



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Planning Board

Monday, November 24, 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: Anne Daigle, Evert Krikken, Rick Yost, Kathleen Brown, Shonn Moulton, and Melissa Young.

Senior Planner, Amanda Lessard, was also present.

3. [PB 25-075](#) Approval of Minutes - The meeting of November 10, 2025

Attachments: [Minutes 11-10-2025 - draft.pdf](#)

Rick Yost made a motion to approve the minutes from November 10, 2025.

Seconded by Kathleen Brown.

Vote: All in favor.

Public Hearings & Continuing Business

4. [PB 25-076](#) #25-23 241 Roosevelt Trail Commercial - Amended Major Site Plan - Final Plan Review - 241 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 PB MEMO 241RooseveltCommercial AMD SP FP 112025.pdf](#)
[25-25 AMD SP FP Building Plans REV 241 Roosevelt 2015-11-20.pdf](#)
[25-23 AMD SP FP Response 241 Roosevelt 2025 11 20.pdf](#)
[25-23 AMD SP FP PLANS REV 241 Roosevelt 2025 11 19.pdf](#)
[25-23 AMD SP FP Response 241 Roosevelt 2025 11 19.pdf](#)
[25-23 MEMO AC&SR AMD SP FP 241Roosevelt 111825.pdf](#)
[25-23 AMD SP FP Building Plans 241 Roosevelt 2025 11 7.pdf](#)
[25-23 AMD SP FP PLANS REV 241 Roosevelt 2025 11 6.pdf](#)
[25-23 AMD SP FP Response 241 Roosevelt 2025 11 07.pdf](#)
[25-23 MEMO AC&SR AMD SP FP 241Roosevelt 110425.pdf](#)
[25-23 AMD SP FP PLANS 241 Roosevelt 2025 10 6.pdf](#)
[25-23 AMD SP FP APPL 241 Roosevelt 2025 10 6.pdf](#)

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

- *The required buffer at the rear of the site had been confirmed.*
- *Vehicle parking was along the front of the building.*
- *They had submitted a waiver request for driveway separation because the proposed location represented the safest and best choice.*
- *Buffer yard plantings met the ordinance standards.*
- *The building elevations met the required design standards.*

Amanda Lessard reviewed:

- *The building would require an alarm system, but no sprinklers.*
- *Staff supported the waiver request:*
 - o *Public Works had jurisdiction over the entrance permit.*
 - o *Curb Cut standards allowed reduction of curb cut spacing if the shape of the site didn't allow conformance with the standard.*
 - o *Traffic volume for the use was relatively low.*
 - o *The section of Route 302 was not a high-crash location.*
- *The Board should determine if the existing vegetation met the buffer yard standard.*
- *Outdoor storage was not currently proposed. Doing so would require a modification to the approval.*

Evert Krikken made a motion that the major site plan application for project #25-23 241 Roosevelt Commercial 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 Seconded by Shonn Moulton.

Vote: All in favor.

Public Comment

There was no public comment. Public comment was closed.

Evert Krikken made a motion to approve the waiver request of §120-812(B)(3)(a) Accessway location and spacing for the reduction of the minimum access spacing.

Seconded by Shonn Moulton.

Vote: All in favor.

Board Comment

- *The waiver for the driveway location made a lot of sense.*
- *Existing vegetation in the buffer seemed adequate.*
- *Text of the ordinance didn't allow exclusion of the bicycle rack, although the applicable table did allow that exclusion.*
- *The entrance required several design elements which were not enumerated in the response.*

Consensus of the Board was to not require a bicycle rack.

Evert Krikken made a motion that the major plan application for the #25-23 241 Roosevelt Commercial project at Roosevelt Trail and identified on Tax Map: 10A; Lot: 25A in the Commercial III District (C-3) was to be approved with conditions with the following Findings of Fact, Conclusions, and Conditions of Approval.

NOTICE OF DECISION

FINDINGS OF FACT

Jurisdiction: The Roosevelt Commercial project is classified as an amendment to a Major Site Plan, which the Planning Board is authorized to review and act on by §120-805A(2) (a) of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted a copy of a Warranty Deed from Q Hien, LLC to Lussier Apartments, LLC, dated August 26, 2025, and recorded on August 27, 2025 at the Cumberland County Registry of Deeds in Book 41682 and Page 310.

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 10A Lot 25A is located in the C-3.*
- *The proposed land use, Contractor Services, is permitted use in the C-3 District §120-412B.*
- *Per §120-412E(3) The proposed building will comply with the 60 feet minimum front setback from an arterial street (Route 302) as well as the 10-foot rear and side yards setbacks.*
- *Per §120-412E(4)(c) a minimum buffer is required along the along the street (see Article 5 §120-511 performance standards below for more details).*
- *The property abuts the Farm Zone and according to §120-412F(7) a zoning district boundary buffer is required. See Article 5 §120-511 performance standards below for more details.*

ARTICLE 5 PERFORMANCE STANDARDS

§120-511 – Buffer yards

C(3)(b) All nonresidential uses permitted in the commercial zoning districts and proposed to abut a Residential Zoning District shall use Buffer Yard I along the boundary abutting the Residential Zoning District line, see exhibit below.

C(3)(b) Commercial Districts (C-1, C-2, C-3, C-4, VC and WC Districts): use Buffer Yard

G, see exhibit below.

§120-517 – Contractor services

- *This section regulates types of contractor services to be limited to a single unit, dual-axle vehicles only. The types of vehicles are classified by the Federal Highway Administration as Class 1-5 vehicles.*
- *Storage of materials including machinery, trailer, equipment, and materials must be stored indoors (see §120-519, Contractor storage yard, for standards related to outdoor storage).*
- *Lighting used for security, safety, and operational needs must meet shielding or hooded lighting elements and not inhibit motorists and 0.5-foot candles at the property line.*

§120-706 – Signs permitted in commercial districts

- *(3) One freestanding sign may be affixed to the premises.*

§120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS

§120-812A – Utilization of the Site

- *The subject parcel is approximately 1.25 acres in size, created in 2022 from Lot 10 which had received site plan approval in 2006 for the development of 2 warehouse buildings.*
- *The property has approximately 146 feet of frontage along Roosevelt Trail (Route 302).*
- *The property is currently undeveloped but appears to have trees cleared recently by the previous owner.*
- *No wetlands are shown on the plan.*

§120-812B – Vehicular Traffic

- (1) The site is located on the north easterly side of Roosevelt Trail and abuts another property owned by the applicant.*
- (a) The project is approximately 550 feet north of the new traffic signal at the intersection of Roosevelt Trail and Albion Road. The applicant does not expect to impact any road intersections within a half mile of the project.*
- (b) In the final plan submission, the applicant states that the proposed development is expected to generate 11 trips in the peak hour and 49 trips during a typical weekday. A traffic study is not required as the project is not expected to generate 50 or more trips during either the a.m. or p.m. peak hour, per §120-811B(2)(h).*
- (2) The access shall be designed to have minimum sight distance, according to MDOT and Appendix B Street Design and Construction Standards (710 feet in each direction), to avoid hazardous conflicts with existing turning movements, to avoid traffic congestion, and to prevent queuing of vehicles entering and exiting the site. Site distances over 800 feet in each direction are shown on the final plan.*
 - o The Town Engineer commented on the entrance location shown on the final plan: the driveway needs to meet all the requirements of the Curb Cuts and Driveway Openings ordinance, most specifically §120-522.E and 120-522.F, which reference the requirements in Table 3 of Appendix B of the Land Use Ordinance. These requirements include but are not limited to: 1. Minimum 15' entrance radii, 2. Grade the driveway such that drainage of all surface water from the driveway does not enter the road, and 3. maximum slope of 3% for a minimum of one car length from the edge of pavement. The driveway will need to be shifted westward so the catch basin is not in the entrance.*
 - o The applicant provided a revised plan on November 7, 2025 that addressed all comments.*
- (3) The site is proposed to be accessed through a 24-wide driveway to Roosevelt Trail.*

- (a) Private entrances/exits shall be located in accordance with Table 2 in Appendix B Street Design and Construction Standards. This requirement may be reduced if the shape of the site does not allow conformance with this standard.
- The applicant is proposing to improve an existing curb cut on Roosevelt Trail. There are no records that this entrance was previously permitted. The change of use requires the applicant to acquire, per 120-522C, before the construction activity occurs, an entrance permit from the Town's Department of Public Works.
 - Route 302 in this section has a posted speed of 45 mph, therefore the driveway access must meet a separation requirement of 265 feet in accordance with Table 2 in Appendix B.
 - Following discussion at the development review team meeting the applicant stated existing driveways that are on the same side of the street the distance between the northern edge of the new driveway and the nearest edge of the driveway to the north is approximately 110 feet and the distance between the southern edge of the new driveway and the closest edge of the driveway to the south is approximately 220 feet. There are 2 driveways on the opposite side of the street within 265 feet of our proposed driveway entrance, one has 20 feet of separation to the south and the other has 90 feet of separation to the north.
 - The applicant has requested a waiver from the minimum accessway spacing.
- (b) Private accessways in or out of a development shall be separated by a minimum of 75 feet where possible.
- (c) Accessways shall be aligned with accessways on the opposite side of a public street to the greatest extent possible. There is a mountable concrete median, nearly flush with the pavement, located in the center of Route 302.
- (4) The applicant is a site designed to allow internal vehicular circulation 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 5 parking spaces, including one (1) ADA parking spaces, for the 4,980 sf buildings. Three overhead doors are proposed for the rear portion of the building – one on the front and two on the side.
- (b) All parking spaces, access drives, and impervious surfaces are to be located at least five feet from any side or rear lot line.
- (d) All parking stalls proposed meet the 90 degree parking requirement to be a minimum stall width of at least nine feet zero inches and a stall depth of at least 18 feet zero inch.
- (2) The applicant states that the proposed number of parking spaces is adequate to provide parking and will meet the parking needs of the Contractor service use.

§120-812D – Pedestrian Traffic

- The applicant proposes a Contractor services commercial development, in which pedestrian traffic within or adjacent very rare occur, the proposal does not include walkways or sidewalks along Roosevelt Trail.

§120-812E – Stormwater Management

- (1) The applicant 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. The proposed design includes underdrain soil filter and building drip edge BMPs to treat and detain drainage from the site. The report also includes adequate Inspection, Maintenance and Housekeeping Plan and Erosion Control Plan to meet the Basic requirements of Ch. 500
- (f) Major site plans, regardless of size, shall comply with Sections 4C(2) and 4C(3) of the General Standards of the DEP Chapter 500 Stormwater Management Law.
- o The applicant provided revised plan and response to Town Engineer comments on November 7, 2025 that addressed all comments.

§120–812F – Erosion Control

(2) *The applicant 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

(1) *The building is proposed to be served by a private well. Public water is not available in the public street adjacent to the property.*

- *At the Development Review Team meeting the applicant noted that there is an existing public fire hydrant within 1,000 feet of the building, at Route 302 on the south side of Albion Road, so sprinklers are not required for this buildings by Chapter 70 (but will require a fire alarm system).*

§120–812H – Sewage Disposal Provisions

- *The applicant has provided HHE-200 Subsurface Wastewater Disposal System Application dated October 6, 2025, in which the Site Evaluator has designed a new septic system to serve the shop building with 10 employees each totaling 150 gallons per day. The proposed septic location is shown on the site plan.*

§120–812I – Utilities

- *The proposed building shall be served by underground utility connection (electrical, telephone, and telecommunication services).*
- *A utility and grading plan was provided for the final plan review.*

§120–812J – Groundwater Impacts

- *The proposed wastewater disposal system is not anticipating being a disposal system with a capacity of 2,000 gallons per day (GPD) or more.*

§120–812K – Water Quality Protection

(3) *The site is in the Colley 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

(1) *The proposed Contract services development does not anticipate handling, storing, or using any materials identified by the federal or state as hazardous, special, or radioactive. The applicants have provided a list of any materials that would fit in those categories for the final plan review and have made provision for safe storage and handling of the materials.*

§120–812M – Shoreland Relationship

- *The sites are not located in the Shoreland Zone.*

§120–812N – Technical and Financial Capacity

(1) *The applicant provided an estimate of the project cost of development. The applicant provided a letter from Bangor Savings Bank dated October 3, 2025 stating approval of a loan for this project. The applicant provided Lussier Apartments, LLC's Secretary of State Certificate of Good Standing status.*

(2) *The applicant has hired DM Roma Consulting Engineers for site planning, permitting, and engineering services for the development of the contractor service buildings and site improvements.*

§120–812O – Solid Waste Management

- *To ensure proper disposal, the waste will be stored in a solid waste container in a screened dumpster pad until it can be transported by licensed private waste hauler.*

§120–812P – Historical and Archaeological Resources

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

§120–812Q – Floodplain Management

- *The sites are not located in the mapped FEMA 100–year floodplain hazard area.*

§120–812R – Exterior Lighting

- (1) The applicant provided cut sheets of shielded fixtures to be mounted on the building in the final plan submission. The direct or indirect illumination does not exceed 0.5 footcandles at the lot line or upon abutting residential properties.*
- (2) The applicant shall connect all light poles and other exterior light fixtures underground.*

§120–812S – Noise

- (1) The proposed Contractor service uses 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 a commercial 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)

- *The applicant has provided a landscaping plan, a planting schedule, and has shown location for snow storage areas on the site plan.*
- *The plan shows a location for a dumpster and details for a concrete pad and screening for the dumpster enclosure.*

§120–813 Commercial District Design Standards for Commercial District (In addition to meeting all the Design Standard in the C-3 district, the applicants must comply with a minimum of eight (8) other Design Standards.)

§120–813A – Architecture/Building (Required for Final Plan Review)

- *Required: §120–813A(1): Building style. The building is not a national franchise prototype and is not stylized to the point where it is a form of advertising..*
- *Required: §120–813A(2): Materials. The building will be metal siding with stone veneer on the lower portion.*
- *Required: §120–813A(3): Color. The siding will be dark brown with dark trim.*
- *Required: §120–813A(4): Roofline. The roof pitch is 4/12 and the roofline is broken up through the installation of cupolas. No mechanical equipment will be mounted on the roof.*
- *Required: §120–813A(5): Facades. The building's front façade will be facing Roosevelt Trail. The final plan submission states front façade has 45.1% transparent openings. The building length is 80ft and incorporates an eyebrow roof projection.*
- *Required: §120–813A(6): Building style coordination (multi–building). There is only one building on the site; this section is not applicable.*
- *Required: §120–813A(7): Building entrance shall be clearly defined and highly visible. The building is designed with an overhang porch roof over the main entrance for clear definition.*
- *Required: §120–813A(8): Architectural details. The architectural detailing and trim are proportional to the scale and design of the building.*
- *Optional: §120–813A(9): LEED certification.*

§120–813B – Site/Parking

- *Optional: §120–813B(1): Parking Location: The proposed parking is located at the side and rear of the proposed building.*
- *Optional: §120–813B(2): Internal Traffic Flow. The parking lot will be paved and striped with white reflective pavement marking so that parking spaces and drive aisles are clearly identified.*
- *Optional: §120–813B(3): Interconnected parking lots.*
- *Optional: §120–813B(4): Orientation of Building.*
- *Optional: §120–813B(5): Screening, parking.*
- *Optional: §120–813B(6): Screening, Utility, and Service Areas. The dumpster will be screened with fencing and is located behind the building so will be shielded from view.*
- *Optional: §120–813B(7): Parking Lot Landscaping.*
- *Optional: §120–813B(8): Low Impact Stormwater. The stormwater basin has been designed utilizing low impact development technique's to provide stormwater attenuation on-site and provide water quality treatment through filtration.*
- *Optional: §120–813B(9): Shared Stormwater Treatment.*

§120–813C – Landscaping/Lighting

- *Optional: §120–813C(1): Lighting/Photometric Plan.*
- *Optional: §120–813C(2): Lighting Coordinated with Architecture. The proposed light fixtures will provide illumination under the entries and over the doorway and will compliment the architecture of the building.*
- *Optional: §120–813C(3): Lighting Coordinated with Landscaping. The proposed building mounted lighting will not be obscured by mature growth of landscaping on the property, and will not result in eventual dark spots.*
- *Required: §120–813C(4): Existing Trees Preserved. The 50-foot buffer of natural woodland will be preserved along the rear portion of the lot.*
- *Required: §120–813C(5): Snow Storage Areas Designated. Snow storage areas are shown on the plan.*
- *Optional: §120–813C(6): Planting variety.*
- *Optional: §120–813C(7): Planting suitability. The chosen plant species required a low degree of maintenance and are suitable for Maine climate conditions.*
- *Optional: §120–813C(8): Mass plantings.*
- *Optional: §120–813C(9): Illumination levels. The light fixtures installed on the building will be in scale with the site and building development. The illumination levels are appropriate for the site and use.*

§120–813D – Bicycle/Pedestrian

- *Optional: §120–813D(1): Continuous internal walkways.*
- *Optional: §120–813D(2): Links to community.*
- *Optional: §120–813D(3): Outdoor activity.*
- *Optional: §120–813D(4): Sidewalks and planted esplanades.*
- *Optional: §120–813D(5): Crosswalks for sidewalks.*
- *Optional §120–813D(6): Bicycle parking and racks.*

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.

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.

14. All freshwater wetlands within the proposed site 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.

APPROVED WAIVERS

1. On November 24, 2025 the Planning Board approved the waiver of §120-812(B)(3)(a) Accessway location and spacing for the reduction of the minimum access spacing.

Motion: Made by E. Krikken, seconded by S. Moulton, and approved unanimously (7-0).

CONDITIONS OF APPROVAL

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated September 2, 2025 as amended November 20, 2025 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board. Any variation from such plans, proposals, supporting documents, and representations is subject to review and approval by the Planning Board or the Town Planner in accordance with or §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. The development is subject to the following Article 12 Impact Fees, to be paid with the issuance of new building permits for new use: 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, Section 120-1201C.

4. Contractor vehicles are limited to single-unit, dual-axle vehicles only. These vehicle types are classified by the Federal Highway Administration as Class 1-5 vehicles.

5. Storage of materials including machinery, trailers, equipment, and materials must be

stored indoors unless the applicant obtains approval for a contractor storage yard that demonstrates compliance with applicable performance standards for outdoor storage of materials.

Seconded by Kathleen Brown.

Vote: All in favor.

Continuing Business

5. [PB 25-068](#) #25-16 - Meredith Woods Subdivision - Major Subdivision - Preliminary Plan Review - Meredith Drive - Meredith Way, LLC
- The application is to develop a 5-lot conservation subdivision with a paved minor private road 810 feet in length. Lots will range in size from 30,047 SF to 32,227 SF, with the remaining 19.62 acres as open space. Lots will be served by private subsurface wastewater disposal systems, public water and underground utilities. Subject property is identified as Tax Map: 6; Lot: 38-E02; Zone: Farm (F) and Stream Protection (SP) in the Black Brook watershed.

Attachments: [25-16 MeredithWoods_PB_MEMO_MJR_SUB_PP_112025.pdf](#)
[132091A_Windham_DR_Meredith_Drive_PBR_2025-11-07.pdf](#)
[25-16_MJR_SUB_PP&FP_AC&SR_MEMO_MeredithWoods_103025.pdf](#)
[25-16_MJR_SUB_PP&FP_Response_Meredith_Woods_10192025.pdf](#)
[25-16_MJR_SUB_PP&FP_APPL_Meredith_Woods_10062025.pdf](#)
[25-116_MJR_SUB_PP&FP_PLANS_MeredithWoods_10062025.pdf](#)

Steve Roberge, from SJR Engineering, was present representing the application.

- *Their stormwater information had been clarified.*
- *They did not yet have their Ability to Serve letter from Portland Water District.*

Amanda Lessard explained:

- *Outstanding staff comments had been addressed.*
- *The Ability to Serve letter from Portland Water District was required for completeness of the application. It could not be a condition of approval.*
- *The Permit by Rule application had been reviewed by the Town's review engineer and found to be complete.*
- *There was not adequate room for stormwater treatment of Monty Way. The water would flow into the open space of Mystic Woods, the abutting subdivision. The buffers would need to be marked and managed by the homeowner's association into the future to meet the ordinance requirement.*
- *The road existed as it was because of a Planning Board requirement at a previous application.*

Evert Krikken made a motion to approve the waiver request of §120-911J(4) Stormwater Management DEP Chapter 500 General Standards, for the stormwater treatment of a portion of development of the road through the Mystic Woods Subdivision.

Seconded by Shonn Moulton.

Vote: *All in favor.*

Evert Krikken made a motion that the Major Subdivision preliminary application for project #25-16 Meredith Woods Subdivision development identified on Tax Map: 6; Lot: 38-E02; Zone: Farm (F) and Stream Protection (SP) 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 Meredith Woods Subdivision project is classified as a Major Subdivision, which the Planning Board is authorized to review and act on by §120-903 of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted a copy of a Warranty Deed between Darryl Jon Hawkes and Meredith Way, LLC dated February 28, 2025, and recorded on March 3, 2025, at the Cumberland County Registry of Deeds in Book 41309 and Page 342.

ARTICLE 4 ZONING DISTRICTS

- *As shown on the Town of Windham Land Use Map approved by the Town Council, date April 9, 2024, Tax Map: 6; Lot: 38-E02; is located in Farm (F) zoning district and Stream Protection (SP) shoreland zoning district governed by the provisions of Chapter 185, Shoreland Zoning.*
- *The applicant's sketch plan shows a 5-lot subdivision with lots ranging in size from 30,047 SF to 32,227 SF, exceeding the minimum lot size for conservation subdivisions lots connected to public water in the Farm (F) zoning district, per §120-406E(1)(b).*

ARTICLE 5 PERFORMANCE STANDARDS

§120-511 – Buffer yards

C(3)(f) Buffers along streets. Farm and Farm Residential Districts: agriculture and forestry uses and lots created as part of a residential subdivision approved after July 9, 2020 are not subject to this standard.

§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 property has 23.64 acres (Lot 2) or 1,029,952 SF and 31,434 (R/W) exceeding the minimum lot size in the Farm (F) zoning district, per §120-406E(1).*
- (a) *The applicant provided a net residential density calculation by deducting 51,046 SF of road R/W, 67,649 SF of steep slopes, 40,146 SF within the 100-year floodplain and 131,120 SF of wetlands for the net area of 771,415 SF. The net residential density is 60,000 SF, equaling 12.9 dwelling units.*
- (b) *The five (5) proposed single-family lots side lot lines are perpendicular to the proposed roadway.*

- (e) *The E-911 Addressing Officer has assigned lot numbers and a street name, Monty Way, which are shown on the plan.*
- (2) *The plans show where the proposed utilities will be located and shall be installed underground.*
- (3) *The plans show the location of the proposed subdivision monuments.*

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

- (3) *The applicants have shown connection with the public water system on the provided subdivision plan, from the end of the water main in Meredith Drive, extending the main to serve the lots on Monty Way. A new fire hydrant is proposed to be installed at the end of Monty Way, which is less than 1,000 feet from all homes in the subdivision. At the Development Review Team meeting, the Fire Chief requested a hydrant located at Lot 1 or 5.*
 - *For the final plan review, the applicant shall provide an “Ability to Serve” letter from the Portland Water District.*

§120-911C - Erosion Control and sedimentation control

- *The applicant provided a report of the wetlands depicted on the Meredith Woods Subdivision dated July 22, 2025 prepared by licensed site evaluator and geologist Mark Censi with a finding that the wetland locations and totals from that plan are accurate and unchanged. No wetlands are proposed to be altered for the development.*
- (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.*
- (2) *The plan was developed by Maine licensed professional civil engineer stating that the plan will prevent soil erosion and sedimentation from entering water bodies, wetlands, and adjacent properties.*
- (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.*

§120-911D – Sewage disposal

- (2) *The applicant provided a preliminary soils and wastewater disposal investigation dated July 21, 2025 prepared by licensed site evaluator Mark Censi with a finding that a suitable site for first-time single-family home wastewater disposal was found and located on each of the five lots. Test pit locations are shown on the plan.*

§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 Meredith Drive. Excepting for the development of the road R/W, the development is over 600 feet from existing development, preserving the natural beauty and aesthetics of the Mystic Woods Subdivision open space.*
 - (a) *The preliminary plan includes a note prohibiting 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 must provide a 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. The Plan and Profile Monty Way Sheet 3 revised August 31, 2025 shows a row of arborvitae along Monty Way adjacent to the two existing lots on Meredith Drive, 2 street trees on each new lot, and comments that if available trees are located in the correct position and grade in the ROW through the Mystic Woods subdivision, the Owner would like to keep them, but these would be a rare circumstance. (2) The final plan identifies areas of open space and the condominium association documents identifies that the association is responsible for the common areas that includes the open space.

§120-911F – Conformance with Land Use Ordinances

Comprehensive Plan:

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

Land Use Ordinance, Chapter 120:

- There is a net residential density in the Farm zoning district of 60,000 SF.

Subdivision Ordinance, Chapter 120 Article 9:

- Standard notes, the standard conditions of approval, and approved waiver must be shown on the plans.
- Per §120-913B(3)(d) the plan includes a note that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.
- A digital transfer of 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 single-family dwelling. 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 provided a cost estimate for the construction of the subdivision infrastructure and a letter from Camden Savings Bank has a deposit relationship with the applicant, but it does not constitute a commitment to finance the development.

(1) The applicant has provided evidence of technical capacity. The applicants have contracted SJR Engineering, Inc. to manage the permitting and design of the development.

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

(1) The lots in the subdivision will have individual private septic systems designed to comply with the Maine subsurface wastewater disposal rules and shall not increase any contaminant concentration in the groundwater and shall meet the State's drinking water standards.

(2) The subdivision is proposed to be served by public water and shall not result in water table drawdowns beyond the subdivision boundaries.

§120-911I – Floodplain Management

- The subject property is within a mapped FEMA Floodplain boundary. The mapped floodplain is located adjacent to Black Brook and is in the designated open space. No development is proposed within the floodplain.

§120-911J – Stormwater

(1) Stormwater management for subdivisions shall incorporate appropriate treatment measures for water quantity and quality to meet the requirements specified below for development of the lots as well as the infrastructure to support the project. Each

application shall include, for each lot, maximum developed area, disturbed area, and impervious area, as those terms are defined in DEP Chapter 500, Stormwater Management.

- o The Stormwater Management Plan included with the preliminary plan submission proposes to manage stormwater runoff from the road through the open space via level lip berms and within the road R/W to a soil filter on Lot 5. The soil filter basins will return stormwater runoff to pre-development levels while also treating water quality. Buildings will have roofline drip edges. The plan also included a stormwater maintenance and inspection plan.

- The development will require a Permit-by-Rule (PBR) issued under Chapter 500 of the Stormwater Management Law and a Maine Construction General Permit (MCGP) from Maine DEP.

- The Town has delegated DEP Stormwater Capacity. A Stormwater Permit by Rule application was reviewed by Gorrill-Palmer on November 7, 2025 and found to meet the standards of MaineDEP's Chapter 500.

- The responsibility of maintaining the stormwater management system will be assigned to the future Homeowner's Association, as per §120-911N.

- The Town Engineer reviewed the preliminary and final plan submission and the applicant's October 19, 2025 response and provided the following comments:

- o A table on the Subdivision Plan listing the developed and impervious areas on each lot and the response from the applicant clarifies the Stormwater Quantity/Quality treatment on the 75/50% linear portion of the project vs. 95/80% treatment on the rest of the project.

- o The response includes an updated HydroCAD analysis that shows that the post-construction stormwater peaks flows are less than preconstruction stormwater flows at all Design Points except for the 2-yr storm at Design Point for the 2-yr storm, but considering the flow is only 0.08 CFS (4%) higher than predevelopment, and it flows into a wetland, I consider this de-minimis.

- o Sheet 3 and the proposed Condition Watershed Plan (WS-2) have notes indicating "100' flow path Forested Buffer", but the plans don't clearly outline the buffer area that needs to be preserved as Forested Buffer. the plan submitted as part of the response package still doesn't define the required buffer dimensions on the plan to meet the Ch. 500 Buffer BMP requirements. I agree that in practical terms the forested area acts as a buffer that will adequately treat stormwater dispersed by the level spreaders, but in order to meet the Maine DEP Ch. 500 Buffer BMP requirements, the area must be deed restricted to be dedicated to stormwater treatment. I see that you have submitted a waiver request from the Ch. 500 General Standards for treatment referenced in Town Ordinance 120-911J(4). I support this waiver request since the stormwater flow from along the majority road will be attenuated by level spreaders and discharged to a wooded area that is not currently or in the foreseeable future able to be developed.

§120-911K – Conservation Subdivision

(1) The applicant is proposing to develop the conservation subdivision to set aside a significant portion of the site as open space by grouping the dwelling units closer with access to a minor private road with 50-foot rights-of-way (ROW). The applicant is proposing to reduce the lot size to approximately +30,000 SF with 100-feet of street frontage (50 feet on the cul-de-sac).

- Per §120-911K(3)(a)[2], the applicant has provided the site analysis plan as a base for an existing resource inventory of the primary conservation resource element on the site. The sketch plan shows the primary conservation resource as the wetlands, and floodplain and steep slopes and wetland adjacent to Black Brook. The applicant has preserved the highest-value natural resource.

- No secondary conservation resource are shown on the site analysis plan, per §120-911K(6)(c)[2].

- The plan shows 100-foot building setbacks from primary conservation areas and 50 feet from secondary conservation areas, per §120-911K(3)(c).
- The applicant is providing 854,998 SF, of total open space on the 25.45-acre site.
- The applicant proposes to most of the reserved open space adjacent to Black Brook (734,575 SF), per §120-911K(3)(d).
- The applicant is also providing a smaller open space area (120,423 SF) that includes wetlands adjacent to the Mystic Woods opens space. The size of this area exceeds 10,000 square feet in area per §120-911K(3)(b)[4].
- Per §120-911K(3)(c)[3] the 50 foot buffer from the external perimeter of the property line is not part of the open space as the area is not a primary or secondary conservation area delineated in accordance with §120-911K(3)(a). A notes is on the plan requiring that the buffers shall be permanently marked prior to the start of construction. The applicant should also provide a draft of deed restrictions for buffer areas. See Condition of Approval #5.
- The use of the open space shall not be for commercial or private clubs, but to be used by the homeowner's association.
- For the final plan review, a trail system to be created within the open space shall be shown on the plan, per §120-911K(3)(e).

§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 submitted a traffic assessment that indicates that the subdivision will generate 5 trips in the PM peak hour and 50 trips during a typical weekday. Since the expected traffic does not exceed 140 trips per day, a traffic impact analysis per § 120-910C(3)(e) is not required.
- In accordance with § 120-911M(5)(b)[7], subdivisions with 31 or more units shall have a minimum of 2 connections of the subdivision street with an existing public street. The applicant proposes 5 units, which in addition to the Lampron Subdivision (2) and Mystic Woods Subdivision (23), totals 30 units and does not require an additional connection to an existing public street.
- The applicant is proposing to exceed the Town's "Minor Private Road" standards found in Appendix B.
 - o The proposed plan is to build a 810-foot private road with a 50-foot-wide R/W and cul-de-sac at the end. The private road note of §120-911M(5)(a)[5][e] is shown on the plan.
 - o The town's road standards call for a 9-foot-wide gravel road with 2-foot graveled shoulders on each side of it. The applicant also proposes the addition of a hot bituminous pavement surface.
 - o The applicant will be required to obtain a street opening permit from the Department of Public Works. Meredith Drive was paved in November 2022 and is under moratorium and will require additional restoration for street openings.
 - o The homeowner's association will maintain the R/W road once the subdivision is completed.
- The sketch plan shows a right-of-way easement equal to the abutting property to provide continuation of the road where future development is possible, per §120-911M(5)(b)[5][c].
- At the Development Review Team meeting, staff discussed the condition of Barnes Road and that the schedule for the Town to overlay the roadway may be delayed until this development is completed. The developers of the Mystic Woods Subdivision and Valley View Subdivision (Twoey Drive) provided cash contributions to the Town in 2017 towards the cost to overlay Barnes Road. At the July 14, 2024 Planning Board meeting the Board did not find that this development requires any offsite improvements to Barnes Road.

§120-911N – Maintenance of common elements.

- The applicant provided draft homeowners association declaration of covenants, bylaws, and articles of incorporation of the Monty Way Association that have been reviewed and revised by the Town Attorney.*

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/will not provide for adequate stormwater management.*
- 12. The proposed location and height of buildings or structure walls and fences, parking, loading, and landscaping shall be such that it will not interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value.*
- 13. On-site landscaping does provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.*
- 14. All freshwater wetlands within the proposed subdivision have been identified on the plan.*
- 15. Any river, stream, or brook within or abutting the subdivision has been identified on any maps submitted as part of the application.*
- 16. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, §480-B, none of the lots created within the subdivision does not have a lot-depth to shore frontage ratio greater than 5 to 1.*
- 17. NOT APPLICABLE: The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.*
- 18. NOT APPLICABLE: For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.*
- 19. NOT APPLICABLE: The timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, §8869, sub§14.*

CONDITIONS OF APPROVAL

1. *Approval is dependent upon and limited to the proposals and plans contained in the application dated June 23, 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 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 homeowners' association documents shall be 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 lots shall be sold in the subdivision prior to recording and all deeds shall reference the declaration establishing the homeowners' 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 expanded 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.*
5. *Before issuing building permits the applicant or builder must have the town engineer verify that the 50-foot conservation subdivision exterior boundary buffer line is pinned, staked, or fenced in the field.*

Seconded by Shonn Moulton.

Vote: All in favor.

New Business

6. [PB 25-077](#) #25-27 100 River Road Subdivision Major Subdivision - Sketch Plan Review - 100 River Road - Row Even, LLC
The application is to develop a 17-lot conservation subdivision on 33.68 acres with a new road built to public standards. Lots will be 30,000 square feet, with the remaining 19.54 acres as open space. Lots will be served by private subsurface wastewater disposal systems, on-site wells and underground utilities. Subject property is identified as Tax Map: 1; Lots: 8 (portion), 8-1, 8-2, 9; Zone: Farm (F) and Resource Protection (RP) in the Presumpscot River watershed.

Attachments: [25-27 100RiverRdSub_PB_MEMO_MJR_SUB_SKP_112025.pdf](#)
[25-27_MJR_SUB_SKP_PLAN_100_River_Rd_2025_11_18.pdf](#)
[25-27_MJR_SUB_SKP_APPL_100_River_Rd_2025_11_3_R.pdf](#)
[25-27_PublicComment_Pock_11-16-25.pdf](#)
[25-27_PublicComment_Amidon_11-18-25.pdf](#)
[25-27_PublicComment_Amidon_11-20-25.pdf](#)
[25-27_PublicComment_Fortier_11-24-25.pdf](#)

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

- *They were proposing a lot split which would divide off the existing dwelling units. The proposed subdivision would be on the remaining land. The lot split had not yet occurred.*
- *There were two streams, and wetlands on the property, which had been mapped and classified. Crossings of one stream and one wetland were proposed.*
- *Most of the property that was located across the Mountain Division Trail was in resource protection. They had discussed incorporation of it as part of the open space. Calculations came up short of the required open space. They may need a waiver.*
- *The proposed road would be about 2,000 feet long. They may need a waiver for location of one hammer-head turn around.*
- *The diameter of the cul-de-sac had been increased, based on Public Works input.*
- *They intended to submit the road to the town for public acceptance.*
- *Site distance on River Road was adequate.*
- *The town had requested consolidation of one curb cut on the existing lot.*
- *A Site Location permit would be required from DEP.*
- *A light would be located at the road intersection with River Road.*

Amanda Lessard explained:

- *Setbacks around the primary and conservation areas should be designated before developable area was defined.*
- *The town had jurisdiction for the entrance permit.*
- *Lot 9, across the railroad tracks, would need to be considered as part of the subdivision if it was to be part of the subdivision.*
- *Some written public comment had been received.*

Board Comment

- *The item labeled Open Space One was too small to be considered open space.*
- *Lot 11 appeared within the 100 foot boundary for a stream.*
- *What percentage of the lot would be developed?*

Other Business

7. Adjournment

Shonn Moulton made a motion to adjourn.

Seconded by Kathleen Brown.

Vote: All in favor.