



Town of Windham
Planning Department
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October 24, 2024

Mr. Peter Gilman
PTG Properties Inc.
75 Lockland Drive
Windham, ME 04062

Re: #24-13 – Notice of Decision – Cross Ridge Subdivision – Lockland Drive and Flintlock Drive –
Final Plan Review – PTG Properties Inc.

Dear Mr. Gilman,

I am writing to confirm that the Planning Board has approved the Major Subdivision for project #24-13 – Cross Ridge Subdivision. The properties are identified as Tax Map: 22; Lot: 20-5, 23-3, 23-3B, 23-6, 23-7, 23-8, 23-9, 23-10, 23-11, 23-12: Zone: Farm Residential (FR) zoning district in the Pleasant River watershed.

I am pleased to inform you that the Planning Board has given its approval to the Major Subdivision. The approval was granted with a vote of 6 to 1 (A. Daigle Opposed) during the meeting that took place on October 7, 2024. The motion was proposed by E. Krikken and seconded by S. Moulton.

Be advised that in accordance with [§120-916](#) of the Land Use Ordinance an appeal of any order, relief or denial made by the Board may be taken by any aggrieved party to the Superior Court within thirty (30) days pursuant to Maine Rules of Civil Procedure 80-B.

Per [§120-912G](#) of the Land Use Ordinance states if an approved plan is not recorded in the Registry of Deeds within three (3) years of the original approval, it shall become null and void. Please update the subdivision recording plan with the six conditions of approval, located on the last page document. Send the revised sheet to be signed by the Planning Board for recording in the Cumberland County Registry of Deeds.

Sincerely,

Marge Govini
Planning Board Chair

Enclosure: Findings of Fact, Conclusions, and Conditions of Approval
Cc: Dustin Roma, DM Roma Consulting Engineers, Agent
J. Rioux, Director of Code Enforcement
M. Arienti, Town Engineer
L. Fisher, Planning Assistant

NOTICE OF DECISION

FINDINGS OF FACT

Jurisdiction: The Cross Ridge Subdivision project is classified as a Major Subdivision, which the Planning Board is authorized to review of the 26 acre property and act on by [§120-905A\(2\)](#) of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted:

- Warranty Deed between Peter Gilman and Tammy and Anna Gilman, dated May 5, 2011, and recorded on May 5, 2011, at the Cumberland County Registry of Deeds in Book 28682 and Page 130,
- Warranty Deed between Peter Gilman and Tammy Gilman, dated May 5, 2011, and recorded on May 5, 2011, at Cumberland County Registry of Deeds in Book 28682 and Page 136,
- Warranty Deed between Peter Gilman and Tammy and Michael Gilman, dated May 5, 2011, and recorded on May 5, 2011, at Cumberland County Registry of Deeds in Book 28682 and Page 142,
- Warranty Deed between Peter Gilman and Tammy and Emily Gilman, dated May 5, 2011, and recorded on May 5, 2011, at Cumberland County Registry of Deeds in Book 28682 and Page 149,
- Warranty Deed between Peter Gilman and Tammy and Kyle Gilman, dated May 5, 2011, and recorded on May 5, 2011, at Cumberland County Registry of Deeds in Book 28682 and Page 152,
- Warranty Deed between Peter Gilman and Tammy and Michael Gilman, dated May 10, 2011, and recorded on May 10, 2011, at Cumberland County Registry of Deeds in Book 28692 and Page 282,
- Quitclaim Deed between Peter and Tammy Gilman and Jerry and Bethany Hunt, dated November 28, 2016, and recorded on November 28, 2016, at Cumberland County Registry of Deeds in Book 33746 and Page 332.

ARTICLE 4 ZONING DISTRICTS

- As shown on the Town of Windham [Land Use Map](#) approved by the Town Council, dated August 15, 2023, Tax Map 22, Lots: 23-3B, 23-9, 23-10, 23-11, 23-12, 23-3, 23-8, 23-7, 23-6, and 20-5 are located in the Farm Residential (FR) District.
- The eight (8) detached single-family residences are permitted use in the Farm Residential (FR) zoning district [§120-407B](#).
- Per [§120-407E](#) Dimensional standards, the applicant is showing potential developed area for the construction of single-family houses.

ARTICLE 5 PERFORMANCE STANDARDS

§120-541 – Net residential area of acreage

- B. The net residential area or acreage of a lot proposed for subdivision, as defined, shall be calculated by subtracting the eight (8) items listed in the subsection from the gross acreage of a lot and dividing the resulting net residential area of the parcel by the net residential

density standard of the appropriate zoning district (see [Article 4](#), Zoning Districts). The eight (8) deductions shall be subtracted from the gross acreage of the lot.

§120-911 - SUBDIVISION PERFORMANCE STANDARDS

§120-911A – Basic Subdivision layout

- (1) The property has 26 acres or 1,152,351 SF exceeding the minimum lot size in the Farm Residential (FR) zoning district, per [§120-407E\(1\)](#).
 - (a) The applicant provided a net residential density calculation by deducting 47,236 SF of road R/W, 138,450 SF for areas with very poorly drained soils (excluding Lot #3), and 46,473 SF of areas within 100-year flood plains for the net area of 920,192 SF. The net residential density is 40,000 SF, equaling a maximum of 23 lots. Only 8 lots are proposed.
 - (b) The parcels all have frontage on either Flintlock Drive or Lockland Drive.
- (2) No new utilities are being proposed. Existing lines will be utilized as they are currently.
- (3) The applicant has shown the locations of the subdivision monuments on the preliminary plan review sheet 2.

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

- (3) For final plan review, the applicant shall show private drinking well locations.
 - Per [§120-911B\(3\)\(a\)\(3\)](#), “[W]ells shall not be constructed within 100 feet of the traveled way of any street if located downhill from the street, or within 50 feet of the traveled way of any street if located uphill of the street. This restriction shall be included as a deed restriction to the affected lots.” For the final plan review the applicant’s Soils Scientist provided abutting property well and septic locations in order to evaluate conditions for a hydrogeological/groundwater study.
- (b) Lot design shall reserve sites for subsurface wastewater disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.

§120-911C - Erosion and Sedimentation Control

- (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 applicant’s engineer has provided a statement from a Maine licensed professional civil engineer preventing soil erosion and sedimentation from entering water bodies, wetlands, and adjacent properties.
- (3) The applicant shall consider the topsoil as part of the subdivision is not to be removed from the site.
- (4) Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. The Board may require a developer to take measures to correct and prevent soil erosion in the proposed subdivision.

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

- (1) Based on an assessment done by the Maine Department of Environmental Protection (MDEP), the proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, or threatened or endangered plant habitat.
 - (a) The applicant has provided a note not allowing the clearing of trees where tree cover is depicted on the plan for at least five years. Mandatory buffer for stormwater or other reasons shown on the plan shall not be cleared of vegetation unless the Planning Board grants an amendment to the subdivision or maintenance that does not alter the purpose for which the buffer was required.
 - (b) The applicant received a submission waiver from Planning Director to provide a landscape plan from street tree planting every 50-feet. The applicant is not proposing to install street trees and required a waiver of §120-911E(1)(b).
- (2) 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 (HOA) documentation.

§120-911F – Conformance with Land Use Ordinances

Comprehensive Plan:

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

Land Use Ordinance:

- There is a net residential density in the Farm Residential zoning district of 40,000 SF.

Subdivision Ordinance

- Standard notes, the standard conditions of approval, and approved waivers are shown on the recording plans.

§120-911G – Financial and Technical Capacity

- (1) For preliminary plan review, the applicant has estimated the cost of development at \$140,000.00 and has acknowledged that a performance guarantee equal to the amount of the required improvement plus contingency will be required prior to starting construction.
- (2) The applicant has contracted Dustin Roma from DM Roma Consulting Engineers to manage the permitting and design and Wayne Wood and Company for surveying needs.

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

- (1) The applicant has provided evidence from the certified soil scientist that the subdivision development will not increase any contaminant concentration in the groundwater and shall meet the State’s drinking water standards. A hydrogeological evaluation shall be required to demonstrate nitrates as nitrogen meet the maximum contaminant level.

§120-911I – Floodplain Management

- The subject property is partially within a mapped FEMA 100-year Floodplain boundary.

§120-911J – Stormwater

- A stormwater management plan was for final plan review.
- The responsibility of maintaining the stormwater management system will be the applicant until such time it could be assigned to the future Homeowner's Association (HOA), as per [§120-911N](#).

§120-911K – Conservation Subdivision

- The proposed subdivision falls within the Farm Residential (FR) zoning district and meets the required space requirements. The application is meeting the Administration Consent Agreement.

§120-911L – Compliance with Timber Harvesting Rules

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

§120-911M – Traffic Conditions and Street

- All lots will utilize existing private roadways for access, frontage, and utilities.
- No new roadways or extensions are proposed for the project.
- A homeowner's association shall maintain the roadways and there is a potential for four new residential single-family homes to be construction adding four vehicle trips to the existing traffic generation.
- The has shown on the plans, the addition of traffic stop-signs. The locations are at the intersections of Cross Ridge Drive and Lockland Drive, Lockland Drive and Winchester Drive, Idlewood Drive and Lockland Drive, and Flintlock Drive and Lockland Drive.
- The applicant has provided a note on the recording plans in general notes, per [§120-911M\(5\)\(a\)5\]\[e\]](#) stating ""All roads in this subdivision shall remain private roads to be maintained by the developer, lot owners or road association, and shall not be offered for acceptance, or maintained, by the Town of Windham until they meet all municipal street design and construction standards."

§120-911N – Maintenance of common elements.

- The applicant will draft homeowner's association documentation and provide to the Planning Director the documentation to be reviewed and approved by the Town Attorney.

CONCLUSIONS (Final Plan Review)

1. The development plan **reflects** the natural capacities of the site to support development.
 - **§120-911E – The subdivision has large single-family house lots with natural landscaping minimum area of tree clearing and reflect the natural environment.**

By a vote of 7-0, the Board found the subdivision reflects the natural capacity of the site to support the development. The motion was proposed by E. Krikken and seconded by S. Moulton.
2. Buildings, lots, and support facilities **will** be clustered in those portions of the site that have the most suitable conditions for development.
 - **§120-911A – The proposed lots are located in areas of the site that are most suitable for development.**

By a vote of 7-0, the Board found the building and lots are clustered to support the development. The motion was proposed by S. Moulton and seconded by E. Krikken.

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.

- **§120-911E** – Based on an assessment done by the Maine Department of Environmental Protection (MDEP), the proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, or threatened or endangered plant habitat.

By a vote of 7-0, the Board found the proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, or threatened or endangered plant habitat. The motion was proposed by S. Moulton and seconded by E. Krikken.

4. The proposed subdivision **has** sufficient water available for the reasonably foreseeable needs of the site plan.

- **§120-911B** – The applicant’s Soils Scientist has shown abutting property well and septic locations in order to evaluate conditions for a hydrogeological/groundwater study. The analysis shows there is sufficient water to serve the single-family homes and has provide adequate separation.

By a vote of 7-0, the Board found the proposed subdivision has sufficient water available for the reasonably foreseeable needs of the site plan. The motion was proposed by S. Moulton and seconded by K. Brown.

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.

- **§120-911C**- The plans for the proposed subdivision make use of BMPs and appear to minimize erosion concerns.

By a vote of 7-0, the Board found the proposed subdivision will not cause unreasonable soil erosion or a reduction in the land’s capacity to hold water. The motion was proposed by S. Moulton and seconded by C. Etheridge.

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.

- **§120-911M** –The applicant has shown on the plan the addition of traffic stop-signs. The locations are the intersections of Cross Ridge Drive and Lockland Drive, Lockland Drive and Winchester Drive, Idlewood Drive and Lockland Drive, at the 90° corner along Lockland Drive, and Flintlock Drive and Lockland Drive.

By a vote of 7-0, the Board found 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. The motion was proposed by R. Yost and seconded by S. Moulton.

7. **Not Applicable:** The proposed subdivision **will/will not** 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.
 - **§120-911A** – **The proposed subdivision does conform to the subdivision regulations.**
By a vote of 7-0, the Board found the proposed subdivision does conform to the subdivision regulations. The motion was proposed by S. Moulton and seconded by A. Daigle.

9. The developer **has** the adequate financial capacity to meet the standards of this section.
 - **§120-911G** – **The applicant has estimated the cost of development at \$140,000.00 and shall that a performance guarantee equal to the amount of the required improvement plus contingency will be required prior to starting construction.**
By a vote of 7-0, the Board found the developer has the adequate financial capacity to meet the standards of this section. The motion was proposed by S. Moulton and seconded by K. Brown.

10. The proposed subdivision **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
 - **§120-911B**- **The proposed subdivision will be utilizing private wells.**
By a vote of 7-0, the Board found the proposed subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater. The motion was proposed by C. Etheridge and seconded by S. Moulton.

11. The proposed subdivision **will** provide for adequate stormwater management.
 - **§120-911J** – **The responsibility of maintaining the stormwater management system will be the applicant until such time it could be assigned to the future Homeowner's Association (HOA), as required per §120-911N.**
By a vote of 7-0, the Board found the proposed subdivision will provide for adequate stormwater management. The motion was proposed by C. Etheridge and seconded by S. Moulton.

12. **Not Applicable:** 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 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.
 - **§120-911C** - **The applicant’s engineer has provided a statement from a Maine licensed professional civil engineer preventing soil erosion and sedimentation from entering water bodies, wetlands, and adjacent properties.**
By a vote of 7-0, the Board found On-site landscaping does provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping. The motion was proposed by C. Etheridge and seconded by S. Moulton.

14. All freshwater wetlands within the proposed subdivision **have** been identified on the plan.
 - [§120-911E](#) – **All freshwater wetlands have been identified on the plan.**
By a vote of 7-0, the Board found all freshwater wetlands within the proposed subdivision have been identified on the plan. The motion was proposed by C. Etheridge and seconded by S. Moulton.
15. Any river, stream, or brook within or abutting the subdivision **has** been identified on any maps submitted as part of the application.
 - [§120-911E](#) – **All water features have been identified; no adverse impact anticipated.**
By a vote of 7-0, the Board found Any river, stream, or brook within or abutting the subdivision has been identified on any maps submitted as part of the application. The motion was proposed by C. Etheridge and seconded by S. Moulton.
16. The proposed subdivision **will** provide for adequate stormwater management.
 - [§120-911J](#) – **A sufficient stormwater management plan has been developed and provided.**
By a vote of 7-0, the Board found the proposed subdivision will provide for adequate stormwater management. The motion was proposed by C. Etheridge and seconded by S. Moulton.
17. **Not Applicable:** 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/ has not** a lot-depth to shore frontage ratio greater than 5 to 1.
18. **Not Applicable:** The long-term cumulative effects of the proposed subdivision **will/will not** unreasonably increase a great pond’s phosphorus concentration during the construction phase and life of the proposed subdivision.
19. **Not Applicable:** 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.
20. **Not Applicable:** The timber on the parcel being subdivided **has/has not** been harvested in violation of rules adopted pursuant to [Title 12, §8869, sub§14](#).

WAIVERS:

- a) *The Board approved the waiver of [§120-911E\(1\)\(b\)](#): – **Street tree per lot.**
*At the August 26, 2024 meeting by a vote of 6-0 (R. Yost absent). The motion was proposed by E. Krikken and seconded by K. Brown.**
- b) *The Board approved the waiver of [§120-911M\(5\)\(a\)\[5\] Private Roads and Att. §120-2 Attachment 2 - Appendix B](#): –**Street Design and Construction,***

At the August 26, 2024 meeting by a vote of 6-0 (R. Yost absent). The motion was proposed by E. Krikken and seconded by K. Brown.

- c) At the October 7, 2024 meeting, the waiver of **§120-911M(5)(3)(7) Street Connection Requirements** was re-heard, and the waiver standards (below) were individually voted upon. *At the October 7, 2024 meeting by a vote of 4-3 (A. Daigle, S. Moulton, & C. Etheridge opposed). The motion was proposed by E. Krikken and seconded by C. Etheridge.*

§120-908C(2)(b) The waiver will not result in the following:

- [1] Undue water or air pollution.** *The Board found by a vote of 7-0 that the waiver approval will not result in any undue water or air pollution. The motion was proposed by E. Krikken and seconded by K. Brown.*
- [2] Undue light pollution or glare.** *The Board found by a vote of 7-0 that the waiver approval will not result in any undue light pollution or glare. The motion was proposed by E. Krikken and seconded by K. Brown.*
- [3] An inadequate water supply.** *The Board found by a vote of 7-0 that the waiver approval will not result in an inadequate water supply. The motion was proposed by E. Krikken and seconded by K. Brown.*
- [4] Unreasonable soil erosion.** *The Board found by a vote of 7-0 that the waiver approval will not result in unreasonable erosion. The motion was proposed by E. Krikken and seconded by K. Brown.*
- [5] Unreasonable traffic congestion or safety risk.** *The Board found by a vote of 4-3 (A. Daigle, S. Moulton, & C. Etheridge opposed) that the waiver approval will not result in any unreasonable traffic congestion or safety risk. The motion was proposed by E. Krikken and seconded by A. Daigle.*
- [6] Decreased pedestrian safety or access.** *The Board found by a vote of 4-3 (A. Daigle, S. Moulton, & C. Etheridge opposed) that the waiver approval will not result in decreased pedestrian safety or access. The motion was proposed by E. Krikken and seconded by A. Daigle.*
- [7] Inadequate supply of parking spaces.** *The Board found by a vote of 4-3 (A. Daigle, S. Moulton, & C. Etheridge opposed) that the waiver approval will not result in inadequate supply of parking spaces. The motion was proposed by E. Krikken and seconded by A. Daigle.*
- [8] Inadequate sewage disposal capacity.** *The Board found by a vote of 7-0 that the waiver approval will not result in inadequate sewage disposal capacity. The motion was proposed by E. Krikken and seconded by K. Brown.*
- [9] Inadequate solid waste disposal capacity.** *The Board found by a vote of 7-0 that the waiver approval will not result in solid waste disposal capacity. The motion was proposed by E. Krikken and seconded by A. Daigle.*
- [10] An adverse impact on scenic or natural beauty, aesthetics, historic sites, or rare or irreplaceable natural areas.** *The Board found by a vote of 7-0 that the waiver approval will not result in an adverse impact on scenic or natural beauty, aesthetics, historic sites, or rare or irreplaceable natural areas. The motion was proposed by E. Krikken and seconded by K. Brown.*
- [11] Flooding or adverse drainage impacts on abutting properties.** *The Board found by a vote of 7-0 that the waiver approval will not result in flooding or adverse drainage impacts on abutting properties. The motion was proposed by E. Krikken and seconded by C. Etheridge.*

[12] An adverse impact on the Town's ability to provide the subdivision with public safety services.[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)] *The Board found by a vote of 4-3 that the waiver will not result in an adverse impact on the town's ability to provide the subdivision with public safety services. The motion was proposed by E. Krikken and seconded by K. Brown.*

[13] The Board found public health, safety, and welfare of are met with following Conditions of Approval. *The Board found by a vote of 4-3 that public health, safety, and welfare of are met with following Conditions of Approval. The motion was proposed by E. Krikken and seconded by K. Brown.*

CONDITIONS OF APPROVAL (REQUIRED)

1. Approval is dependent upon and limited to the proposals and plans contained in the applications dated March 4, 2024, May 1, 2024, July 22, 2024, August 26, 2024, amended as October 7, 2024, 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. The signed subdivision recording plan shall recorded three year for the date of the final approval the Cumberland County Registry of Deeds (CCRD) and the street on which the lot fronts are complete in accordance with these regulations up to and including the entire frontage, per [§120-915B\(1\)](#) and [\(2\)](#), completed prior to conveyance of the first lot.
3. The new building permit are subject to Windham's impact fees, which include [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 permits necessary for the development, [§120-1201C](#).
4. Prior to issuing building permit, the Fire Chief shall provide a written inspection report to the Director of Planning all fire cisterns are installed per NFPA and manufactures performance standards.
5. Per the Planning Board waiver approval of [§120-911M\(5\)\(3\)\(7\)](#) Street Connection Requirements, the applicant shall pave the first 50' of Cross Ridge Drive and meet pavement requirements of Major Private Road, the provide appropriate turning radii at the intersection of Smith Road, widen the road shoulders, and align the center of the roadway.
6. The applicant shall install gravel on the outside radius of the "90-degree" corner on Lockland Drive to allow large trucks to pass along the curve.