

PLANNING BOARD MEMO • AMENDED SUBDIVISION • FINAL PLAN REVIEW

DATE: June 5, 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: #24-28 – Minor Subdivision – Franklin Drive Subdivision – 20 Franklin Drive – Final Plan Review – New Gen Estates, LLC

Planning Board Meeting: June 9, 2025

Overview –

The application is proposing to revise the design of the extension of Franklin Drive approved by the Planning Board on January 13, 2025, to reduce the roadway width and replace the cul-de-sac with a “T” turnaround. The stormwater management plan is also proposed to be modified to match the road changes. The subject property is identified as Tax Map: 18; Lot: 26-2-A; Zone: Commercial 1 (C-1) and located in the Chaffin Pond/Little Sebago Lake watershed.

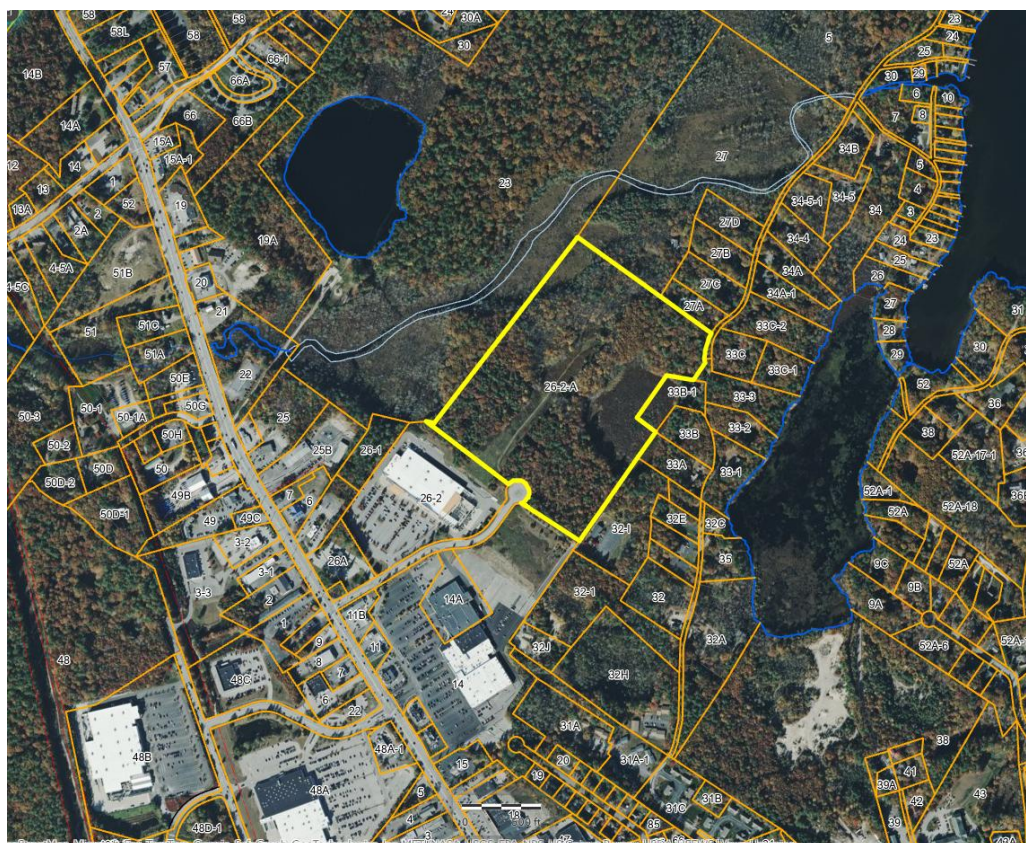


Figure 1: Aerial View of the subject parcel relative to surrounding properties and street network.

Review History

The Franklin Drive Subdivision, a minor subdivision of four lots for future commercial and residential uses on the property 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. The Planning Board granted a waiver from [§120-911M\(5\)\(b\)\[8\]](#), street construction practices, to allow an increase in the Commercial Street Standards pavement width to exceed 38-feet and the traffic lanes to be greater than 11-feet regarding the construction of Franklin Drive extension to serve the subdivision. This allowed the extension of Franklin Drive to be constructed to the same standard as the existing Franklin Drive.

Since the approval of the subdivision, the Maine Department of Transportation has advanced the design plans for the North Windham Moves project. Following consultation with the Town, the intersection of the proposed Eastern Connector (Veteran's Memorial Drive) is planned to be a roundabout rather than a T-intersection. This intersection configuration allows the Franklin Drive Subdivision to propose a narrower road that is consistent with the C-1 Commercial Street Standard.

Planning Board Review Authority

The Planning Board's review authority is governed by [§120-913A](#), which stipulates that the Board must make findings of fact to determine whether the proposed revision meets the criteria outlined in [30-A M.R.S.A. §4404](#). Under [§120-913B\(2\)](#), the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval shall be followed. The application must include sufficient supporting information to demonstrate that the proposed revisions satisfy the standards of Article 9 and the relevant State subdivision statutes. The revised plan must clearly indicate it is a revision of the previously approved and recorded plan, as required by [§120-913B\(3\)](#).

Per [§120-913B\(4\)](#), the Planning Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.

SUBDIVISION REVIEW

PLEASE NOTE: The staff memo is a reference guidance document, and suggested topics for board discussion are listed; ~~the strikethrough text is items that are no longer applicable since the last review;~~ plain underlined text are that are changes since the Planning Board memo dated January 7, 2025; and *italic text is for information or previously reviewed and/or approved items.*

Staff Comments:

1. Complete Application:

MOTION: [I move] the Amended Minor Subdivision application for project #24-28 Franklin Drive Subdivision 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-

Waivers: 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).*

a) §120-911M(5)(b)[5][b] Cul-de-sac turnaround requirement.

The applicant is requesting a waiver from installing a cul-de-sac turnaround at the dead-end of a public street because a T-turnaround will reduce the impacted area at the end of the Franklin Drive right-of-way adjacent to the open space area and a significant vernal pool on the subject property.

The staff support the waiver because of the reduced environmental impacts still allow for adequate movement of public works maintenance and public safety vehicles.

MOTION: [I] move to approve the waiver of §120-911M(5)(b)[5][b] Cul-de-sac turnaround requirement, to allow the construction of a T-turnaround at the end of Franklin Drive public way.

b) §120-911M(5)(b)[8] Street construction practices.

The Commercial Street standard in Appendix B requires a 50-74 ft. right-of-way with a maximum pavement width of 38-ft., 10-11 ft. traffic lane width, 7-8 ft. parking lane width, and a verge with a minimum margin of 8-ft. that includes a sidewalk, planters, and furnishings. The applicant proposes a street in a 50 ft ROW with 38 feet wide pavement (10 ft traffic lanes and 9 ft parking lanes), a 6 ft sidewalk and a 10' adjacent easement that includes street trees.

The staff support the waiver

MOTION: [I] move to approve the waiver of §120-911M(5)(b)[8] Street construction practices to allow the construction of the proposed commercial street section that includes 9 foot wide parallel parking spaces, 6 foot wide sidewalks and street landscaping within easement adjacent to the Franklin Drive right-of-way.

2. Public Hearing: The Board will hold a public hearing on January 13, 2025. A public hearing is not required for an amended subdivision.
3. Site Walk: The Board conducted a site walk on November 23, 2024. A site walk is not required for an amended subdivision.

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

MOTION: [I move] the Amended Minor Subdivision application for the #24-28 Amended Franklin Drive Subdivision identified on Tax Map: 18; Lot: 26-2; Zone: Commercial I (C-1) 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 Subdivision project is classified as a Minor Subdivision, which the Planning Board is authorized to review and act on by [§120-903A](#) 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.

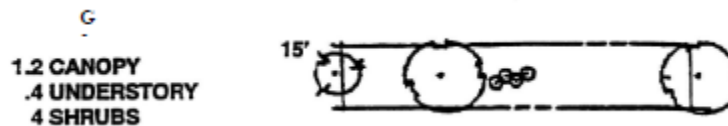
ARTICLE 4 ZONING DISTRICTS

- As shown on the Town of Windham [Land Use Map](#) approved by the Town Council, date April 9, 2024, Tax Map: 18; Lot: 26-2.
- The property is located in Commercial I (C-1) zoning district.

ARTICLE 5 PERFORMANCE STANDARDS

§120-511 – Buffer yards

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



§ 120-911 - SUBDIVISION PERFORMANCE STANDARDS

§ 120-911A – Basic Subdivision layout

(1) The parcel meets the Commercial I (C-1) zoning district dimensional standards, per §120-410E

- The property is 38.59 acres in size.
- The applicant has shown all required setbacks and street frontage, see sheet C-101 of the plan set.
- The C-1 district does not have a net residential density standard.
- All utility connections (water, sewer, electric, telephone, and telecommunication services) will be located underground. A utility and grading plan will be submitted for see sheets C-201 and C-301 of the plan set.

- The assigned lot numbers should be shown on the Plan (all TM 18): Lot 1 is Lot 26-2-A01, Lot 2 is Lot 26-2-A01, Lot 3 is Lot 26-2-A03, and Lot 4 is Lot 26-2-A04.

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

- All lots will be served by public water.
- The applicant has not applied for the construction of any buildings which required water with the minor subdivision. Any future uses requiring water flow will be required to provide an “Ability to Serve” letter from the Portland Water District (PWD) confirming adequate supply and pressure.

§ 120-911C - Erosion Control and Impact on Water Bodies

- A soil erosion and sediment control plan has been submitted as part of the stormwater.

§ 120-911D – Sewage disposal

- The proposed subdivision will connect to the public sewer system managed by the Portland Water District (PWD).
- The applicant has not applied for the construction of any buildings which required water with the minor subdivision application. Future development and uses will need to comply with the Town of Windham's sewer extension standards, ensuring that all lots within the subdivision are serviced by the public sewer. Coordination with the Town and PWD will be essential to ensure all regulatory requirements are met, including any necessary permits for the sewer extension.
- The applicant has not applied for the construction of any buildings which required water with the minor subdivision. Any future uses requiring water flow will be required to provide an “Ability to Serve” letter from the Portland Water District (PWD) confirming adequate supply and pressure, including any requirements for infrastructure extensions or upgrades.
- Erosion control measures will be required during the construction of the sewer lines to prevent contamination of nearby wetlands and the vernal pool.

§ 120-911E – Impact Natural Beauty, Aesthetics, Historic Sites, Wildlife Habit, Rare Natural Areas, or Public Access to the Shoreline

- A landscaping plan is provided in the plan set and found on sheet L-100.
- The final plan shows the limits of tree clearing, and a note will be added to state that no clearing is allowed in designated areas for five years from the date of Planning Board approval.
- The project area includes a vernal pool and wetlands that have been identified as environmentally sensitive. The applicant has provided narrative (see attached file; 24-28_MNR_SUB_FP_REV_APPL_FranklinDriveSub_010825.pdf, Section 7), reviewed by the Town Engineer and Environmental and Sustainability Coordinator, identifying measures to protect these areas, ensuring minimal disturbance. A buffer zone will be maintained around the vernal pool and wetland areas, as required by local and state regulations.
- The amended subdivision plan reduces the vernal pool terrestrial habitat impacts.

§ 120-911F – Conformance with Land Use Ordinances

Comprehensive Plan:

- The subdivision is consistent with the goals of the 2024 Comprehensive Plan, which encourages mixed commercial and residential development in the North Windham Growth Area.

Land Use Ordinance:

- The development includes the extension of Franklin Drive by approximately 390 feet, with Lot 4 having frontage and access from Sandbar Road. The project meets the minimum setback requirements outlined for the C-1 Commercial District.
- The subdivision is located within the C-1 zoning district, where both commercial and residential uses are permitted
- There is no net residential density standard in the C-1 zoning district, meaning the subdivision complies with the zoning requirements for this area.

Subdivision Ordinance:

- A landscaping plan has been submitted see sheet L-100.
- Standard notes and the standard conditions of approval must be shown on the final plans.
- A digital transfer of the subdivision plan data must be submitted with the final plan for inclusion in the Town's GIS system.

§ 120-911G – Financial and Technical Capacity

- (1) For final plan review, the applicant has estimated the cost of development at \$660,000 and will finance by the applicant's cash position.
- (2) The applicant has provided technical capacity with development experience and has completed multiple housing and hospitality developments in other communities in southern Maine. The project team is comprised of Sebago Technics, a multi-disciplinary engineering firm with 40 years of experience. They offer a wide range of services, including land development design, landscape architecture, planning, engineering, permitting, land surveying, traffic analysis, environmental consulting, construction management, and soil science.

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

- (1) The development will be connected to public water and public sewer, so no significant impact on groundwater quality or quantity is anticipated.
- (2) There is no reliance on private wells or groundwater extraction, which further reduces the potential for any adverse groundwater impacts

§ 120-911I – Floodplain Management

- The property does not lie within a special flood hazard area as delineated by FEMA.

§ 120-911J – Stormwater

- The Town Engineer has reviewed the applicant's responses to his comments, see attached file; 24-28_MNR_SUB_FP_RESPONSE_FranklinDriveSub_010825.pdf), and is satisfied the proposed stormwater management system complies with MDEP Chapter 500 standards.

- The amended subdivision plan reduces developed and impervious area of the extension of Franklin Drive. A revised stormwater management report that complies with Chapter 500 was submitted that modifies the stormwater management to match the road changes.

§ 120-911K – Conservation Subdivision

- The project is not located in Farm (F), Farm Residential (FR), or in the Medium-density Residential (RM) zoning districts.

§ 120-911L – Compliance with Timber Harvesting Rules

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

§ 120-911M – Traffic Conditions and Street

- The proposed development includes a four-lot subdivision, which is not expected to generate significant traffic volumes.
- Future development within the subdivision will be subject to additional traffic reviews, and a traffic impact study will be required for any further significant commercial or residential developments.
- Coordination with the Town and Park Department is ongoing regarding the existing pedestrian trail system. The subdivision may include provisions for improved public access or integration with the local trail network.
- The subdivision will extend Franklin Drive by approximately 390 feet to provide access to three lots, and Lot 4 will have access from Sandbar Road.
- ~~• The Town Engineer has reviewed and confirmed that the road design complies with Town standards, including street widths, turning radii, and emergency vehicle access.~~
- The proposed street will be a public street.
- The amended subdivision plan revises the Franklin Drive cross section to comply with the Commercial Street Standard in Appendix B and provide a T-turnaround. The applicant has requested waivers from §120-911M(5)(b)[5][b] Cul-de-sac turnaround requirement, to allow the construction of a T-turnaround at the end of Franklin Drive public way and §120-911M(5)(b)[8] Street construction practices to allow the construction of the proposed commercial street section that includes 9 foot wide parallel parking spaces, 6 foot wide sidewalks and street landscaping within easement adjacent to the Franklin Drive right-of-way.

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 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.
12. On-site landscaping **does** provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.
13. All freshwater wetlands within the proposed subdivision **have** been identified on the plan.
14. Any river, stream, or brook within or abutting the subdivision **has** been identified on any maps submitted as part of the application.
15. The proposed subdivision **will** provide for adequate stormwater management.
- ~~16. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in [Title 38, §480-B](#), none of the lots created within the subdivision **has/does not have** a lot depth to shore frontage ratio greater than 5 to 1.~~
17. The long-term cumulative effects of the proposed subdivision **will not** unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
- ~~18. 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.~~
19. 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 September 30, 2024, as amended June 5, 2025 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board. Any variation from such plans, proposals, supporting documents, and representations is subject to review and approval by the Planning Board or the Town Planner in accordance with [§120-912](#) 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. 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.
4. Prior to any land use activities on Lots 1, 2, 3, and 4, subdivision and site plan Planning Board or Staff Review Committee approvals are required.