



PLANNING BOARD MEMO • AMENDED MAJOR SUBDIVISION • FINAL PLAN REVIEW

DATE: January 23, 2025

TO: Windham Planning Board

FROM: Steve Puleo, Planning Director

Cc: Drew Gagnon, Gorrell Palmer Consulting Engineer Inc.; Agent
Loni Gravier, Windham Village Apartments, LLC; Applicant
Amanda Lessard, Planner

RE: #23-18 – Amended Subdivision – Windham Village Apartments – 770 Roosevelt Trail – Final Plan Review – Windham Village Apartments, LLC

Planning Board Meeting: **January 27, 2025**

Overview –

The applicant is requesting a subdivision amendment of the July 1, 2024 approved project for the construction 172 dwelling unit apartment complex. The applicant was required to obtain a MDOT Traffic Movement Permit (TMP) for the traffic generation from the development. Tax Map: 70; Lot: 1A; Zone: Commercial I (C-1) zoning district and located in the Presumpscot River watershed.



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

AMENDED SUBDIVISION REVIEW

PLEASE NOTE: Staff comments reference guidance documents and suggested topics for Board discussion are in *italics text form a previously reviewed and approved items*, **bold and italic text represent unaddressed existing or new staff comments** or plain underlined text are items have been addressed by the applicant.

Staff Comments:

1. Complete Application: *[Amended Plan]*

MOTION: I move the amended subdivision application for the Windham Village Apartment project 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: Waiver of submission requirements. The Director of Planning or designee may waive any of the submission requirements of [§120-811](#) based upon a written request by the applicant. Such 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 if the Director of Planning finds that the information is not required to determine compliance with the standards and criteria of this chapter.

None requested.

Waiver of the Site Plan Performance Standards. The Planning Board may waiver 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

Limitation of Subdivision Waivers. The granting of a submission requirement waiver or site waiver may not conflict with, nor negate, any State Statutory requirements for the subdivision of land. Per [§120-908B\(2\)](#). The Board is not required to use any criteria in making its determination on the granting of a waiver of the submission requirements. Per [§120-908C](#). The Planning Board may waive the requirements of [§120-911](#) Performance and Design Standards, when the applicant demonstrates that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met, 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: The Planning Board held a public hearing on April 22, 2024, no public hearing is required for the amended subdivision review.
4. Site Walk: The Planning Board held a site walk on April 22, 2024.

Findings of Fact and conclusions for the Windham Planning Board,

MOTION: I move the amended major subdivision application for the Windham Village Apartment, LLC and the property is identified as Tax Map: 70, Lot 1A is to be **(approved with conditions/denied)** with the following findings of fact and conclusions.

5. Jurisdiction: Windham Village Apartments project is classified as a Major Subdivision and Site Plan, which the Planning Board is authorized to review and act on by [§120-913](#) of the Town of Windham Land Use Ordinance.
6. Title, Right or Interest: The applicant has submitted a copy of purchase and sale agreement dated July 11, 2022, and amended October 18, 2023, with a closing date not later than July 1, 2024, with B33 WINDHAM II, LLC.

ARTICLE 4 ZONING DISTRICTS

- As shown on the Town of Windham [Land Use Map](#) approved by the Town Council, date [August 15, 2023](#), Tax Map 70, Lot 1A is located in the Commercial I (C-1) District.
- The detached multifamily dwelling residences are permitted use in the C-1 District [§120-410B](#).

ARTICLE 8 SITE PLAN REVIEW

§120-812C - Parking and Loading

- The proposed development will provide 338 proposed parking spaces including 14 accessible and 102 oversized.
- The applicant is meeting the 30% oversized parking requirements.
- The Planning Director issued minor change approval on November 25, 2024.

§120-911 - MAJOR SUBDIVISION PERFORMANCE STANDARDS

§120-911M – Traffic Conditions and Street

- (2)** The proposed development will generate more the 100 P.M. peak hour trips and will require Maine DOT Traffic Movement Permit. The MDOT has issued a draft TMP with the following traffic impact fees

- **The applicant will provide to the Town of Windham TMP traffic impact fees for as description the MDOT draft Traffic Movement Permit (see COA # 3):**
 - **Anglers Road Intersection Impact Fee of \$7,653.**
 - **Mobility Impact Fee of \$50,000.**
 - **Safety Fee of \$6,000.**

CONCLUSIONS (For Final Plan Review)

1. The proposed subdivision and site plan **will not** result in undue water or air pollution.
2. The proposed subdivision and site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed subdivision and site plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed subdivision and 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.
5. The proposed subdivision and site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed subdivision and site plan **will** provide for adequate sewage waste disposal.
7. The proposed subdivision and site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed subdivision and site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed subdivision **conforms** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed subdivision and site plan **is not** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed subdivision and site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed subdivision **is not** situated entirely or partially within a floodplain.
14. All freshwater wetlands within the proposed subdivision and site plan **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 and site plan **will** provide for adequate storm water 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, section 480-B, none of the lots created within~~

- ~~the subdivision have/do not have a lot depth to shore frontage ratio greater than 5 to 1.~~
(N/A)
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/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)
20. Timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.

CONDITIONS OF APPROVAL

1. Approval is dependent upon and limited to, the proposals and plans contained in the application dated June 3, 2024, July 1, 2024, November 25, 2024, and amended January 27, 2025 of and on supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board and any variation from such plans, proposals and supporting documents, and representations are subject to review and approval by the Planning Board or the Town Planner in with [§120-814](#) and [§120-815](#) of the Site Plan and [§120-913](#) of the Subdivision Ordinances.
2. Approval is subject to the requirements of [Chapter 201 Article II](#) Post-Construction Stormwater Ordinance. 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.
3. At the time of applying for building permits for the 172 residential units, the applicant shall pay the required Traffic Impact Fees as described in the approved Traffic Movement Permit #REG 01-XXXXX_A_N. This includes safety and Mobility impact fees totaling \$56,854 and \$7,653 paid to the Town for the [North Windham Route 302 Road Improvement impact fee](#).
4. The Recreation Impact Fee, the Open Space Impact Fee, the Public Safety Impact Fee, and the Municipal Office Impact Fee. All fees will be determined and collected for any building, or any other permits necessary for the development, [§120-1201C](#).
5. Any building plan, subdivision plan or site plan submitted for building(s) to be located in a sewer expansion area shall include on the plan the location of any service pipe to be installed in accordance with this section. Subdivisions shall further comply with the provisions of [§181-45](#).
6. Before the required pre-construction meeting with staff and before any land use activities begin, the applicant shall provide to the Planning Director the "Ability to Serve" letter from the Portland Water District (PWD).
7. If the Town Council amends [§120-812C\(1\)\(d\)](#) Parking and loading to reduce the required percentage of 10'X20' parking spaces from 30% to 20%, The authorizes the Planning Director to issue a minor change approval. If the parking standard is not changed by the Town Council, the applicant shall update the site plan to meet the parking and loading standards.