

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

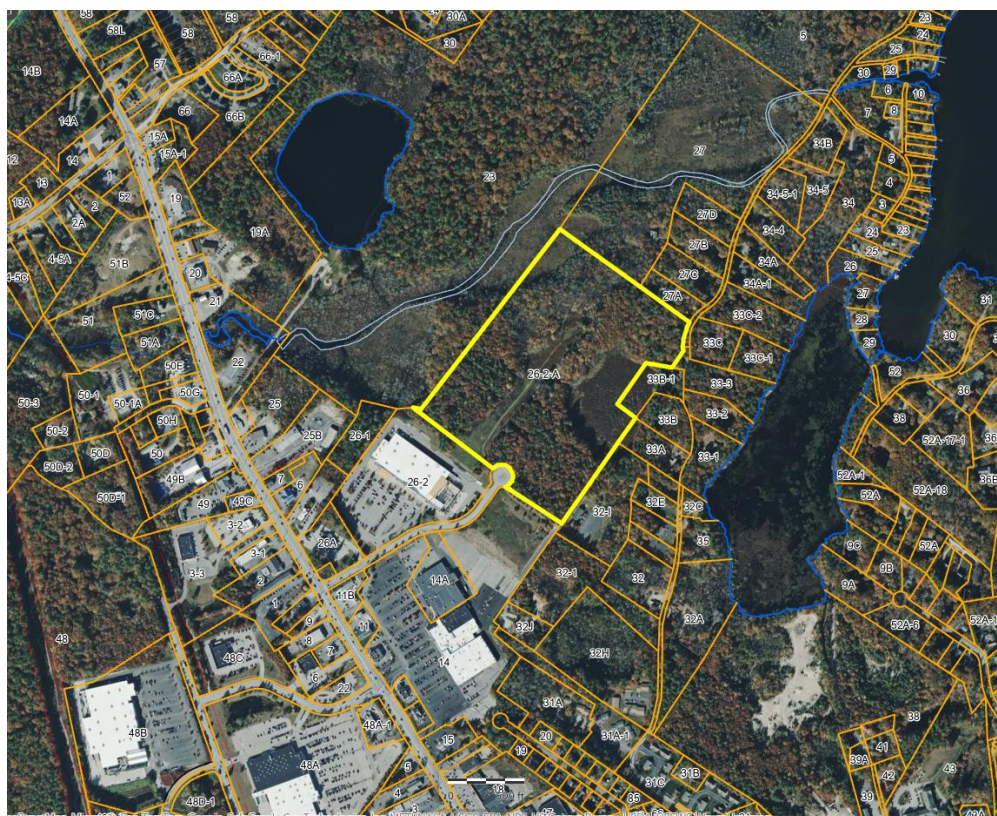
DATE: July 10, 2025

TO: Windham Planning Board  
FROM: Amanda Lessard, Senior Planner/Project Manager  
Cc: Steve Puleo, Planning Director  
Robert A. McSorley, P.E., Sebago Technics, Inc.  
Suresh Gali, New Gen Estates, LLC

RE: #25-13 Franklin Drive Multifamily & Solar Development – Major Subdivision & Site Plan –  
Sketch Plan Review - Franklin Drive – New Gen Estates, LLC  
Planning Board Meeting & Public Hearing: July 14, 2025

**Overview –**

The application is for 306 apartments in two buildings on a 7.88 acre property and a 425kW large-scale ground-mounted solar energy system comprised of 640 modules on a 23.94 acre property to power the residential development. This project also 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. This development is located on two lots in the Franklin Drive Subdivision approved by the Planning Board on January 13, 2025. The subject property is identified as Tax 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.



*Figure 1: Aerial View of the subject parcel relative to surrounding properties and street network.*

### Review History

A Development Review Team meeting took place on May 28, 2025. The Planning Board reviewed the sketch plan on June 9, 2025. At that meeting the Board discussed the need for additional trash collection, the access driveway proximity to DOT's proposed roundabout, and landscaping and lighting plans. The Board held a site walk on July 7, 2025.

Staff provided comments on the preliminary plan submission to the applicant in an attached memo dated July 2, 2025. As of the date of this memo, the applicant has not provided a response to staff comments.

### SUBDIVISION/SITE PLAN REVIEW

PLEASE NOTE: The staff memo is a reference guidance document, and suggested topics for board discussion are listed; ~~the strikethrough text is items for the final review;~~ ***bold and italic text represent unaddressed existing and/or new staff comments;*** or plain underlined text are items that have been addressed by the applicant; and *italic text is for information or previously reviewed and/or approved items.*

Staff Comments:

1. Complete Application:

**MOTION:** [I move] the Preliminary Subdivision application for project #25-13 Franklin Drive Multifamily & 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.

2. Waivers:

Waiver of Submission Requirements: *The Planning Director, or designee, may waive any of the submission requirements of [§120-811](#) or [§120-910](#) based upon a written request by the applicant. Such a request shall be submitted at the time of the preapplication conference for minor developments or as part of the sketch plan application for major developments. A waiver of any submission requirement may be granted only if the Planning Director, or designee, finds that the information is not required to determine compliance with the standards and criteria of the Land Use Ordinance.*

***None requested.***

Waiver of the Site Plan Performance Standards. *The Planning Board may waive the requirements of [§120-812](#) if it finds that extraordinary an unnecessary hardship, not self-imposed, may result from strict compliance with the site plan review standards. In all cases, waivers shall not be deemed a right of the applicant, but rather shall be granted at the discretion of the Planning Board. The applicant shall submit a list of the requested waiver(s) in writing. For each waiver requested, the applicant shall submit answers to each criterion in [§120-808B\(2\)](#).*

***None requested.***

*Waiver of the Subdivision Performance Standards. The Planning Board may waive the requirements of [§120-911](#) Performance and Design Standards when the applicants demonstrates that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met, and the public health, safety, and welfare are protected and provided the waivers do not have the effect of nullifying the intent and purpose of the land use ordinance. In granting site waivers, the Planning Board shall utilize the criteria in [§120-908C\(2\)](#).*

***None requested.***

3. Public Hearing: A public hearing is scheduled for the Planning Board meeting on July 14, 2025.
4. Site Walk: The Planning Board held a site walk on July 7, 2025.

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

**MOTION:** [I move] the Major Site Plan & Subdivision Preliminary Plan application for the #25-13 Franklin Drive Multifamily & 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 is to be (**approved with conditions/denied**) 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.”

**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

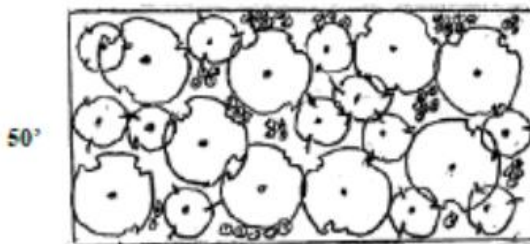
- As shown on the Town of Windham [Land Use Map](#) approved by the Town Council, date April 9, 2024, Map: 18; Lot: 26-2-A02 and 26-2-A03, the properties are located in the Commercial District I (C-1) ([§120-410](#)).
- The proposed uses, “Dwelling, Multifamily” and Solar Energy System – ground, mounted, large scale” are 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.
- 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.

**I**  
**9 CANOPY**  
**12 UNDERSTORY**  
**48 SHRUBS**



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.

**G**  
**1.2 CANOPY**  
**.4 UNDERSTORY**  
**4 SHRUBS**





**§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).

**§120-556 – SOLAR ENERGY SYSTEMS PERFORMANCE STANDARDS**

*As the application is for Preliminary Subdivision Review, the submission has not been fully reviewed for final site plan approval of the solar development.*

**§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. For final plan review, the applicant shall specify the height of the solar array.
- 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 has provided [decommissioning plan](#) with an estimated total decommissioning cost.

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

- The applicant shall submit a plan for the operation and maintenance of the 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.

**§120-911 – 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 preliminary plan shows water line and hydrant locations. An ability to serve letter from PWD approving the design of the water service is required for final plan review.

**§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.
    - 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 MaineDEP’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 applicant is proposing connecting to the public sewer system to serve the development. For the final plan review, the Portland Water District shall certify that providing service to the proposed subdivision is within the capacity of the system's existing collection and treatment system or improvements planned to be complete prior to the construction of the subdivision. The Portland Water District shall review and approve, in writing, the construction drawings for the public sewerage system. This includes, but is not limited to, the size and location of laterals, collectors, manholes, and pump stations.

#### **§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 Frankline.
- (a) For final plan review, the applicant shall provide 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 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) For final plan review, the applicant shall provide reservation or dedication and maintenance of open space, common land, facilities such as the stormwater management system, among others, and service in the form of homeowner's association documentation.

#### **§120-911F – Conformance with Land Use Ordinances**

Comprehensive Plan:

- The plan does meet the goals of the 2024 Comprehensive Plan.

Subdivision Ordinance, Chapter 120 Article 9:

- Standard notes, the standard conditions of approval, and approved waiver must be shown on the plans.
- For the final plan review, a digital transfer of the subdivision plan data must be submitted for inclusion with the Town's GIS.

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 site planning, permitting, and engineering services for the conversion of the building and site.

#### **§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 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 subsurface sand filters on Lot 2.
  - **The Town's consulting engineering commented:**
    - **As modeled in HydroCAD, the proposed stormwater BMPs on Lot 2 appear to detain, retain, or result in the infiltration of stormwater from the twenty-four-hour storms of the two-year, ten-year, and twenty-five-year frequencies such that the peak flows of stormwater from the project site do not exceed the peak flows of stormwater prior to undertaking the project.**
    - **The underdrained soil filter (UDSF 1) associated with Franklin Drive is included in the stormwater management model for the Lot 2 development. Design plans for UDSF 1 were not included in the Application, so we could not review the design for UDSF 1.**
    - **The post-treatment phosphorus export is greater than the project phosphorus budget. A MaineDEP compensation fee of \$47,343 is proposed to offset the increase in phosphorus export from the site.**
    - **It should be noted that the development located on Lot 1 of this subdivision, and its associated stormwater management facilities are included in the stormwater model for the multi-family development located on Lot 2. The design plans for the Lot 1 development were not included in this Application, so we could not review the design of the stormwater management infrastructure located within Lot 1.**
    - **We recommend adding a suggested maintenance item in the Inspection, Maintenance, and Housekeeping Plan to inspect the underdrain outlet orifice within the outlet control structures and remove sediment to prevent clogging.**



- The development will require a Site Location of Development Act Permit Stormwater and a Maine Construction General Permit (MCGP) from Maine DEP. State permits must be provided for final plan review.
- The applicant will be the entity responsible for maintaining the stormwater management system as required in [§120-911N](#).

#### **§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 the Town with a copy of the Maine DOT Traffic Movement Permit Application Section 1-6 that indicates that the 306 multifamily dwelling units will generate 123 trips in the PM peak hour and 1414 trips during a typical weekday.
- For *the final plan review*, provide a Traffic Movement Permit from Maine DOT.
- For final plan review the applicant shall provide an estimate of the number of new peak hour trips expected to pass through the Route 302/Anglers Road/Whites Bridge Road intersection in order to calculate the [North Route 302 Road Improvements Impact Fee](#).

#### **§120-911N – Maintenance of common elements.**

- The developer or subdivider shall maintain control of the common property and be responsible for its maintenance, including snow plowing, until either of the following has occurred: The legislative body accepts said improvements; or the developer or subdivider has transferred responsibility for ongoing maintenance of the improvements to the homeowners' association.

### **§120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS**

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

#### **§120-812A – 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 and the proposed solar development on Lot 26-2-A03 is 23.94 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 solar facility will have a gated access driveway from the interior parking lot drive aisle of the multifamily development.

- (a) The applicant should identify the impact on any road intersections within a half mile of the project.
- (b) The applicant shall provided a traffic analysis that the existing streets and intersections can be expected to carry traffic generated by the development.
  - **For final plan review the applicant shall provide an estimate of the number of new peak hour trips expected to pass through the Route 302/Anglers Road/Whites Bridge Road intersection in order to calculate the [North Route 302 Road Improvements Impact Fee](#)**, see Conditions of Approval. The impact fees are applied to the improvements of Anglers Road with White’s Bridge Road, per [§120-1204J\(1\)](#) Roadway infrastructure improvements.
- (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. *For the final plan review*, provide a Traffic Movement Permit from Maine DOT.
- (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).

#### **§120-812D – Pedestrian Traffic**

The site plan shall provide for a system of pedestrianways 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, but there are not connections within the parking area.

#### **§120-812E – Stormwater Management**

- (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 states that the development will require a Site Location Permit from MaineDEP.
- 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.
  - **The Town's consulting engineering commented:**
    - **The area to the northeast of Lot 2 which is intended to be developed with ground mounted solar panels is not included in the stormwater management analysis. This area shall be included in the stormwater analysis due to the change in land cover types.**

#### [§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 from Portland Water District (PWD) approving the design of the water service is required for final plan review.

#### [§120-812H](#) – Sewage Disposal Provisions

- This proposed residential development will connect to proposed public sewer infrastructure in Franklin Drive.
- An ability to serve letter from PWD approving the design of the water service is required for final plan review.

#### [§120-812I](#) – Utilities

- The applicant all utility connections (electrical, telephone, and telecommunication services) will be subsurface.
- A utility and grading plan was provided with the preliminary 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\(1\)\(b\)](#). Revise lighting plan or submit the [waiver request form](#)
- (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 provided a landscaping plan and planting schedule with the preliminary plan submission.

**§120-814 Multifamily development standards.**

A. Building Architecture. The applicant provided building elevations for review.

- (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.
- (2) Facade.
  - (a) The building horizontal articulations are provided throughout the building, and rooflines incorporate varying heights and ridgelines.
  - (d) Provide the calculation of the area of fenestration of the street facing façade.
- (3) Orientation.
  - (a) The building entrances is on 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 shall be sited to avoid problems with visibility, traffic circulation, drainage, or icing during winter months.
  - (2) Screening.
    - (a) Utilities. Service areas, loading docks, delivery areas, trash receptacles, and mechanical equipment will be screened to minimize visibility from sensitive view-points such as public and private roadways, main entrances, residences outside the development, public open spaces, and pathways. Service areas shall be screened with architectural elements such as walls or fences. Screening may be further enhanced with evergreen trees, shrubs, and earth berms. Gates on utility enclosures shall be designed to prevent sagging.
    - (b) Existing residential abutters. When new residential development is adjacent to an existing residential use, landscaping, including large evergreen trees, and/or garden features (e.g., trellis or supplementary fencing), will provide a buffer or screening between properties and obscure direct sightlines into private yard areas or windows on adjacent properties.
  - (3) Bicycle/pedestrian.
    - (a) Internal traffic flow internal walkways.
    - (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) For the *final plan review*, the applicant must designate and permanently reserve a minimum of 15% of the total lot area as usable common open space. **Show 51,520 SF (15% of Lot 2) of open space on the plan. As a common scheme of development, this area could be reserved on Lot 3.** Two outdoor seating areas for tenant use are shown on the plan. The applicant proposes to construct a 6-foot wide trail to the adjacent Donnabeth Lippman Park in lieu of providing the required land area with constructed amenities. A kiosk will be installed at the trail head at Franklin Drive. A public access trail easement will be provided from Franklin Drive. **Note proposed trail easement on Lot 3.**
  - (5) Landscape/lighting.



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

- (a) Landscaping. Parking areas with greater than 40 parking stalls shall landscape a minimum of 15% of the total area. Planting islands shall be a minimum of nine inches in width. All parking lot landscaping shall be able to tolerate parking lot growing conditions. **Show calculation of parking lot landscaping.**
  - (c) Lighting. Light fixtures used in driveways and parking lots shall be in scale with buildings on site. Maximum pole height along driveways shall not exceed 25 feet.
- (6) Access drive standards.
  - (b) Other districts.
    - [1] Design standards. 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.
    - [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. There shall be no minimum setback 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.
  - (d) Access drives shall remain private and shall not be maintained or repaired by the Town. A note shall appear on the 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 street 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/does not conform** 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/does not reflect the natural capacities of the site to support development.~~
1. ~~Buildings, lots, and support facilities will/will not be clustered in those portions of the site that have the most suitable conditions for development.~~
2. ~~Environmentally sensitive areas, including but not limited to, wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and sand and gravel aquifers will/will not be maintained and protected to the maximum extent.~~
3. ~~The proposed site plan has/does not have sufficient water available for the reasonably foreseeable needs of the site plan.~~
4. ~~The proposed site plan will/will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.~~
5. ~~The proposed use and layout will/will not be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved.~~
6. ~~The proposed site plan will/will not provide adequate sewage waste disposal.~~
7. ~~The proposed site plan conforms/does not conform to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.~~

- ~~8. The developer **has/does not have** the adequate financial capacity to meet the standards of this section.~~
- ~~9. The proposed site plan **will/will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.~~
- ~~10. The proposed site plan **will/will not** provide for adequate stormwater management.~~
- ~~11. The proposed location and height of buildings or structure walls and fences, parking, loading, and landscaping shall be such that it **will/will not** interfere with or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonably affect its value.~~
- ~~12. On-site landscaping **does/does not** provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.~~

#### 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 [*the date of the final plan approval*] and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board. Any variation from such plans, proposals, supporting documents, and representations is subject to review and approval by the Planning Board or the Town Planner in accordance with [§120-912](#) of the Land Use Ordinance.
2. In accordance with [§120-914B\(5\)](#) of the Land Use Ordinance, the Construction of improvements covered by any subdivision plan approval shall be completed within two years of the date upon which the performance guarantee is accepted by the Town Manager. The developer may request a one-year extension of the construction completion deadline prior to the expiration of the period. Such request shall be in writing and shall be made to the Planner. The Town Manager may require an update to the schedule of values and the amount of the guarantee when accepting an extension of the construction period. If construction has not been completed within the specified period, the Town shall, at the Town Manger's discretion, use the performance guarantee to either reclaim and stabilize or to complete the improvements as shown on the approved plan.
3. 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 TBD (*TBD per peak hour trip through 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](#).
4. 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.

**CONDITIONS OF APPROVAL (MAJOR SITE PLAN)**

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated May 19, 2025 as amended TBD 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.