

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

DATE: April 9, 2025

TO: Windham Planning Board  
FROM: Amanda Lessard, Senior Planner/Project Manager  
Cc: Amy Bell Segal, RLA, Sebago Technics, Inc.  
Jon Smith, Great Falls Construction  
Tyler Norod, Westbrook Development Corp.  
Steve Puleo, Planning Director

RE: #24-25 Amended Major Subdivision & Site Plan - Andrew School Redevelopment/WDCJCS  
Subdivision - 55 High Street – Preliminary Plan Review – Great Falls Construction Inc &  
Westbrook Development Corp.  
Planning Board Meeting: April 14, 2025

### Overview

The application is for 17 market-rate apartments in two buildings. The plan amends the October 28, 2024 approval by continuing the mixed-income development consisting of 18 affordable apartments for senior housing, to bring a new total of 35 units on the 2.39 acre property. This project also includes associated parking areas, internal vehicular drive aisles, pedestrian pathways, subsurface stormwater treatment measures and the completion of the centralized open space area. The development will be served by public water and sewer.

Tax Map: 37; Lot: 24; Zone: Village Commercial (VC) in the Presumpscot River watershed.

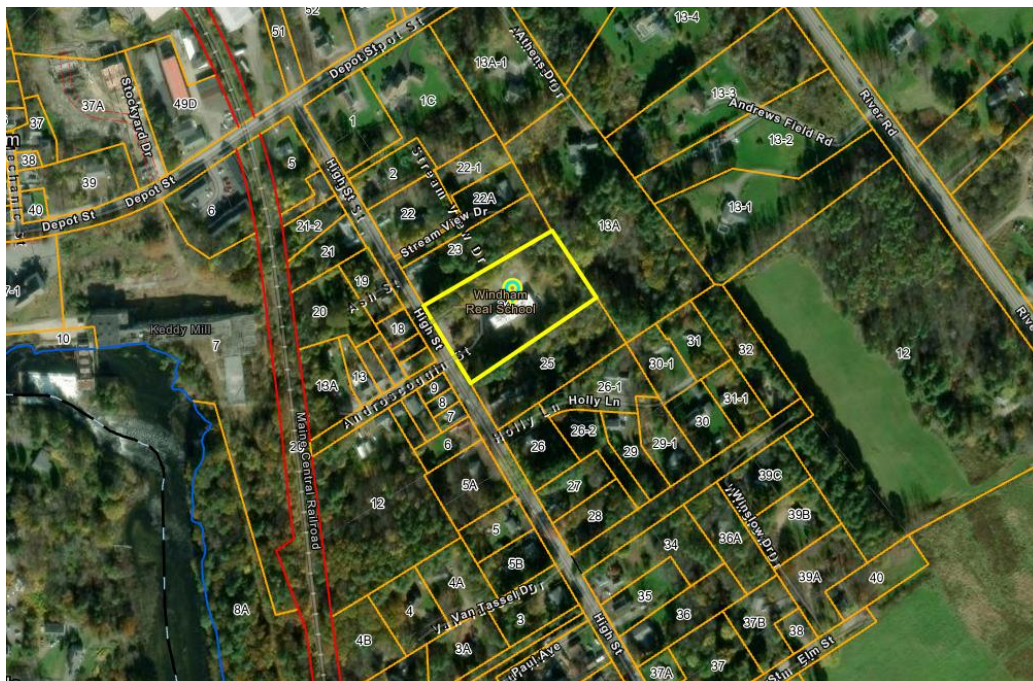


Figure 1. Aerial view of the subject parcel relative to surrounding properties and street network.

The request before the Planning Board is for an amendment to a previously approved major subdivision and site plan, initially approved on October 28, 2024, and recorded on October 29, 2024, in Plan Book 224, Page 432 at the Cumberland County Registry of Deeds. 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 the creation of 17 additional dwelling units, and thus, the process should follow the procedures for a preliminary plan. 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\(3\)](#). The Planning Board's scope of review will be limited to the portions of the plan that are being amended.

Comment from the Development Review Team were requested to be provided by March 14, 2025 and any received are reflected in the memo below.

### **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 for the final review;~~ ***bold and italic text represent unaddressed existing and/or new staff comments***; or plain underlined text are items that have been addressed by the applicant; and *italic text is for information or previously reviewed and/or approved items*.

Staff Comments:

1. Complete Application:

**MOTION:** [I move] the Amended Major Subdivision & Site Plan preliminary application for project #24-25 Andrew School Redevelopment project is found complete in regard to the submission requirements based on the application checklist, but the Planning Board retains the right to request more information where review criteria are not fully addressed.

2. Waivers:

**SUBMISSION WAIVER**

*Limitation of Subdivision Waivers. The granting of a submission requirement waiver or site waiver may not conflict with, nor negate, any State Statutory requirements for the subdivision of land, per [§120-908B](#). The Director of Planning or designee may waive the submission requirements identified in [§120-910](#) (Submission requirements) as being eligible for a waiver if it is determined that the information is not required to determine compliance with the standards and criteria of this chapter or that the information relates to a standard that is not applicable to the application.*

**a) [§120-910C\(3\)\(e\)](#). Traffic Impact Analysis**

The applicant is requesting a waiver from the requirement to submit a Traffic Impact Analysis which is required for subdivisions that exceed 140 vehicle trips per day. The estimated daily

traffic for the amended subdivision is 116 trips, when added to the estimated 58 daily trips from the previously approved plan would result in a cumulative 174 trips per day.

**The Planning Director has waived the submission requirement for a Traffic Impact Analysis due to the low traffic volume of the two uses and that the peak hour traffic is not estimated to exceed 50 trips, the threshold for a traffic impact study under site plan review.**

- b) ~~§120-910C(3)(a): High Intensity Soils Mapping.~~ Approved as part of the October 28, 2024 approved plan.

The Planning Director waived the requirement to submit a high-intensity soil survey by a certified soil scientist, per ~~§120-910C(3)(a)~~, for a medium-intensity soil survey.

- c) ~~§120-910C(3)(c): Hydrogeologic Assessment.~~ Approved as part of the October 28, 2024 approved plan.

The Planning Director waived the submission of a hydrogeologic assessment because the site is connected to public water and sewer.

#### PERFORMANCE STANDARD WAIVER

*Limitation of Waivers. 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)[7] Street Connection Requirements**

The applicant is requesting a waiver from the requirement that subdivisions with 31 or more units have a minimum of 2 connections of the subdivision street with an existing public street.

**The staff support this waiver because the 35 units will have sufficient access for public safety and all building will be sprinklered and alarmed.**

**MOTION:** [I] move to approve the waiver request of **§ 120-911M(5)(b)[7] Street Connection Requirements**, permitting Andrew School Redevelopment/WDCJCS Subdivision to have 1 street connection to High Street.

3. Public Hearing: The Planning Board should determine whether to hold a public hearing on the final plan application
4. Site Walk: The Planning Board held a site walk on October 5, 2024. Site walks are not required for amended subdivisions. The Planning Board should determine whether to conduct a site walk.

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

**MOTION:** [I move] the Amended Major Subdivision & Site Plan preliminary plan application for the #24-25 Andrew School Redevelopment/WDCJCS Subdivision identified on Tax Map: 37; Lot: 24; Zone: Village Commercial (VC) and located in the Presumpscot River watershed is to be **(approved with conditions/denied)** with the following Findings of Fact, Conclusions, and Conditions of Approval.

#### FINDINGS OF FACT

**Jurisdiction:** The Andrew School Redevelopment project is classified as a Major Subdivision & Site Plan, which the Planning Board is authorized to review and act on by [§120-905A\(2\)](#) of the Town of Windham Land Use Ordinance.

**Title, Right, or Interest:** The applicant has submitted a copy of a Purchase and Sales agreement between the Town of Windham and Westbrook Development Corporation and Great Falls Builders, INC., dated October 23, 2024.

#### ARTICLE 3 DEFINITIONS

Dwelling, Multifamily: “A building containing three or more dwelling units. A multifamily dwelling may be attached to a nonresidential use.”

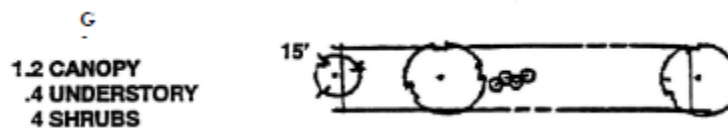
#### ARTICLE 4 ZONING DISTRICTS

- As shown on the Town of Windham [Land Use Map](#) approved by the Town Council, date April 9, 2024, Tax Map: 37; Lot: 24.
- The property is located in Village Commercial (VC) zoning district.
- Multifamily dwellings are a permitted use found in [§ 120-415B](#).

#### 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.



##### §120-541 – 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 subject property size is 104,108 SF (2.39 acres) exceeding the minimum lot size in the Village Commercial (VC) zoning district for lots connected to public water and sewer, per [§120-405E\(1\)](#).
  - (a) The applicant provided a net residential density calculation by deducting 4,287 SF of steep slopes from the gross area of 104,108 SF. The net residential density is 2,500 SF, equaling 39 dwelling units.
- (2) Utilities are shown on the provided subdivision plan.

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

- (3) The applicants have shown connection with the public water system on the provided subdivision plan. The Portland Water District issued an “Ability to Serve” letter dated October 29, 2024 constituting approval of the water system for the 35 proposed dwelling units.

**§120-911C - Erosion Control and sedimentation control**

- (1) The applicants have 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.
- (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. *The Board may require a developer to take measures to correct and prevent soil erosion in the proposed subdivision.*

**§120-911D – Sewage disposal**

- (2) The applicant has provided an “Ability to Serve” letter from Portland Water District dated October 29, 2024 approving connection to the PWD managed sewer collection system in High Street for the 35 proposed dwelling unit.

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

- (1) The applicants are developing the access driveway and dwelling units in the open space of the site, preservation the natural beauty and aesthetics.
  - (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 has included a landscape plan with the application.

- (2) For final plan review, the applicant must reserve or dedicate maintenance of open space.

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

##### Comprehensive Plan:

- The plan does meet the goals of the 2024 Comprehensive Plan. The property is located in the South Windham Growth Area.

##### Subdivision Ordinance

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

#### **§120-911G – Financial and Technical Capacity**

- (1) The Applicants have provided two bank letters, from Kennebunk Savings Bank, and Gorham Savings Bank, showing sufficient financial resources to construct, operate, and maintain all aspect of the proposed development. For final plan review, the applicant shall provide an estimated cost of the market rate portion of the development.
- (1) The applicant has provided evidence of technical capacity. The applicants have contracted Sebago Technics, Inc. to manage the permitting and design of the development.

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

- (1) The applicant has provided evidence that the subdivision shall not increase any contaminant concentration in the groundwater and shall meet the State primary drink water standards.
- (2) The proposed development will connect to available water supply provided by the Portland Water District (PWD) that has an existing main along High Street. The scale of this development is not anticipated to adversely impact the overall quality or quantity of available water supply.

#### **§120-911I – Floodplain Management**

- The subject property is not within a mapped FEMA Floodplain boundary.

#### **§120-911J – Stormwater**

- The project will require a Chapter 500 Stormwater Management Law permit for MeDEP.
- For final plan review, A Stormwater Permit from Maine DEP will be required.
- For final plan review, the applicant shall provide condominium documents include a draft deed for the units with covenants and restriction, by-laws, and stormwater maintenance and inspection plan, among other requirements.
- The site is located in the Town's Urbanize Area and regulated by the MS4 (Municipal Separate Storm Sewer System). The applicant states that the site disturbance is anticipated to be more than an acre and will be subjected to the annual maintenance and inspection report to the Town, see COA #4.

- The Stormwater Management Plan submitted indicates that the proposed development includes water quality treatment that complies with Maine DEP Ch. 500 Redevelopment Standard and the Town of Windham's Subdivision Ordinance through the use of a subsurface sand filter and drip edge filters for the 6 building units.
- *The Town Engineer comments dated March 16, 2025:*
  - *A flow modeling analysis was conducted to show that the peak flows after development at three analysis point's will be less than or equal to the predevelopment peak flows, which demonstrates compliance with Windham's Subdivision ordinance § 120-911J. However I have one concern/question that requires clarification:*
    - *The detail for the sand filter outlet control structure (OCS) appears to have different elevations for some key points than those used in the HydroCAD model. For example, the plans show a weir opening with dimensions of 3" by 2'8" with an invert elevation of 175.00 and a top of weir at 175.80, but the HydroCAD analysis includes a 26" by 2" weir opening with an invert elevation of 174.50'. And the top of weir on the plans is at 175.80' and in the HydroCAD it is at 176.50'. I may be missing something, but please clarify.*
  - *The plans show both the subsurface sand filter and roof drip edge filters discharging to the municipal storm sewer system on High Street, the former to a new drain manhole DMH-3 and the latter to an existing catch basin in High Street just opposite to where Androscoggin St. comes in. Details specific to these drain connections will need to be provided in a construction plan set before construction occurs.*
- On March 20, 2025 the applicant provided a response to comments and a revised plan with an updated Detail-Outlet Control Structure (OCS-4) to reflect how it was modeled in the Hydro-CAD.
- On March 31, 2025 the Town Engineer commented that his concerns were addressed by the applicant's response letter and revised detail for the sand filter outlet control structure.
- Street opening permits from Windham Public Works for all utility connections that involve excavations of High Street. This includes both storm drain connections, the water lines, sewer line and gas line.

#### **§120-911K – Conservation Subdivision**

- (1) The development is in the VC district and therefore is not required to meet the conservation subdivision ordinance.

#### **§120-911L – Compliance with Timber Harvesting Rules**

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

#### **§120-911M – Traffic Conditions and Street**

- A Traffic Memorandum was submitted by the Applicant that concludes that proposed traffic levels are below the threshold for requiring a Maine DOT Traffic Movement Permit (TMP) (10 peak hour trips for the 17 condo units and 5 peak hour trips for the 18 senior affordable units, totaling 15 peak hour trips). The applicant requested a waiver from the requirement to submit a Traffic Impact Analysis under the Town's Subdivision ordinance (116 trips/day for

the 17 condo units and 58 trips/day for the 18 senior affordable units, totaling 174 trips/day).

- The access drive, Academy Street, entrance onto High Street aligns with the intersection with Androscoggin Street and sight distance is measured to be 270 feet looking to the left and exceeding 700 feet looking to the right. Both exceed the required minimum 200 feet for the 25 MPH posted speed.
- b) The applicant has requested a waiver from [§ 120-911M\(5\)\(b\)\[7\]](#) Street Connection Requirements, that requires that subdivisions with 31 or more units have a minimum of 2 connections of the subdivision street with an existing public street.

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

- For the final plan review, the applicants shall provide draft condominium association documents for the Town Attorney's review.
- The condominium association documents shall be recorded in the Cumberland County Registry of Deeds within 90 days of the date that the subdivision plan is recorded. See COA #8.

#### **(SUBDIVISION) CONCLUSIONS (*Prelim Plan Review*)**

1. The development plan **reflects** the natural capacities of the site to support development.
1. Buildings, lots, and support facilities **will** be clustered in those portions of the site that have the most suitable conditions for development.
2. Environmentally sensitive areas, including but not limited to wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and sand and gravel aquifers **will** be maintained and protected to the maximum extent.
3. The proposed subdivision **has** sufficient water available for the reasonably foreseeable needs of the site plan.
4. 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.
5. 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.
6. The proposed subdivision **will** provide adequate sewage waste disposal.
7. The proposed subdivision **conforms** to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan.
8. The developer **has** the adequate financial capacity to meet the standards of this section.
9. The proposed subdivision **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
10. The proposed subdivision **will** provide for adequate stormwater management.
11. The proposed location and height of buildings or structure walls and fences, parking, loading, and landscaping shall be such that it **will 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. 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.~~
- ~~16. 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. (N/A)~~
- ~~17. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision **will/will not** cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located. (N/A)~~
- ~~18. The timber on the parcel being subdivided **has/has not** been harvested in violation of rules adopted pursuant to [Title 12, §8869, sub§14](#). (N/A)~~

#### CONDITIONS OF APPROVAL (REQUIRED)

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated March 3, 2025 as amended March 20, 2024 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](#) or [§120-815](#) of the Land Use Ordinance.
2. Per [§120-912G](#), No subdivision plan shall be released for recording at the Registry of Deeds until the required performance guarantee has been posted. If an approved plan is not recorded in the Registry of Deeds within three years of the original approval, it shall become null and void.
3. In accordance with [§120-815C\(1\)\(b\)](#) and [§120-914B\(5\)](#) the Land Use Ordinance, the Construction of improvements covered by any site plan approval and any subdivision plan 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. 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.
4. Approval is subject to the requirements of the [Post-Construction Stormwater Ordinance, Chapter 201](#). 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.

5. [Recreation Impact Fee](#), [Open Space Impact Fee](#), [Public Safety Impact Fee](#) and [Municipal Office Impact Fee](#) will be determined and collected for any building, or any other permits necessary for the development, [§120-1201C \(MASTER FEE SCHEDULE\)](#)
6. The applicant shall provide to the Director of Planning and the Director of Public Works approval to connect to the Windham's MS4 System and offer to Town Council any of the stormwater pipes and manholes location in High Street.
7. Prior to receiving authorization to connect the private stormwater management system with the Town's stormwater collection system, the applicant shall provide a written approval from the Town Engineer to the Town Planner.
8. In accordance with [§120-911N\(5\)](#) of the Land Use Ordinance, the condominium 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 units shall be sold in the subdivision prior to recording and all deeds shall reference the declaration establishing the condominium association.