to Order – Chair's Opening Remarks

2. Roll Call and Declaration of Quorum

Chair, Marge Govoni, called the meeting to order. Other members present were: Evert Krikken, Rick Yost, Kathleen Brown, Anne Daigle and Patrick Roberts.

Planning Director, Steve Puleo, was also present.

3. [PB 25-058](#) Approval of Minutes - The meeting of September 8, 2025

Attachments: [Minutes 9-8-2025 draft.pdf](#)

Kathleen Brown made a motion to approve the minutes from August 25, 2025.

Seconded by Patrick Roberts.

Vote: All in favor.

Public Hearings & Continuing Business

4. [PB 25-059](#) #25-15 Land Use Ordinance Amendments to Article 12 Impact Fees - Sidewalk Impact Fee

The Town is proposing an amendment to Chapter 120 Land Use § 120-1202 to rename the section and allow for future impact fee collection areas, eliminate the subareas within the North Windham Sidewalk Impact Fee Area, specify the applicability in the C-2 and C1-N zoning districts and to all types of development, and update the Master Fee Schedule to reflect the average cost identified in Appendix E Methodology

Attachments: [25-15_PB_MEMO_LUO_AMD_Aricitle12_NorthWindhamSidewalkImpactFee_090825.pdf](#)

[25-15_REDLINE_120-1202_SidewalkImpactFees_062425_\(DW rev'd 2025.07.23\) 082125.pdf](#)

[25-15_CLEAN_120-1202_SidewalkImpactFees_062425_\(DW rev'd 2025.07.23\) 082125.pdf](#)

[25-15_ORGINAL_120-1202_SidewalkImpactFees_062425_\(DW rev'd 2025.07.23\) 082125.pdf](#)

[Master Fee Schedule - \(Uncategorized\) - 2023 - Master Fee Schedule_02425.pdf](#)

[WI1257-120e Appendix E, North Windham Sidewalk Impact Fee Methodology.pdf](#)

Steve Puleo explained that the amendments proposed to:

- o Rename the ordinance section to broaden the applicability of the impact fee
- o Increase the linear cost per foot
- o Include residential and non-residential developments
- o Add language which would reduce the fee based on the presence of existing sidewalks and include a provision for refunds if the fee was not used within a certain time
- o Extend duration of the impact fee to July 2036

Public Comment

There was no public comment. Public comment was closed.

Board Comment

- *The text of the formula under 1202D(1).1 wasn't mathematically correct and should be fixed.*

Evert Krikken made a motion to recommend with comments approval of the proposed amendments to Chapter 120, Article 12, of the Land Use Ordinance, specifically §120-1201 and § 120-1202 related to the North Windham Sidewalk Impact Fee and Master Fee Schedule.

Seconded by Kathleen Brown.

Vote: All in favor.

5. [PB 25-060](#)

#25-05 Smith Cemetery Expansion - Major Site Plan - Final Plan Review - 513 Gray Road - Town of Windham

The Town is proposing to expand the existing 3.1-acre Smith Cemetery on to the abutting 23.95 acre parcel on Route 202. The proposed expansion will develop 1.7 acres to provide space for 298 new family plots and 800 single burials, the latter in a Veterans Niche Wall and a Columbarium Niche Wall. A 540 square foot building is also proposed for storage of landscaping maintenance equipment. The project will be accessed by a new driveway on Gray Road. Subject property is identified as Tax Map: 12, Lots: 49-1, 49-2 & Tax Map: 46, Lot: 13A Zone: Windham Center (WC) and Farm (F) in the Black Brook watershed.

Attachments:

- [25-05_MJR_SP_SKP_PB_MEMO_SmithCemeteryExpand_091925.pdf](#)
- [25-05_MJR_SP_FP_RESPONSE_Smith Cemetery 09-18-25.pdf](#)
- [25-05_MJR_SP_FP_PLANS_REV_SmithCemetery_2025-09-18.pdf](#)
- [25-05_MJR_SP_FP_SW_REPORT_Smith Cemetery 2025-09-18.pdf](#)
- [25-05_MEMO_AC&SR_MJR_SP_FP_SmithCemetery_091625.pdf](#)
- [25-05_MJR_SP_FP_APPL_Smith Cemetery 09-02-25.pdf](#)
- [25-05_MJR_SP_FP_PLANS_Smith Cemetery 2025-08-29.pdf](#)

Town Engineer, Mark Arienti, was present representing the application. He explained:

- *The project was a 1.7 acre expansion of the existing cemetery. The expansion included 298 new family plots, two Columbaria, and a maintenance shed.*
- *The existing gravel drive off of Route 202 would be improved and extended into the*

cemetery.

- Stormwater management would convey water to two level spreaders and meadow buffers on each side of the site.
- Evergreen trees would be used as a buffer to an abutting residence and at the maintenance shed.

Steve Puleo explained:

- Vegetation would be trimmed along the road to improve site line distance.
- Water and power would be accessed from Route 302.
- The project required a DEP Permit by Rule.
- Recommended necessary notes and construction notes should be added to the signing plan.

Evert Krikken made a motion that the Major Site Plan application for project #25-05 Smith Cemetery Expansion project 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.

Public Comment

Jim Ross, Albion Road – He was a member of the Smith Cemetery Expansion Committee. They remained interested in seeing project move forward.

There was no more public comment. Public comment was closed.

Board Comment

- This had the highest traffic count and visibility in town and could be used for economic development instead.
- What was the size of the proposed vegetation along the property line? Was the trimming in the right-of-way for site line only?
- Were the columbaria part of the application or would they be a separate application?
- Would lighting in the site be a nuisance to the neighbors? Could the lighting be added later as a minor change? Would there be a paper trail regarding the need for a minor change?
- There was a substantial buffer to the abutter.
- What was the area behind the maintenance building on the plan?

Evert Krikken the Major Site Plan application for the #25-05 Smith Cemetery Expansion identified on Tax Map: 12, Lots: 49-1, 49-2 & Tax Map: 46, Lot: 13A in the Windham Center (WC) and Farm (F) zoning districts in the Black Brook watershed is to be approved with conditions with the following Findings of Fact, Conclusions, and Conditions of Approval.

FINDINGS OF FACT

Jurisdiction: The Smith Expansion project is classified as a Major Site Plan, which the Planning Board is authorized to review and act on by §120-803A(1) of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted a copy of a Property Deed between

Lynn Morrell and the Town of Windham dated July 22, 2005 and recorded on July 25, 2005, at the Cumberland County Registry of Deeds in Book 22930 Page 47 and other deeds recorded in Book 828, Page 388; Book 1342, Page 78; Book 1609, Page 450; and Book 1611, Page 445. The applicant submitted a copy of the Easement Deed between Stacey H. Webster and Kimberly H Babb and the Town.

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: 15; Lot: 1A, the property is located in the Windham Center (WC), §120-415.1, and Farm (F) in Zoning District, §120-406.*
- *The proposed land use, Cemetery, is a permitted uses in the WC District, per §120-412B, and the F District, per §120-406B.*
- *The lot conforms to the WC dimensional standards of §120-415.1E.*

ARTICLE 5 PERFORMANCE STANDARDS

§120-543 – Public Buildings

- *A public building shall not be required to meet the dimensional standards or district standards in the applicable zoning district. The existing garage shown on the plan is non-conforming and is not required to comply with the standards of the WC district. The proposed 540 sf storage building is located in the F district portion of the parcel.*

§120-511 – Buffer yards

- *C(3)(b) WC District buffer along streets: use Buffer Yard G, see exhibit below.*
- *C(3)(f) F District buffer along public streets: use Buffer Yard A, B, or C, see exhibit below.*

§120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS

§120-812A – Utilization of the Site

- *The existing Smith Cemetery parcel is approximately 3.1 acres in size and the subject parcel for the cemetery expansion is approximately 23.95 acres in size.*
- *The proposed cemetery expansion will develop approximatley 1.7 acres and provide space for 298 new family plots and 800 single burials, the latter in a Veterans Niche Wall and a Columbarium Niche Wall. A 540 square foot building is also proposed for storage of landscaping maintenance equipment.*
- *No wetland impacts are proposed.*
- *The site is located in the Black Brook watershed.*

§120-812B – Vehicular Traffic

- (1) *The site is located on the easterly side of Gray Road with an existing access drive serving Smith Cemetery. The main entrance for access to the expansion area will be via a 25ft wide access easement on the 14 foot wide existing gravel drive that is on the parcel that abuts the northwest corner of the existing cemetery (Map 46 Lot 13A). This access has been historically used as a secondary access to the existing cemetery and is proposed to be paved.*
 - (a) *The applicant does not expect to impact any road intersections within a half mile of the project.*
 - (b) *The applicant notes that the 1.7-acre cemetery expansion is expected to generate 3.38 trips in the AM peak hour and 3.46 trips in the PM peak hour with greater traffic on select holidays.*- (2) *The access is 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. Trimming of limbs and other vegetation will be performed on the north-east bound side of Rte. 202 to ensure the sight distance when exiting the access drive is greater than the required 305 feet in this direction. The Sight Distance when exiting to the right is approximately 425 feet.

(3) *The applicant proposes that the expanded cemetery site will be accessed by a new access drive.*

(a) *The construction activity will require an “entrance permit” from the Town’s Department of Public Works.*

(b) *The new driveway access must meet a separation requirement of 75 feet.*

(4) *The site designed to allow internal vehicular circulation for the safe movement of passenger, funeral service, and emergency vehicles through the site. All new cemetery roads are proposed to be 14 feet in width.*

§120-812C – Parking and Loading

(1) *No designated parking areas area shown on the plan. Visitor parking typically occurs along the cemetery road, which are wide enough for traffic to pass parked vehicles.*

(2) *The proposed number of parking spaces is adequate to meet the parking needs for the expanded use.*

§120-812D – Pedestrian Traffic

There is no existing sidewalk network on the fronting streets. Pedestrian traffic within the site will be accomplished on the internal roads and open space on the site.

§120-812E – Stormwater Management

(1) *The applicants provided stormwater management system design for the collection and disposal of all the stormwater that runs off parking areas, roofs, travel ways, and other surfaces. The proposed 1,300 linear feet of new impervious and 0.4 acres of new developed area is proposed to be treated with level spreaders and meadow buffers.*

(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 states that a Maine DEP Stormwater Permit by Rule will be required. See Condition of Approval #3.*

- Gorrill Palmer provided comments on the stormwater management plan. The applicant provided a revised stormwater management plan and revised the plan to add a note that the meadow buffers will be marked with pins and that meadow buffers shall not be mown more than twice per year.*

§120-812F – Erosion Control

(2) *The applicant provided erosion and sedimentation control plan that will meet the Basic Standards per Section 4(A) of the MeDEP Chapter 500 Stormwater Rules.*

§120-812G – Water Supply Provisions

(1) *The existing cemetery is served by a 1-inch service line for the public use of filling watering cans to water plantings at grave sites. An extension of the water service to the abutting parcel is not feasible because of the existing burial area. A new water service from the water main in Route 302 is proposed to provide water for the expansion area.*

- An ability to serve letter from PWD dated August 28, 2025 approved the new 1.5-inch seasonal irrigation service with a 5/8-inch meter in an irrigation/meter box installed from the water main in the Roosevelt Trail.*
- A street opening is required to connect to the water main located on the opposed side of Route 302.*

§120-812H – Sewage Disposal Provisions

- *The applicant is not proposing a subsurface wastewater system to serve the expanded cemetery.*

§120-812I – Utilities

- *The applicant proposes all utility connections (electrical, telephone, and telecommunication services) will be subsurface. A new underground electrical service to the property from Route 302 is proposed to serve the maintenance building and lighting for the flag pole.*
- *A utility and grading plan was included with the final plan submission.*

§120-812J – Groundwater Impacts

- *No groundwater impacts are expected. No subsurface wastewater disposal is proposed. The Code of the Town of Windham Chapter 39 Cemeteries requires all burials to use rigid and durable vaults constructed of reinforced concrete.*

§120-812K – Water Quality Protection

- (3) *The site is in the Black Brook watershed and is not in a direct watershed of lakes most at risk from new development or in an urban impaired stream watershed as identified by the Maine Department of Environmental Protection.*

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

- *The proposed cemetery expansion use and operation is not anticipating handling, storing or using any materials identified by the Federal or State government as hazardous, special or radioactive.*

§120-812M – Shoreland Relationship

- *The site is not in a shoreland zoning district.*

§120-812N – Technical and Financial Capacity

- (1) *The Town has allocated \$400,000 in its Capital Improvement Program in the municipal budget for the completion of the site work for the expansion.*
- (2) *The applicant has hired Seabago Technics, for site planning and engineering services, with support from the Town Engineer.*

§120-812O – Solid Waste Management

- *All waste in bins on site will be transported to the Public Works Department facility for dumpster disposal.*

§120-812P – Historical and Archaeological Resources

- *There are no listed historic or archaeological resources onsite.*

§120-812Q – Floodplain Management

- *The mapped FEMA 100-year floodplain hazard area should be shown on the final plan. No development is proposed in the floodplain area that is located in proximity to a portion of the delineated wetland near Route 302.*

§120-812R – Exterior Lighting

- *The applicant is not proposing lighting the flag pole and provide a detail of the proposed fixture.*

§120-812S – Noise

- (1) *The proposed facility shall not exceed 65 dB between 7:00 AM to 10:00 PM and 55 dB between 10:01 PM to 6:59 AM. For the final plan, the applicant shall meet the*

required performance standards of the §120-545D Noise standards for restaurant use.
(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 was included with the final plan. No outdoor storage is proposed. Screening from existing residential abutters is proposed.

§120-813 Commercial District Design Standards (In addition to meeting all the Design Standard in the WC district, the applicants must comply with a minimum of eight (8) other Design Standards.)

§120-813A – Architecture/Building

- No building is proposed in the WC District.

§120-813B – Site/Parking

- Optional: §120-813B(1): Parking Location.
- Optional: §120-813B(2): Internal Traffic Flow.
- Optional: §120-813B(3): Interconnected parking lots. The expanded cemetery access drive is connected to the existing cemetery.
- Optional: §120-813B(4): Orientation of Building.
- Required: §120-813B(5): Screening, parking. The applicant provides landscaping around the perimeter of the property.
- Required: §120-813B(6): Screening, Utility, and Service Areas. No utility or service areas proposed. The maintenance building will have landscaping to screen from abutting property.
- Optional: §120-813B(7): Parking Lot Landscaping.
- Optional: §120-813B(8): Low Impact Stormwater.
- Optional: §120-813B(9): Shared Stormwater Treatment.

§120-813C – Landscaping/Lighting

- Optional: §120-813C(1): Lighting/Photometric Plan. The only lighting proposed is to illuminate the flag pole.
- Optional: §120-813C(2): Lighting Coordinated with Architecture. No building lighting proposed.
- Optional: §120-813C(3): Lighting Coordinated with Landscaping.
- Required: §120-813C(4): Existing Trees Preserved. Existing trees are preserved where possible. See landscaping plan.
- Required: §120-813C(5): Snow Storage Areas Designated. The cemetery is closed in the winter so snow storage is not applicable.
- Optional: §120-813C(6): Planting variety. See landscaping plan.
- Optional: §120-813C(7): Planting suitability. See landscaping plan.
- Optional: §120-813C(8): Mass plantings. See landscaping plan.
- Optional: §120-813C(9): Illumination levels.

§120-813D – Bicycle/Pedestrian

- Optional: §120-813D(1): Continuous internal walkways.
- Required: §120-813D(2): Links to community. Pedestrians connections to the existing cemetery via the proposed access drive.
- Optional: §120-813D(3): Outdoor activity.
- Required: §120-813D(4): Sidewalks and planted esplanades. There are no existing sidewalks adjacent to the cemetery.
- Optional: §120-813D(5): Crosswalks for sidewalks.
- Required: §120-813D(6): Bicycle parking and racks. Bicycle parking can occur anywhere within the site. No facilities are required as no building is proposed.

CONCLUSIONS

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 not be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved.*
7. *The proposed site plan will provide adequate sewage waste disposal. NOT APPLICABLE*
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

1. *Approval is dependent upon and limited to the proposals and plans contained in the application dated February 18, 2025 as amended September 18, 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 §120-815 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.*
3. *Before the required pre-construction meeting with staff and before any land use activities begin, the applicant shall provide the Planner with the Maine DEP Stormwater PBR.*

Seconded by Kathleen Brown.

Vote: All in favor.

6. [PB 25-061](#) #25-18 250 Windham Center Road Condos - Major Subdivision & Site Plan - Preliminary Plan Review - 250 Windham Center Road - Casco Bay Holdings, LLC

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

Attachments: [25-18_250WindhamCtrCondos_PB_MEMO_MJR_SUB_SP_PP_091925.pdf](#)
[25-18_MEMO_AC&SR_MJR_SUB-SP_PP_250WindhamCenterRd_091725.pdf](#)
[25-18_250WindhamCenter_SurveySigned_250917.pdf](#)
[25-18_MJR_SUB-SP_PP_APPL_250WindhamCenterRd_2025_9_2_R.pdf](#)
[25-18_MJR_SUB-SP_PP_PLANS_250WINDHAMCENTERRD_2025_9_2_R.pdf](#)
[25-18_PUBLIC_COMMENTS_Dudley_092225.pdf](#)

Dustin Roma, from DM Roma Consulting Engineers, was present representing the application. He explained:

- *The existing barn had to be removed to make room for the 400 foot access driveway to the three proposed duplexes.*
- *Each building would have garage and driveway parking.*
- *The project would be served by public water and on-site septic.*
- *The existing farmhouse would be divided from the property.*
- *Waivers from the requirement for a high intensity soil survey and hydrogeological assessment had been granted.*
- *There would be a curbed sidewalk along Windham Center Road.*
- *Documentation or removal of the barn had been discussed with both the Windham Historical Society and Maine Historical Preservation Commission. The only feasible access to property required removal of the barn.*

Steve Puleo reviewed the application:

- *The access drive would remain private and was not a road. It would be maintained by the condo association.*
- *Staff comments had not yet been fully addressed regarding:*
 - *Stormwater*
 - *Building design*
 - *Sufficient screening to the abutting residential use*
 - *Detailed test pit information.*
- *A minimum lot size waiver was required from the State.*
- *A Permit by Rule and Maine Construction General Permit were required from DEP.*
- *Condominium documents hadn't yet been submitted.*

Written comment from Julie Baker Dudley had been submitted. She didn't think the property was in the right place for development which would demolish the barn and move forward with condominiums. Certain areas should be preserved to maintain rural character. The Rogers' property reflected beauty and a country feel, and preservation was about protecting what made the town unique and special.

Evert Krikken made a motion that the Major Site Plan and Subdivision preliminary application for project #25-18 250 Windham Center Road Condos project 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 Rick Yost.

Vote: Five in favor. Anne Daigle opposed.

Public Comment

Susan Simonson, President of the Windham Historical Society – She explained the Rogers had been very active in the Society, and they felt an obligation to speak on their behalf, even though they were deceased. The Comprehensive Plan addressed archaeological sites; threats to historical resources; the need to foster connections with the past; and a priority to preserve historic resources. The Historical Society was ready to do their part and would like to get together with the town and stop this if possible.

Walter Lunt, a volunteer with the Historical Society – He said he feared persistent growth would cause the loss of what makes them Windham. They wanted to maintain connections for everyone in the community with their past. Even barns had histories. The Society was trying to identify and build public awareness. He would like to see more of that in the town's decisions, so history was not lost.

Gary Pummer, Gray Road - Much of the Windham he remembered was now gone. The barn at 250 Windham Center Road was a beautiful structure and it would be forever gone after it was removed.

There was no more public comment. Public comment was closed.

Board Comment.

- *Was there a way to come in on the south side to preserve the barn?*
- *Could the Historical Society find a place to move the barn?*
- *Would the road shoulder be expanded or curbed?*
- *Was there a list of particular sites in town that should be looked at for historical reasons? The checklist required the Board to show areas adjacent or within the subdivision that were eligible to be on the National Register of Historic Places or had been identified in the Comp Plan or by the Maine Historic Preservation Commission as sensitive or likely to contain such sites.*
- *There were a number of outstanding issues that the Board would be looking for.*
- *There were unanswered questions, and it would be difficult for the Board to proceed without those being answered.*
- *You couldn't prove something wasn't historical. Maintaining old barns was expensive and it was beyond the scope of the Board to require it.*

Evert Krikken made a motion to postpone the major site and subdivision preliminary plan application for # 25-18 250 Windham Center Road Condos until the next meeting.

Seconded by Kathleen Brown.

Vote: Four in favor. Partick Roberts and Rick Yost opposed.

Continuing Business

7. [PB 25-049](#) #25-01 Dolley Farm Subdivision - Major Site Plan & Subdivision - Final Plan Review - River Road - 25 River Road, LLC
This application is for a 42-unit residential condominium development on a 30.82-acre property. The development will have an access drive to the 21 duplex buildings. All units will be served by private on-site septic systems, and public water will be extended 400-feet in River Road to service the dwellings. The subject property is identified as Tax Map: 5; Lot: 25; Zone: Medium-density Residential (RM) zoning district in the Presumpscot River watershed.

Attachments:

[25-01 MJR SUB-SP FP PB MEMO DolleyFarm 091825.pdf](#)
[25-01 MJR SUB SP FP PLANS REV Dolley Farm 2025 9 16 R.pdf](#)
[DEP Dolley Farm L100277-0001.pdf](#)
[25-01 MJR SUB SP FP RESPONSE Dolley Farm 2025 8 21.pdf](#)
[25-01 MJR SUB SP FP PLANS REV Dolley Farm 2025 8 21.pdf](#)
[TE Response to Public Comment 082025.pdf](#)
[25-01 MJR SUB SP FP PLANS REV Dolley Farm 2025 8 18.pdf](#)
[25-01 MJR SUB SP FP RESPONSE Dolley Farm 2025 8 18.pdf](#)
[25-01 MEMO AC&SR MJR SUB-SP FP Dolley Farm 080525.pdf](#)
[25-01 MJR SUB SP FP RESPONSE Dolley Farm 080425.pdf](#)
[25-01 MJR SUB SP FP APPL Dolley Farm 2025 7 21.pdf](#)
[25-01 MJR SUB SP FP PLANS Dolley Farm 2025 7 21.pdf](#)
[25-01 PUBLIC COMMENTS Coons 061125.pdf](#)
[25-01 PUBLIC COMMENTS Coons 070725.pdf](#)
[25-01 PUBLIC COMMENTS Coons 090425.pdf](#)

Dustin Roma, from DM Roma Consulting Engineers, was present representing the application. He explained:

- *The plan moved the sidewalk away from side property line to increase buffering to that residence.*
- *A commercial grade playground and roofed picnic area would be constructed.*
- *Fenestration elements for units 1 and 15 were provided.*
- *They had a waiver request for the amount of minor increase of stormwater run-off for the two-year storm into the drainage system along River Road.*
- *The abutter to the north still had concerns regarding the proximity of Thayer Drive in regard to his driveway. In Mr. Roma's opinion, moving the road wouldn't improve anything. They were proposing the safest and best layout.*

Steve Puleo reviewed:

- *The necessary separation between the two entrances from River Road had been provided.*
- *The private well for abutting property would remain.*
- *A Maine Construction General Permit was still needed.*
- *An entrance permit from the town would be required.*
- *The PWD Ability to Serve letter was still needed.*
- *A five foot sidewalk would be constructed along Dolley Farm Road and would*

connect to the River Road sidewalk.

- *Six private septic systems were proposed, three of them with pretreatment.*
- *An abutter had commented about construction work beginning early in the morning, but the ordinance allowed work after 6am.*

Evert Krikken made a motion that the Major Subdivision & Site Plan final application for project #25-01 Dolley Farm Subdivision 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 grant the waiver request from 911 J. 6. And 120-812E(1) (a)[1] Insignificant increases in peak flow rates from a project site.

Seconded by Kathleen Brown.

Vote: All in favor.

Board Comment

- *There was a memo from the Public Works Director and Town Engineer which stated they had reviewed the location for the driveway permit and saw no reason not to approve it. In order to stagger driveway locations at 75 feet it would have to meet criteria which it did not meet.*
- *What was considered insignificant? What would it take to fix an insignificant increase in stormwater?*
- *What was the resolution with the abutters well on the property?*
- *Where did the buffer between Thayer Drive and the abutter end?*

Evert Krikken made a motion that the Major Site Plan & Subdivision final application for the 25-01 Dolley Farm Subdivision development identified on Tax Map: 5; Lot: 25; Zone: Medium-density Residential (RM) zoning district and located in the Presumpscot River watershed is to be approved with conditions with the following Findings of Fact, Conclusions, and Conditions of Approval.

FINDINGS OF FACT

Jurisdiction: The Dolley Farm Subdivision project is classified as a Major Site Plan & Subdivision, which the Planning Board is authorized to review and act on by §120-903 of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted a copy of a Quitclaim Deed between Charles R. Haddock and 25 River Road, LLC, dated November 26, 2024, and recorded on November 27, 2024 at the Cumberland County Registry of Deeds in Book 41151 and Page 335.

ARTICLE 3 DEFINITIONS

Dwelling, Two-family: "A building containing two attached dwelling units. A two-family dwelling may, or may not, be attached to a nonresidential use."

ARTICLE 4 ZONING DISTRICTS

- *As shown on the Town of Windham Land Use Map approved by the Town Council,*

date April 9, 2024, Tax Map: 5; Lot: 25.

- The property is located in Medium-density Residential (RM) zoning district.
- Two-family dwellings are a permitted use found in § 120-409B.

ARTICLE 5 PERFORMANCE STANDARDS

§120-541 – 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 final plan reflects a transfer to an abutter. The property has 30.82 acres or 1,342,485 SF exceeding the minimum lot size in the Medium-density Residential (RM) zoning district, per §120-409E.
 - (a) The applicant provided a net residential density calculation by deducting 13,466 SF of steep slopes areas and 196,223 SF of poorly drained soils, and for the net area of 1,132,769 SF. The net residential density is 15,000 SF, equaling 75 dwelling units. 42 dwelling units are proposed.
 - (2) Underground utilities are shown on the provided subdivision plan.

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

- (3) The applicants have shown connection with the public water system on the provided subdivision plan, including a 400-foot extension of the water main in River Road. The applicant provided an "Ability to Serve" letter from the Portland Water District dated July 28, 2025 approving the water system to serve the development.
 - Fire Department comments April 30, 2025: Two fire hydrants are required in the subdivision. One fire hydrant at the intersection of River Road and Dolly Farm Road, and another fire hydrant at the intersection of Dolly Farm Road and Thayer Drive.

§120-911C - Erosion Control and sedimentation control

- (1) The applicants have provided a soil erosion and sediment control plan showing the use of erosion and sediment control best management practices (BMPs) at the construction site consistent with the minimum standards outlined in the Maine DEP Stormwater Rule Chapter 500 Appendix A – Erosion and Sediment Control, Appendix B – Inspections and Maintenance, Appendix C – Housekeeping. Erosion and Sedimentation Control. BMPs shall be designed, installed, and maintained in accordance with the standards contained in the latest revisions of the following Maine DEP documents.
- (3) The applicant or developer shall consider the topsoil as part of the subdivision is not to be removed from the site.
- (4) Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. The Board may require a developer to take measures to correct and prevent soil erosion in the proposed subdivision.

§120-911D – Sewage disposal

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

§120-911E – Impact Natural Beauty, Aesthetics, Historic Sites, Wildlife Habit, Rare

Natural Areas, or Public Access to the Shoreline

(1) *The applicant is developing access from River Road to serve the development. The majority of the open space will remain intact, preserving the natural beauty and aesthetics.*

(a) *The applicant has provided a note not allowing the clearing of trees where tree cover is depicted on the plan for at least five years. Mandatory buffer for stormwater or other reasons shown on the plan shall not be cleared of vegetation unless the Planning Board grants an amendment to the subdivision or maintenance that does not alter the purpose for which the buffer was required.*

(b) *The applicant has included a landscape plan with the application. The tree line of existing trees along River Road is shown on the subdivision plan and street trees are shown on the internal subdivision street every 50 feet in accordance with §120-911E(1) (b).*

(2) *The applicant provided a reservation or dedication and maintenance of open space, common land, facilities such as the stormwater management system, among others, and service in the form of homeowner's association documentation.*

§120-911F – Conformance with Land Use Ordinances**Comprehensive Plan:**

- *The plan does meet the goals of the 2024 Comprehensive Plan.*
- *The applicant has provided a landscaping plan.*
- *Standard notes, the standard conditions of approval, and approved waiver must be shown on the plans.*
- *The subdivision plan data was submitted for inclusion with the Town's GIS.*

Growth Management, Chapter 101:

- *Growth permits are required for the creation of each new dwelling unit. Growth permits for dwelling units to be located in a proposed subdivision, may be applied for after the project receives preliminary subdivision approval from the Planning Board pursuant to Article 9 of Chapter 120, Land Use.*

§120-911G – Financial and Technical Capacity

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

(1) *The applicant has provided evidence of technical capacity, identifying the past experience of the principals and the professional engineers, surveyors and soil scientists hired to manage the permitting and design of the development.*

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

(1) *The applicant has provided evidence in form of a nitrate-nitrogen impact assessment dated April 21, 2025 that the subdivision shall not increase any contaminant concentration in the groundwater and shall meet the State primary drink water standards, so long as leachfields A, C, and D incorporate Advanced Tertiary Treatment units upstream of the leachfields.*

(2) *The proposed development will connect to available water supply provided by the Portland Water District (PWD) with an extension of the existing main along River Road. The scale of this development is not anticipated to adversely impact the overall quality or quantity of available water supply. The August 18, 2025 response to staff comments included a blasting plan that includes proposed notification to abutters and the Town.*

§120-911I – Floodplain Management

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

§120-911J – Stormwater

- The subdivision will result in 112,850 SF of impervious area and 251,165 SF of developed area so will require a Chapter 500 Stormwater Management Law permit for MeDEP.
- The development is subject to Maine DEP Stormwater Permit L-100277-0001 issued September 15, 2025.
- The condominium documents include a draft deed for the units with covenants and restrictions, by-laws, and stormwater maintenance and inspection plan, among other requirements.
- The Stormwater Management Plan submitted indicates that the proposed development includes water quality treatment that complies with Maine DEP Ch. 500 Redevelopment Standard and the Town of Windham's Subdivision Ordinance through the construction of two (2) underdrained filter basins, a meadow stormwater treatment buffer and roofline drip edges around each of the buildings. Prior to the start of construction, the location of the meadow buffer must be permanently marked on the ground.

Town Engineer comments dated May 5, 2025: The subdivision will result in 112,850 SF of impervious area and 251,165 SF of developed area so it will need a Stormwater permit from Maine DEP. The stormwater analysis provided by the Applicant shows that 95% of the impervious area will be treated and 75% of the developed area using two underdrain soil filters, roof drip edges on the buildings and a meadow buffer for a portion of Thayer Road, which meets Maine DEP General Standards in Ch. 500. I spot-checked the input data in the Hydro CAD computations and find that the assumptions for the stormwater model appear to be consistent with the plans.

I reviewed the water quality calculations and agree that the project meets Chapter 500 General Standards for water quality based on the type and sizing of stormwater BMPs proposed. For water quantity, Windham Ordinance § 120-911J(6) requires that post-development flows are less than or equal to the predevelopment flow for all subdivisions. The stormwater flow analysis provided by the Applicant, as summarized in Table 1 of the Stormwater Management Report shows that this condition is met except with SP-2 for the 2-yr storm where the post-development flow exceeds the predevelopment flow by 18%. The flow from the subcatchments that contribute to SP-2 enters the drainage ditch along River Road in the Town Right-of way and an increase the potential for erosion into that ditch. The Applicant should evaluate ways of reducing this flow.

Since the existing contours appear to be derived from LIDAR, the Applicant should conduct field a survey of stormwater management facility areas in order to determine actual ground conditions at the ponds and buffers. The ground survey will help confirm that the contours don't concentrate stormwater at buffer areas.

The applicant responded to the Town Engineers comments on May 30, 2025. On June 5, 2025 the Town Engineer said he was satisfied with the applicant's response to comments.

§120-911K – Conservation Subdivision

- (1) *The development is in the RM district and therefore is not required to meet the conservation subdivision standards.*

§120-911L – Compliance with Timber Harvesting Rules

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

§120-911M – Traffic Conditions and Street

- *The Applicant submitted a traffic assessment that indicates that the subdivision will generate 28 trips in the PM peak hour and 270 trips during a typical weekday. Since this exceeds 140 trips per day, the Applicant will need to submit a traffic impact analysis per*

§ 120-910C(3)(e). The applicant submitted an updated Traffic Assessment, which now includes additional analysis regarding level of service impact on adjacent roadways as Section 5 of the report, and a statement in the Section 6 summary indicating the project is not expected to have significant impacts to the level of delay or traffic operations on River Road.

- The applicant is proposing two new street connections to River Road. Both are access driveway meeting the Town's "Major Private Road" standard for design and construction, found in Appendix B.
- The condominium association will maintain the R/W road once the subdivision is completed.
- The private road note of §120-911M(5)(a)[5][e] is shown on the plan.
-
- The access drives, Dolley Farm Road and Thayer Drive both exceed the required minimum 250 feet of sight distance for the 30 MPH posted speed.
- The Applicant proposes to add a 5-ft wide raised curb sidewalk along River Road a distance of approximately 400 feet south from the Dolley Farm Road entrance to the convenience store property (Duck Pond Variety). § 120-911M(5)(a)[4] states, "Where the applicant proposes improvements within existing public streets, the proposed design and construction details shall be approved, in writing, by the Director of Public Works or the Maine Department of Transportation, as appropriate."
- The Applicant proposes to install a new utility pole on River Road on the southerly side of the subdivision, closer to the intersection of Dolley Farm Road and install a cobrahead streetlight.
- Driveway and street opening permits will need to be obtained from Windham Public Works prior to construction of the driveways and installation of the water main extension.

§120-911N – Maintenance of common elements.

- The applicant provided draft condominium association documents that have been reviewed by the Town Attorney.
- The condominium association documents shall be recorded in the Cumberland County Registry of Deeds within 90 days of the date that the subdivision plan is recorded. See COA #3.

§120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS

§120-812A – Utilization of the Site

- The subject parcel is approximately 30.82 acres in size.
- The site fronts along River Road and has 425 feet of road frontage.

§120-812B – Vehicular Traffic

(1) The site is located on the easterly side of River Road. The applicant is proposing a new road connection to Falmouth Road. The entrance is proposed to be a Condominium access driveway meeting the Town's "Major Private Road" standard for design and construction. A right-of-way is not required for an access driveway in the Multi-family performance standards, found in §120-814B(6)(b)[2].

(a) The applicant does not expect to impact any road intersections within a half mile of the project.

(b) The applicant provided a traffic analysis that the existing streets and intersections can be expected to carry traffic generated by the development. See Subdivision Review.

(2) The access is 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 proposal site will be accessed by a driveway from River Road.

(4) The site is designed to allow internal vehicular circulation in common with the other property owner for the safe movement of passenger, service, and emergency vehicles through the site.

§120-812C – Parking and Loading

(1) The applicant has designed a parking layout that accommodates for two (2) parking spaces for each of the dwelling units.

§120-812D – Pedestrian Traffic

There are no existing sidewalks on River Road. The applicant is proposing to provide a sidewalk on the access drive and a sidewalk on River Road from the development to Duck Pond Variety.

§120-812E – Stormwater Management

(1) The applicants have provided a stormwater management system designed 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. See Subdivision Review. The applicant requested a waiver for Insignificant increases in peak flow rates from a project site.

§120-812F – Erosion Control

(2) The applicant shall have provide an erosion and sedimentation control plan that will meet the Basic Standards per Section 4(A) of the MeDEP Chapter 500 Stormwater Rule. See Subdivision Review.

§120-812G – Water Supply Provisions

(1) The water main in River Road will be extended to serve the development. See Subdivision Review.

§120-812H – Sewage Disposal Provisions

- See Subdivision Review.

§120-812I – Utilities

- The applicant all utility connections (electrical, telephone, and telecommunication services) will be subsurface. See Subdivision Review.

§120-812J – Groundwater Impacts

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

§120-812K – Water Quality Protection

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

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

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

§120-812M – Shoreland Relationship

- *The site is not in a shoreland zoning district.*

§120-812N – Technical and Financial Capacity

- *See Subdivision Review.*

§120-812O – Solid Waste Management

- *The applicant proposes that the two-family dwellings will participate in the Town's curbside collection program.*

§120-812P – Historical and Archaeological Resources

- *There are no historic or archaeological resources onsite.*

§120-812Q – Floodplain Management

- *See Subdivision Review.*

§120-812R – Exterior Lighting

(1) *Shielded fixtures are proposed for each porch. Cobra head lighting will be installed on the light pole at the project entrance.*

(2) *The applicant shall connect all light poles and other exterior light fixtures underground.*

§120-812S – Noise

(1) *The proposed condominium shall not exceed 55 dB between 7:00 AM to 10:00 PM and 45 dB between 10:01 PM to 6:59 AM.*

(3) *No construction activities are allowed between the hours of 10:00 PM and 6:00 AM.*

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

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

§120-814 Multifamily development standards.

A. Building Architecture. The applicant provided building elevations for as part of the final plan application.

(1) *Architectural variety*

(a) *The building has a variety of techniques to visually break up the façade, a varied roof lines, and some variation in window sizes. Two different building styles are proposed with three different siding colors.*

(b) *The building horizontal articulations are provided throughout the building, and rooflines incorporate varying heights and ridgelines. The building elevations of Units 1 and 15 have additional windows on the River Road frontage to meet the 25% requirement.*

(3) *Orientation.*

(a) *Units 1 and 15 will provide stairs to the street-facing end of the porch.*

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

B. Site design.

(1) *Parking.*

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

(2) *Screening.*

(a) *Utilities. There are no service areas, loading docks, delivery areas, trash receptacles, and mechanical equipment associated with this development.*

(b) *Existing residential abutters. Evergreen screening trees are proposed between the development and the residential abutter to the south. Existing vegetation will be maintained along the property line and the residential abutter to the north.*

(3) *Bicycle/pedestrian.*

(a) *Internal traffic flow internal walkways. There are no existing sidewalks on River Road. Sidewalks are proposed on Dolley Farm Road and the end of Thayer Drive.*

(c) *Bicycle parking/racks.*

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

(4) *Recreation and open space.*

(a) *The applicant must designate and permanently reserve a minimum of 15% of the total lot area (4.6 acres) as usable common open space. The plan shows the common open space on Sheet S-1. Within the common open space, a minimum of 4,100 square feet (250 square feet/each of the first 10 units, plus 50 square feet/unit above 10 units) of contiguous area with constructed amenities for passive use (e.g. outdoor courtyards, seating areas, or family picnic area with amenities such as landscaping, lighting, weather protection and other features that encourage use year-round) or active areas (e.g., children's play areas, play fields, and community gardens). A playground, swing set and picnic pavilion are proposed in a fenced area that is approximately 6,600 sf.*

(5) *Landscape/lighting.*

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

(a) *Landscaping. Street trees are proposed along Dolley Farm Road and Thayer Drive. Existing trees will be preserved along River Road. Condo owners will be responsible for additional landscaping around the perimeter of their unit.*

(c) *Lighting. No pole-mounted lighting within the development is proposed. On building lighting is proposed. A streetlight will be installed at the Dolley Farm Road entrance at River Road.*

(6) *Access drive standards.*

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

(b) *Curb cuts on the access drive must be separated by a minimum of 75 feet where possible. Driveways for the two-family dwellings are separated to the extent possible in order to allow for additional off-street parking/wider driveways.*

SUBDIVISION CONCLUSIONS

1. *The development plan reflects the natural capacities of the site to support development.*
2. *Buildings, lots, and support facilities will be clustered in those portions of the site that have the most suitable conditions for development.*
3. *Environmentally sensitive areas, including but not limited to wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and sand and gravel aquifers will be maintained and protected to the maximum extent.*
4. *The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the site plan.*
5. *The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.*
6. *The proposed use and layout will not be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved.*
7. *The proposed subdivision will provide adequate sewage waste disposal.*
8. *The proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan.*
9. *The developer has the adequate financial capacity to meet the standards of this section.*
10. *The proposed subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.*

11. The proposed subdivision will provide for adequate stormwater management.
12. The proposed location and height of buildings or structure walls and fences, parking, loading, and landscaping shall be such that it will not interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value.
13. On-site landscaping does provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.
14. All freshwater wetlands within the proposed subdivision have been identified on the plan.
15. Any river, stream, or brook within or abutting the subdivision has been identified on any maps submitted as part of the application.
16. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, §480-B, none of the lots created within the subdivision has a lot-depth to shore frontage ratio greater than 5 to 1.
17. 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. (N/A)
18. 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. (N/A)
19. The timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, §8869, sub§14. (N/A)

SITE PLAN CONCLUSIONS

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 not be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved.
7. The proposed site plan will provide for 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 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 unreasonable affect its value.

APPROVED WAIVERS

1. The approved the waiver of §120-911J(6)/ §120-812E(1)(a)[1]: Stormwater Flooding, to allow an insignificant increase in peak flow rates from a project site at SP-2 for the 2

-year storm.

CONDITIONS OF APPROVAL

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated December 23, 2024 as amended September 16, 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 or §120-815 of the Land Use Ordinance.
2. In accordance with §120-914B(5) and §120-815C(1)(b) of the Land Use Ordinance, the Construction of improvements covered by any subdivision plan approval shall be completed within two years of the date upon which the performance guarantee is accepted by the Town Manager. The developer may request a one-year extension of the construction completion deadline prior to the expiration of the period. Such request shall be in writing and shall be made to the Planner. The Town Manager may require an update to the schedule of values and the amount of the guarantee when accepting an extension of the construction period. If construction has not been completed within the specified period, the Town shall, at the Town Manager's discretion, use the performance guarantee to either reclaim and stabilize or to complete the improvements as shown on the approved plan.
3. In accordance with §120-911N(5) of the Land Use Ordinance, the condominium association documents, including but not limited to the condominium declaration, bylaws, plat, and plans, shall be approved as to form by the Town Attorney and recorded in the Cumberland County Registry of Deeds within 90 days of the date that the subdivision plan is recorded in the Cumberland County Registry of Deeds. Evidence of such recording shall be provided to the Planning Department. No units shall be sold in the subdivision prior to recording of such condominium association documents and all deeds shall reference the declaration establishing the condominium association.
4. 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.

Seconded by Kathleen Brown.

Vote: All in favor.

8. [PB 25-062](#)

#25-22 Franklin Drive Solar Development - Major Site Plan - Final Plan Review - Franklin Drive - New Gen Estates, LLC

The application is for a 425kW large-scale ground-mounted solar energy system comprised of 640 modules on a 23.94 acre property to power the proposed residential development on the adjacent property. The subject property is identified as Tax Map: 18; Lot: 26-2-A03; Zone: Commercial I (C-1) in the Chaffin Pond/Little Sebago Lake watershed.

Attachments: [25-22_FranklinSolar_MJR_SP_FP_PB_MEMO_091925.pdf](#)
[25-22_MJR_SP_FP_RESPONSE_FranklinSolar_091825.pdf](#)
[25-22_MEMO_AC&SR_MJR_SP_FP_FranklinSolar_091625.pdf](#)
[25-22_MJR_SP_FP_APPL_Franklin Solar Development 2025-09-02.pdf](#)
[25-22_MJR_SP_FP_PLANS_FranklinDevelopment_2025-09-02.pdf](#)
[25-22_MJR_SP_FP_SW_Report_FranklinSolarDevelopment_2025-09-02.pdf](#)

Rob McSorely, from Sebago Techincs was present representing the application. He reviewed their application progress and addressed the solar facility review.

- *The solar facility was in the process of Permit by Rule review with DEP.*
- *The entire solar electric system would be underground. They would not need a previously requested waiver.*
- *They were working on minor changes to the plan in response to comments.*

Steve Puleo explained:

- *The solar facility was on a separate lot from the multi-family proposal. It was part of a four-lot subdivision.*
- *Access to the facility would extend from the end of Franklin Drive to the array.*
- *DEP had indicated the Board's condition of approval regarding decommissioning was acceptable.*
- *The NRPA and stormwater permits from DEP were had not yet submitted.*

Evert Krikken made a motion that the Major Site Plan final plan application for project #25-22 Franklin Drive Solar Development 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.

Seconded by Kathleen Brown.

Vote: All in favor.

Board Comment

- *The project sat in the middle of the property. There were trees and no nearby neighbors.*

Evert Krikken made a motion that the Major Site Plan application for the #25-22 Franklin Drive Solar Development identified on Map: 18; Lot: 26-2-A02 and 26-2-A03; 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 §120-803A(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

Solar Energy System: "A solar energy system, consisting of solar panels combined with other associated components such as mounting racks, transformers, inverters and/or batteries, whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means. It may be roof-mounted or ground-mounted, and may be of any size as follows:

C. Large-scale solar energy system is one whose physical size based on total area projected over a roof or the ground is equal to or greater than 43,560 square feet."

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 and 26-2-A03, the properties are located in the Commercial District I (C-1) (§120-410).
- The proposed use Solar Energy System – ground, mounted, large scale" is permitted in the C-1 District §120-410B.
- 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.
- Per §120-410F(16), Solar energy system – ground-mounted, large scale shall only be allowed when co-located with parking lots or to supply the electrical or thermal power to reduce the on-site consumption of utility power or fuels by a principal commercial or residential use on the same parcel or abutting land. See §120-556, Solar energy systems, in Article 5 Performance Standards, for additional requirements. When not co-located with a parking lot, a solar energy system shall not be designed to generate more than 125% of the power needs of the principal uses on the same parcel or abutting land. Any excess power resulting from on-site or abutting land usage that is less than the designed capacity may be sold into the grid.

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.

§120-556 – SOLAR ENERGY SYSTEMS PERFORMANCE STANDARDS

§120-556C. Dimensional Standards

- The applicant is proposing to set back over 120 feet from the property boundary line. The height of the solar array shall not exceed 22 feet for the system.
- The applicant is proposing the setback for all property boundary lines to meet the requirements of §120-556C(2) of at least 30 feet in which a perimeter fence will define the interior location of the solar arrays.

§120-556D. Standards for roof-mounted and ground-mounted solar energy systems.

- The applicant will work with the Code Enforcement Officer, with input from the Town Engineer and the Fire Chief, to meet all safety standards for developing a solar energy

system.

- The solar energy system and wiring shall meet National Fire Prevention Association (NFPA 1) and National Electrical Code (NFPA 70).

§120-556E. Additional standards for medium- and large-scale ground-mounted solar energy systems.

- The solar energy systems will be served by underground utilities.
- Reasonable efforts, as determined by the Planning Board, shall be made to minimize undue visual impacts. Fencing the buffer details shall be provided for final plan review. Buffer Yard B shall be located outside fence lines along any fence line visible from a public or private way or adjacent to an existing residential dwelling. Preservation of native vegetation is encouraged.
- The site is currently undeveloped and is primarily forest and forested wetland. A significant vernal pool is located on Lot 26-2-A03. The development of the subdivision lots 1, 2, and propose 101,920 SF of vernal pool terrestrial habitat setback area (23%). The proposed project shall limit the amount of land clearance necessary for the construction, operation, and maintenance of the solar energy system. All disturbed areas shall be seeded with a native pollinator friendly mix.
- The applicant provided decommissioning plan and if the project is approved the staff will review the applicant's abandonment, decommissioning, and surety evidence for compliance with the solar energy systems performance standards.

§120-556E. Additional standards for large-scale ground-mounted solar energy systems.

- The applicant submitted a plan for the operation and maintenance of the large-scale ground-mounted solar energy system, which shall include measures for maintaining safe access to the installation as well as other general procedures for operational maintenance of the installation, including but not limited to fence, vegetation, and buffer maintenance, and proper panel and electrical equipment function.
- A sign shall be placed on the large-scale solar energy system to identify the owner and provide a twenty-four-hour emergency contact phone number.

§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 solar development on Lot 26-2-A03 is 23.94 acres and is proposed to be accessed from the end of the Franklin Drive extension through an access driveway on Lot 26-2-A02.
- The site is undeveloped, mostly forested and contains areas of wetlands.
- The 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 solar facility will have a gated access driveway from the interior parking lot drive aisle of the multifamily development on Lot 26-2-A02.
 - (a) The applicant does not expect to impact any road intersections within a half mile of the project.
 - (b) The proposed solar development use will not create any significant vehicular traffic. Temporary trips are anticipated from the construction of the development, and post-construction vehicular traffic is limited to the maintenance of the solar energy system.
- (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. The access road will be maintained year-round for emergency and service vehicle access, which includes winter plowing, sanding, and salting.

§120-812C – Parking and Loading

(1) No dedicated parking area is proposed. The project will have an access drive with a turnaround that can be parked on during the occasional maintenance of the solar energy system.

§120-812D – Pedestrian Traffic

No pedestrian access is permitted to the solar energy system. The proposed trail to the adjacent Lippman Park is located on this parcel.

§120-812E – Stormwater Management

(1) The applicants have provided a stormwater management system design for the collection and disposal of all the stormwater that runs off of parking areas, roofs, travel ways, and other surfaces.

(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 states that the development will require a Stormwater PBR from MaineDEP. See Condition of Approval # 5.

- 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 #3.

- 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 will review the final plan to ensure compliance with performance standards contained in § 120-812E, F, H, J, and K. The review shall include attendance at any scheduled Planning Board site walk.

- o The Town's consulting engineering commented:

- The underdrained soil filter (UDSF 1) associated with Franklin Drive is included in the stormwater management model for the Lot 3 development. Design plans for UDSF 1 were not included in the application, so we could not review the design for UDSF 1.

- The applicant responded that the plans for the underdrained soil filter were previously reviewed by Staff under the Franklin Drive extension design during the original subdivision submission.

§120-812F – Erosion Control

(2) The applicant has provided an erosion and sedimentation control plan that will meet 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

- Solar energy system developments do not require a water supply.

§120-812H – Sewage Disposal Provisions

- The solar development does not require a private subsurface wastewater disposal

(septic) system.

§120-812I – Utilities

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

§120-812J – Groundwater Impacts

- *The solar energy system does not require a water supply or sewer system.*

§120-812K – Water Quality Protection

- *No harmful substances will be stored or used on the proposed site*

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

- (1) *Handling, storage, and use of all materials identified by the standards of a federal or state agency as hazardous, special, or radioactive are not being proposed. Storage of flammable or explosive liquids, solids, or gases is not being proposed.*

§120-812M – Shoreland Relationship

- *The site is not in a shoreland zoning district.*

§120-812N – Technical and Financial 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.*
 - o *The applicant will also provide a Decommissioning Surety as required per §120-556E(4).*
- (2) *The applicant has hired Sebago Technics, Inc. for site planning, permitting, and engineering services for the conversion of the building and site.*

§120-812O – Solid Waste Management

- *The proposed solar array is not anticipated to generate solid waste.*

§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 a lighting plan with hooded or shielded fixtures, cut sheets, and locations for review. This proposed development does not include any lighting for the solar development. One (1) light is proposed at the site's gravel access drive which is located on the adjacent multifamily development lot.*
- (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)

- *The applicant is not proposing to store materials on-site.*
- *The solar facility does not generate solid waste; therefore, a dumpster or similar large collection receptacles are not proposed for the solar energy system.*

CONCLUSIONS

1. *The plan for development reflects the natural capacities of the site to support development.*
3. *Buildings, lots, and support facilities will be clustered in those portions of the site that have the most suitable conditions for development.*
4. *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.*
5. *The proposed site plan has sufficient water available for the reasonably foreseeable needs of the site plan.*
6. *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.*
7. *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.*
8. *The proposed site plan will provide adequate sewage waste disposal. NOT APPLICABLE*
9. *The proposed site plan conforms to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.*
10. *The developer has the adequate financial capacity to meet the standards of this section.*
11. *The proposed site plan will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.*
12. *The proposed site plan will provide for adequate stormwater management.*
13. *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.*
14. *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

1. *Approval is dependent upon and limited to the proposals and plans contained in the application dated May 19, 2025 as amended September 19, 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 §120-815 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.*
3. *Abandonment or Decommissioning*

a) *Removal Requirements: At such time that the ground-mounted solar energy system described in this approval has reached the end of its useful life or has been abandoned consistent with the Abandonment description within this condition of approval, it shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:*

- i. *Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.*
- ii. *Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.*
- iii. *Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.*

b) *Abandonment: Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the large-scale ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of the Site Plan Review Authority. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned large-scale ground-mounted solar energy system. As a condition of Site Plan approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation.*

4. *Surety: The applicant will provide financial assurance for the decommissioning costs in the form of a performance bond, surety bond, 'evergreen' letter of credit, or other means acceptable to the Town, for the total cost of decommissioning. The applicant will have the financial assurance mechanism in place prior to construction and will re-evaluate the decommissioning cost and financial assurance at the end of years, five, ten, and fifteen. Every five years after the start of construction, updated proof of acceptable financial assurance must be submitted to the Town for review.*

5. *Before the required pre-construction meeting with staff and before any land use activities begin, the applicant shall provide the Planner with the NRPA and Stormwater permits required by Maine DEP.*

Seconded by Kathleen Brown.

Vote: All in favor.

New Business

9. [PB 25-063](#)

#25-23 Roosevelt Trail Commercial - Amended Major Site Plan - Sketch Plan Review - Roosevelt Trail - Lussier Apartments, LLC
This application is to construct a 4,980 square foot building with associated parking for a contractor services use on a 1.25 acre property. The plan is an amendment to a major site plan approved by the Planning Board on June 12, 2006 (North Business Park). Subject property is identified as Tax Map: 10A: Lot: 25A; Zone: Commercial III (C-3) in the Colley Wright Brook watershed.

Attachments: [25-23_AMD_SP_SKP_PB_MEMO_RooseveltCommercial_091825.pdf](#)

[25-23_Lussier Site Sketch Plan 2025_9_17.pdf](#)

[25-23_AMD_SP_SKP_APPL_Roosevelt Trail
Commercial_2025_9_2.pdf](#)

[25-23_AMD_SP_SKP_PLANS_Roosevelt Commercial_2025_9_2.pdf](#)

[North Business Park plans 05-2006.pdf](#)

Dustin Roma, from DM Roma Consulting Engineers, was present representing the application. He explained:

- *The site was originally part of a previous site plan approval, noted to be future development area. This would be a change of use from what was previously approved.*
- *Access existed as a curb cut and culvert onto the property.*
- *They propose a single-story building with overhead doors for a Contractor Services use to go with the applicant's business.*
- *There would be private septic and a well.*
- *A waiver for the required driveway separation standard may be requested because the access already existed.*
- *Stormwater management facilities would be installed on-site.*

Board Comment

- *To what standard would the driveway be constructed?*

Other Business

10. Adjournment

Rick Yost made a motion to adjourn.

Seconded by Patrick Roberts.

Vote: All in favor.