



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Final

### Planning Board

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Monday, October 28, 2024

6:30 PM

Council Chambers

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#### Final Agenda

#### 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: Shonn Moulton, Kathleen Brown, Anne Daigle, Christian Etheridge, and Rick Yost.*

*Planning Director, Steve Puleo, and Town Planner, Evan O'Connor, were also present.*

#### 3. [PB 24-101](#)

Approval of minutes- Meeting of October 7, 2024

**Attachments:** [Minutes 10-7-2024-draft](#)

*Shonn Moulton made a motion to approve the minutes from October 7, 2024.*

*Seconded by Christian Etheridge.*

*Vote: All in favor.*

#### **Public Hearings**

#### 4. [PB 24-094](#)

#24-25 - Major Subdivision & Site Plan - Andrew School Redevelopment - 55 High Street - Final Plan Review - Westbrook Development Corp.

The application is a mixed-income development consisting of eighteen affordable apartments for senior housing, This project also includes associated parking areas, internal vehicular drive aisles, pedestrian pathways, a centralized open green space, and stormwater treatment area.. Tax Map: 37; Lot: 24; Zone: Village Commercial (VC) zoning districts in the Upper Presumpscot River watershed.

**Attachments:** [24-25 MJR SUB-SP FP PB MEMO AndrewSchool 102324](#)  
[24-25 MJR SUB-SP FP SR&C AndrewSchool 101624](#)  
[24-25 MJR SUB-SP FP SR&C RESPONSE AndrewSchool 102124](#)  
[4](#)  
[24-25 MJR SUB-SP FP APPL AndrewSchool 101024](#)  
[24-25 MJR SUB-SP FP UPD PLNST AndrewSchool 102124](#)  
[24-25 MJR SUB-SP FP PLNST AndrewSchool 101024](#)  
[24-25 MJR SUB-SP FP STORMWATER-REPORT AndrewSchool 101024](#)  
[Assessor Comments 101524](#)  
[TE COMMENTS 101624](#)  
[EXECUTED PandS 55 High Street Windham 10.23.24 redacted](#)  
[Abutter T Villacci Comments 102324](#)

*Tyler Norad, from Westbrook Development Corporation was present with:*

- Julie Curran, from Great Falls Construction
- Amy Segal from Sebago Technics
- Mike Coyne, from Archetype Architects

*Ms. Segal detailed changes to the concept, based on comments from the site walk.*

- Orientation of one building
- Removal and replanting of vegetated buffers
- A proposed fence
- Utilities
- The Portland Water District connection
- Parking
- Stormwater management
- Outdoor amenities

*Rick Yost made a motion that the Major Subdivision and Site Plan application for project #24-25 Andrews School Redevelopment project 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 Christian Etheridge.*

*Vote: All in favor.*

*Public Comment*

*Steve Puleo read a comment that had been submitted by Terry Villacci, High Street. She was looking forward to the development. It was a wonderful idea and would fit into the neighborhood well. She suggested the proposed cross-walk should be raised so as to slow traffic on High Street.*

*There was no other public comment.*

*Public Comment was closed.*

*Kathleen Brown made a motion that the Major Subdivision and Site Plan application for*

*the #24-25 Andrews School Redevelopment identified on Tax Map: 37; Lot: 24; Zone: Village Commercial (VC) and located in the Upper Presumpscot River watershed is to be approved with conditions 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 act on by §120-805A(2)(a) & §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**

##### **§ 120-501.1 – Affordable housing development**

- Affordability for all 18 units is guaranteed for at least 30 years, with rental units limited to households earning 80% or below the local AMI. The developer will record deed restrictions at the Cumberland County Registry of Deeds to ensure enforceability.*

##### **§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- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS**

##### **§120-812A – Utilization of the Site**

- The subject parcel is approximately 2.4 acres (104,544 SF) in size.*
- The site is currently utilized for overflow parking by neighbors. The site currently is an open area with paved and graveled portions, with a building to be demolished.*
- The site provides 258.86 feet of frontage along High Street.*

##### **§120-812B – Vehicular Traffic**

*(1) The site is located on the easterly side of High Street.*

- The access drive, named Academy Street, approved by the Addressing Officer, provides the primary entry to the site.*

*(2) The Site's layout includes two (2) turnaround areas designed to provide adequate emergency vehicular turnaround and maneuvering. Additionally, the proposed access driveway will be designed to meet the private road standards.*

##### **§120-812C – Parking and Loading**

*(1) The applicant has designed a parking layout that accommodates a total of 27 spaces with six (6) ADA spaces. The applicant will provide a 1.5 to 1 ratio of parking to dwelling*

units.

(2) The applicant states that the proposed number of parking spaces is adequate to provide parking and will meet the parking needs of an Affordable Senior Housing development.

#### *§120–812D – Pedestrian Traffic*

The applicant is proposing to provide a network of sidewalks that provide both internal connectivity and link externally to a sidewalk to be installed on the west side of High Street. Please see the plan information submitted for specific locations and details of the proposed layout.

#### *§120–812E – Stormwater Management*

(1) A Stormwater Management Report has been prepared for this proposed project.

(f) Major site plans, regardless of size, shall comply with Sections 4C(2) and 4C(3) of the General Standards of the MDEP Chapter 500 Stormwater Management Law.

- The site is located in the Town's Urbanize Area and regulated by the MS4 (Municipal Separate Storm Sewer System).
- 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.
- The stormwater management system will direct runoff to the Town's MS4. The system complies with the Maine DEP Chapter 500 standards and the project has filed for a Stormwater Permit by Rule. The final plan includes a detailed drainage system.
- The site currently has limited stormwater infrastructure. The proposed stormwater management system includes a closed subsurface sand filter to treat runoff before discharge into the Town's MS4. This system is designed to comply with Maine DEP Chapter 500 standards.

#### *§120–812F – Erosion Control*

(2) An Erosion & Sedimentation Control Plan has been developed for this project that meets the Basic Standards per Section 4(A) of the MeDEP Chapter 500 Stormwater Rules.

- Erosion control mix berms will be installed along slopes to stabilize disturbed areas and prevent sediment from entering the drainage system. This method complies with Maine DEP's Best Management Practices (BMPs).
- Non-woven and woven geotextile fabric will be used to stabilize slopes and wrap the subsurface sand filter system. This fabric helps prevent erosion in areas where stormwater flow is concentrated.

#### *§120–812G – Water Supply Provisions*

(1) This proposed residential development will connect to existing public water infrastructure that is available along High Street.

- The applicant has provided the Ability to Serve request correspondence with the Portland Water District (PWD).
- The anticipated water demand for the 18-unit development is 2,160 gallons per day (gpd), calculated based on Maine Subsurface Wastewater Disposal Rules, which assign a usage of 120 gpd per unit. The PWD has reviewed the project's design and confirmed there is sufficient water capacity to meet the demands of this development.

#### *§120–812H – Sewage Disposal Provisions*

- This proposed residential development will connect to existing public sewer infrastructure that is available along High Street.
- The applicant has provided the Ability to Serve request correspondence with the Portland Water District (PWD).

- The internal sewer system is designed to be gravity-fed, with no pumps required. The PWD has confirmed the capacity of the sewer system to handle the projected flow.

#### §120-812I – Utilities

- This proposed development includes utility connections for electrical, water, and sewer services. There is also natural gas service available in High Street. The applicant has not determined whether it will require connection to natural gas for any of its HVAC systems and reserves the right to do so as necessary in the future as construction plans are further refined. All proposed utilities are located underground, including the electrical service which is accomplished from connecting to the existing overhead lines along High Street, then drawn underground near the site's frontage.

#### §120-812J – Groundwater Impacts

- 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.

#### §120-812K – Water Quality Protection

- This project will utilize available public water supply from the existing connection along High Street and will incorporate a stormwater management system to provide treatment of runoff. Collection is in a closed subsurface sand filter and discharged to Town's MS4.

#### §120-812L – Hazardous, Special and Radioactive Materials

- (1) There is no Anticipated storage or usage of Hazardous, Special and Radioactive Materials in the proposed scope of this project.

#### §120-812M – Shoreland Relationship

- The site is not in a shoreland zoning district.

#### §120-812N – Technical and Financial 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.
- (2) The applicant has hired Sebago Technics, Inc. for site planning, permitting, and engineering services for the conversion of the building and site.

#### §120-812O – Solid Waste Management

- All waste will be transported to a licensed disposal facility.

#### §120-812P – Historical and Archaeological Resources

- According to the National Register of Historic Places, the Town's Comprehensive Plan, and available local historical archives, there are no portions of the subject property or surrounding properties that are of significant historical or archaeological significance. A review request letter, dated September 13, 2024, was sent to the Maine Historic Preservation Commission (MHPC), seeking their respected consultation. No response has been recorded from MHPC at the time of this submission.

#### §120-812Q – Floodplain Management

- The site is not located in the mapped FEMA 100-year floodplain hazard.

#### §120-812R – Exterior Lighting

- (1) The applicant has provided a lighting plan that meets Town standards for residential

developments and ensures safety while minimizing light pollution.

(2) The applicant shall connect all light poles and other exterior light fixtures underground.

**§120-812S – Noise**

(1) The proposed development is not anticipated to generate an unreasonable amount of noise detectable at property lines.

(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 states that the project does not contain any exposed storage areas, machinery, or areas used for the storage or collection of automobile parts.

- Trash totes/bins will be stored within a shed-like structure attached to each building. Above ground utilities will also be screened, which are detailed on the Landscape Plan.

**§120-814 Multifamily development standards.**

**§120-814A – Building Architecture.**

**(1) Architectural variety**

(a) The building has a variety of techniques to visually break up the façade.

- The building facades will feature a combination of brick, wood siding, and metal accents to complement the architectural style of the Village Commercial district. The colors selected include a muted earth-tone palette of light gray and beige for the siding and trim, with charcoal accents for the metal railings and window frames. These materials are intended to blend with the surrounding residential and commercial structures

**(2) Facade.**

(a) The primary façade facing High Street meets the 25% fenestration requirement, ensuring adequate window and door coverage.

**(3) Orientation.**

(a) The building entrances will be oriented to face the internal private drives.

(b) The facades of the 4-Unit buildings facing High Street have porches which create a front-facing orientation.

**§120-814B - Site Design.**

**(1) Parking.**

(a) The development provides 27 parking spaces, meeting the required ratio of 1.5 spaces per dwelling unit for multifamily developments. This includes 6 ADA-compliant spaces distributed throughout the site. The parking areas are located directly off the internal private drive (Academy Street).

**(2) Screening.**

(a) Evergreen trees used along the northern and southern boundaries to create privacy screens, particularly for adjacent residential properties. Trash enclosures and utility areas will be hidden from view by shrubs and fencing.

**(3) Bicycle/pedestrian.**

(a) Internal traffic flow internal walkways.

(c) Bicycle parking/racks.

[1] A total of (5) bike racks, located in two (2) areas, provide parking for ten (10) bicycles.

**(4) Recreation and open space.**

(a) The proposed development offers an area designated for open space within the central portion of the site.

- The development includes a total building footprint of 13,200 square feet, spread across four buildings. Each building's façade covers approximately 3,300 square feet, with 1,500 square feet allocated for recreational and open space.

**(5) Landscape/lighting.**

*(a) Landscaping.*

*[1] The project incorporates a comprehensive landscape plan that includes evergreen and deciduous trees, shrubs, and ornamental grasses. The landscape plan includes a mix of native species such as red maple and eastern white pine. Each tree will be planted at a minimum height of 8 feet to provide immediate impact and privacy screening.*

**§120-911 - SUBDIVISION PERFORMANCE STANDARDS**

**§120-911A – Basic Subdivision layout**

*(2) The proposed site will utilize subsurface utilities (water, sewer, electrical) that are located along High Street, as indicated on the Grading & Utility Plan. Proposed locations of monuments are also shown within the Plan Set. Each dwelling unit has direct access to the internal private drive (Academy Street). The project also includes two turnaround areas to facilitate emergency vehicle access*

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

*(3) The applicants have shown connection with the public water system on the provided subdivision plan.*

**§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.*

**§120-911D – Sewage disposal**

- This proposed residential development will connect to existing public sewer infrastructure that is available along High Street.*
- The applicant has provided the Ability to Serve request correspondence with the Portland Water District (PWD).*
- The internal sewer system is designed to be gravity-fed, with no pumps required. The PWD has confirmed the capacity of the sewer system to handle the projected flow.*

**§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 cleared area remaining from the previous site use, preservation the natural beauty and aesthetics.*

*(a) The applicant has provided note 11 on sheet C-101 of the subdivision plan 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. Tree removal is limited to the rear of the site for stormwater infrastructure.*

*A buffer of evergreen trees will be planted to the south to screen neighboring properties.*

*(b) The applicant has included a landscape plan with the application.*

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

*Comprehensive Plan:*

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

*Subdivision Ordinance*

- *The applicants have provided a landscaping plan.*
- *Standard notes, the standard conditions of approval, and approved waivers must be shown on the plans.*

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

*(1) The applicant has provided evidence of financial and estimated cost of 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. A hydrogeological evaluation shall be required to demonstrate nitrates as nitrogen meet the maximum contaminant level.*

*(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.*
- *A Stormwater Permit by Rule with Maine DEP will be required. The Applicant has submitted documentation that a Notice of Intent for this permit has been filed with DEP*

*§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 traffic Management Plan (TMP) from (6 peak trips/day). This appears to be appropriate for the scale of the development.*
- *Location of the access drive, Academy Street, entrance onto High Street has been modified to line up to an intersection with Androscoggin Street.*

**SUBDIVISION & SITE PLAN 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 subdivision / site plan will provide adequate sewage waste disposal.

8. The proposed subdivision / 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 / subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

11. The proposed subdivision / 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 subdivision have been identified on the plan.

15. Not Applicable: Any river, stream, or brook within or abutting the subdivision has/has not been identified on any maps submitted as part of the application.

16. 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, section 480-B, none of the lots created within the subdivision has/do have a lot of depth to shore frontage ratio greater than 5 to 1.

17. Not Applicable: The long-term cumulative effects of the proposed site plan will/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/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/has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.

#### CONDITIONS OF APPROVAL (REQUIRED)

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated October 10, 2024 as amended October 28, 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 (\$600 x 4 = \$2,400), Open Space Impact Fee (\$450 x 18 = \$8,100), Public Safety Impact Fee (\$1,008 x 4 = \$4,032); and Municipal Office Impact Fee (\$333 x 4 = \$1,332). All fees (\$2,400 + \$8,100 + \$4,032 + \$1,332 = \$15,864) will be determined and collected for any building, or any other permits necessary for the development, §120-1201C (MASTER FEE SCHEDULE)*
6. *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.*
7. *The applicant, when offering all infrastructure located within the Right-of-Way (ROW), including water, sewer, and stormwater management systems, to the Town of Windham. This transfer will occur at the applicant's expense. A performance guarantee will be posted to ensure the proper installation and transfer of this infrastructure,*  
*insert Findings*

*Seconded by Christian Etheridge.*

*Vote: All in favor.*

5. [PB 24-095](#)

#24- 21 - Major Site Plan & Current Use - Sebago Solar - 9 Maisie Road -  
Final Plan Review - Sebago Solar, LLC

The Sebago Solar project was previously approved in 2021 but construction did not start within the permitted window. The applicant is now proposing to construct an 10.98-acre ground mounted solar array facility. Construction will also include the grading of the field for access road and array installation, revegetating all disturbed areas, and closing the gravel pit in the parcel. The property in question is identified on Tax Map: 23, Lot: 4B; Zone: Light Residential (RL) in the Sebago Lake watershed.

**Attachments:** [24-21 MJR SP CU FP PB MEMO UPD SebagoSolar 101524](#)  
[24-21 MJR SP CU FP SR&C RESPONSES SebagoSolar 101624](#)  
[24-21 MJR SP CU FP SR&C draft UPD SebagoSolar 101524](#)  
[24-21 MJR SP CU FP UPD APP SebagoSolar 101524](#)  
[24-21 MJR SP CU FP APPL SebagoSolar 090924](#)  
[24-21 MJR SP CU FP REVISED PLNST SebagoSolar 100524](#)  
[24-21 MJR SP CU FP REVISED SHEET C-4 SebagoSolar 101624](#)  
[4](#)  
[TE Comments UPD APP 101524](#)

Kirk Ball, from Acorn Engineering, and Dave Fowler, from Sebago Solar were present representing the application.

Mr. Ball detailed additional information and changes to the plan.

- Response to Town Engineer's questions
- Information regarding the impact on property values
- Generation sources, volume, and duration of sound
- Buffers
- The groundwater spring and level lip spreader

Christian Etheridge made a motion that the major site plan and conditional use applications for project #24-21 Sebago Solar 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 Shonn Moulton.

Vote: All in favor.

Public Comment

There was no public comment. Public comment was closed.

Christian Etheridge made a motion that the major site plan and conditional use applications for project #24-21 Sebago Solar on Tax Map: 23; Lot: 4B; Zone: Residential Light (RL) zoning district and located in the Sebago Lake watershed is to be approved with conditions with the following Findings of Fact, Conclusions and Conditions of Approval.

#### FINDINGS OF FACT

**Jurisdiction:** The Sebago Solar project is classified as a Solar Energy System and Major Site Plan, which the Planning Board is authorized to review and act on the proposed large-scale solar energy system by §120-556B(1) and utilization of 10.98 acres of land for the solar array by §120-805A(2)(c) of the Town of Windham Land Use Ordinance.

**Title, Right or Interest:** The applicant has submitted a copy of Memorandum of Solar Option and Land Lease between R.N. Willey & Sons Excavating, Inc. (Lessor) and Sebago Solar, LLC (Lessee) a Maine limited liability company dated December 27, 2019, valid through December 27, 2024. A warranty deed dated October 2, 2000, for Stanley P. Quinn Jr. to R.N. Willey & Sons Excavating, Inc. recorded on October 2, 2000, at the

*Cumberland County Registry of Deeds in Book 15765 and Page 154.*

#### 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 23 Lot 4B is in the Light-Density Residential District (RL), §120-408.*
- *The proposed land use, "Solar energy system - ground-mounted, large scale," is permitted use as a conditional use in the RL District, per §120-408C(14), and in Article 5 Performance Standards.*

#### ARTICLE 5 PERFORMANCE STANDARDS

##### *§120-511 Buffer Yards*

- *Per §120-556E(2)(b), the applicant has provide a buffer plan to meet Buffer Yard performance standards detailed in §120-511. The proposed site falls in the Light Residential (RL) zoning district and must meet the standards for Buffer Yard G (see image below).*
- *The layout of the limit of the south end of the project has been moved further north. This revision allows the existing vegetation buffer at the southern parcel boundary that will be a minimum of 50 feet in depth. The site plan has been revised to include buffering along the northern limit of the project.*

##### *§120-556 – SOLAR ENERGY SYSTEMS PERFORMANCE STANDARDS*

##### *§120-556A. Purpose*

- *The purpose of solar energy systems is to provide local, renewable, and non-polluting energy resources that can reduce fossil fuel dependence and emissions.*

##### *§120-556C. Dimensional Standards*

- *The applicant is proposing to set back 50 feet of structural setback from the property boundary line. The height of the solar array is not exceeding 22 feet in height for the system.*
- *The applicant is proposing the setback for all property boundary lines to meet the requirements of §120-556C(2) of at least 30 feet in which a perimeter fence will define the interior location of the solar arrays.*

##### *§120-556D. Standards for roof-mounted and ground-mounted solar energy systems.*

- *The applicant is working with the Code Enforcement Officer, with input from the Town Engineer, and the Fire Chief, and will meet all safety standards of large-scale ground mounted solar energy system.*
- *The solar energy system and wiring shall meet National Fire Prevention Association (NFPA 1) and National Electrical Code (NFPA 70) and will be review and permit by the Town's Electrical Inspector.*

##### *§120-556E. Additional standards for medium- and large-scale ground-mounted solar energy systems.*

- *There are several existing utility poles and overhead power lines around the property boundary, but no new utility poles or overhead lines are being proposed in the application.*
- *The applicant is designing the project to minimize the visual impact by retaining existing vegetation and promoting the establishment of natural vegetation over time. A natural forested buffer will remain to the east that exceeds 300 feet. The project fence line is set back 70 feet from the south. The southern section of the fence will include fencing screen Hedge Slats to mimic natural hedges.*

- The site is currently undeveloped and is primarily forest with areas of forested wetlands. The proposed forested wetland disturbance area is 2,408 SF of the non-jurisdictional wetland disturbance equals 12,501 SF. The proposed project shall limit the amount of land clearance necessary for the construction, operation, and maintenance of the solar energy system. All disturbed areas shall be seeded with a native pollinator friendly mix.
- The applicant shall provide for a final review of decommissioning plan and if the project is approved the staff will review the applicant's abandonment, decommissioning, and surety evidence for compliance with the solar energy systems performance standards, see COA #3 and #4.

#### COMPREHENSIVE PLAN

*This project meets the goals and objectives of the 2024 Comprehensive Plan.*

#### §120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS

##### §120–812A – Utilization of the Site

- The total parcel size is approximately 38.59 acres, with the proposed solar array occupying 10.98 acres of the parcel.
- The site design includes the installation of solar panels oriented to the north with a private access driveway from across the Raymond/Windham line, an equipment pad located at the northwestern part of the site.
- The abutting properties to the north of the property are residences which are located in the town of Raymond.
- Fire and safety access for the project will be provided via two gates. A second emergency gate will be located on the former pit road, ensuring adequate emergency response access.

##### §120–812B – Vehicular Traffic

(1) The site will be accessed by a superelevated maintenance access road coming from the Town of Raymond. The Town has extended the approval the road and intersection modification of Maisie Way and Pipeline Road, along with stormwater improvements and water quality treatment infiltration basin

##### §120–812C – Parking and Loading

- (1) The project will be closed to all pedestrians and local traffic. The applicant shall post the access as maintenance access road.
- The access road will be used for maintenance vehicles only, and the applicant has agreed to mark the road as restricted to maintenance access.
  - The access road will be maintained year-round for emergency and service vehicle access, which includes winter plowing, sanding, and salting.

##### §120–812D – Pedestrian Traffic

- No pedestrian access is permitted.

##### §120–812E – Stormwater Management

- (1) The access road is superelevated from STA 1+00 to the end to direct stormwater flow toward the meadow buffer.
- Cross-section A-A has been added to the plan to clarify the drainage direction.
  - Stormwater management complies with DEP Chapter 500 standards and the Maine Construction General Permit.

##### §120–812F – Erosion Control

- (2) The applicant will be required to meet the DEP Maine Construction General Permit

*Standards and the Chapter 500 Stormwater Rules: Basic Standards during the clearing and construction of the site. Soil erosion and sedimentation will be minimized and will not result in off-site impacts on watercourses and bodies of water.*

*§120–812G – Water Supply Provisions*

- Solar energy system developments do not require a water supply.*

*§120–812H – Sewage Disposal Provisions*

- The solar development does not require a private subsurface wastewater disposal (septic) system.*

*§120–812I – Utilities*

- Poles and utility connections will occur through Raymond, Maine, and therefore, an overhead utility connection waiver is not required for this project.*

*§120–812J – Groundwater Impacts*

- The solar energy system does not require a water supply or sewer system.*
- A groundwater spring has been identified on the subject property. The Plan has been modified to include a 75-foot long stone level spreader. The purpose of the level spreader is to intercept the spring water, prevent it from channelizing, and convert to sheet flow to promote infiltration.*
- The discharge from the spring is not currently conveyed to an adjacent parcel. During pit operations discharge has been controlled by creating infiltration basins within the pit area.*
- The spring water discharge identified on the property will remain onsite and be managed through a 75-foot long stone level spreader to prevent channelization and ensure proper infiltration.*

*§120–812K – Water Quality Protection*

- No harmful substances will be stored or used on the proposed site.*

*§120–812L – Hazardous, Special and Radioactive Materials*

*(1) Handling, storage, and use of all materials identified by the standards of a federal or state agency as hazardous, special, or radioactive are not being proposed. Storage of flammable or explosive liquids, solids, or gases is not being proposed.*

*§120–812M – Shoreland Relationship*

- The proposed development is not located in a shoreland zoning district.*

*§120–812N – Technical and Financial Capacity*

- (1) The applicant states the project development costs is \$4.1 million. The applicant provided a bank letter from Cathrine G. Dorion VP of M&T Bank, stating the applicant has had a long-standing banking relationship M&T Bank.*
- The applicant will provide financial assurance for the costs of decommissioning the existing active gravel pit.*
  - The applicant will also provide a Decommissioning Surety as required per §120-556E(4).*
- (2) The applicant has contracted with Acheron Engineering for zoning, permitting, financing, engineering, and environmental permitting support.*

*§120–812O – Solid Waste Management*

- The proposed solar array is not anticipated to generate solid waste.*

*§120–812P – Historical and Archaeological Resources*

- The applicant has provided evidence from the State showing that there are no historic or archaeological resources onsite.

#### §120-812Q – Floodplain Management

- The proposed building is not in a mapped FEMA 100-year floodplain hazard area.

#### §120-812R – Exterior Lighting

- The applicant has designed the lighting to meet the town's dark sky ordinance, ensuring minimal glare and preventing light spill onto adjacent properties.
- Lighting is for security purposes only and utilizes motion sensors to limit illumination during non-operational hours.

#### §120-812S – Noise

- The noise level at the property must not exceed 55 dBA from 7:00 am to 10:00 pm and 45 dBA from 10:01 pm to 6:59 am.
- Construction activities cannot occur between the hours of 10:00 pm and 6:00 am.
- The applicant has provided information related to the noise output generated by the tracker motor used for the solar array. The data provided indicates a sound pressure level below the applicable limit of 55 dBA.

#### §120-812T – Storage of Materials and Screening (Landscape Plan)

- The applicant is not proposing to store materials on-site.
- The solar facility does not generate solid waste; therefore, a dumpster or similar large collection receptacles are not proposed for the solar energy system.

#### §120-516 CONDITIONAL USE REVIEW

The applicant shall provide evidence that the project will conform with §120-516 Conditional Use (see criteria below).

##### §120-516(H)(1) - Property Value

- The applicant states that as the prior use of the property was a gravel pit, the new proposed use of a solar facility would not decrease the surrounding property values.
- The applicant has provided studies that show no considerable decrease in surrounding property values with the installation of solar facilities.

##### §120-516(H)(2) - Wildlife Habitat

- The applicant states that there are not any habitats of concern on or near the project site.

##### §120-516(H)(3) - Botanical Species

- The applicant retained Atlantic Resources Co. to conduct a rare, threatened, and endangered species survey and found no evidence of any plant or animal species listed on the site.

##### §120-516(H)(4) - Potable Water

- See above in Major Site Performance Standards, §120-812G.

##### §120-516(H)(5) - Sewage Disposal

- See above in Major Site Performance Standards, §120-812H.

##### §120-516(H)(6) - Traffic

- See above in Major Site Performance Standards, §120-812B.

##### §120-516(H)(7) - Public Safety

- *The project is an unmanned facility which will be completely fenced. The project is not anticipating any additional traffic requiring a heighten police, fire, and rescue services.*

*§120-516(H)(8) - Vibration*

- *The proposed use will not utilize any equipment that will generate vibrations.*

*§120-516(H)(9) - Noise*

- *See above in Major Site Performance Standards, §120–812S.*

*§120-516(H)(10) - Off-Street Parking and Loading*

- *See above in Major Site Performance Standards, §120–812C.*

*§120-516(H)(11) - Odors*

- *The project will not emit any noxious or odorous matter.*

*§120-516(H)(12) - Air Pollution*

- *This project will not create dust or any other form of air pollution.*

*§120-516(H)(13) - Water Pollution*

- *See above in Major Site Plan Performance Standards §120–812J and §120–812K*

*§120-516(H)(14) - Erosion and Sediment Control*

- *See above in Major Site Plan Performance Standards §120–812F.*

*§120-516(H)(15) - Hazardous Material*

- *See above in Major Site Plan Performance Standards, §120–812L.*

*§120-516(H)(16) - Zoning District and Performance Standards*

- *See above in District Standards, §120-413C(2).*

*§120-516(H)(17) - Solid Waste Management*

- *See above in Major Site Plan Performance Standards, §120–812O.*

*§120-516(J) – Inspections*

- *The Review Authority (Planning Board) may require the provision of third-party inspection during the construction of the proposed use. The applicant shall be responsible for all third-party inspections and an escrow account for the inspections.*

*CONCLUSIONS (for final plan review)*

- 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. Not Applicable: The proposed site plan has/does not have 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. *Not Applicable: The proposed site plan will/will not 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. *Not Applicable: The proposed site plan 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 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 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.*

#### CONDITIONS OF APPROVAL

1. *Approval is dependent upon and limited to the proposals and plans contained in the application dated June 3, 2024, revised October 4, 2024, as amended October 28, 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 §120-815F 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. *Abandonment or Decommissioning*
  - a) *Removal Requirements: At such time that the ground-mounted solar energy system described in this approval has reached the end of its useful life or has been abandoned consistent with the Abandonment description within this condition of approval, it shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:*
    - i. *Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.*
    - ii. *Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.*
    - iii. *Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.*
  - b) *Abandonment: Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the large-scale ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than one year*

without the written consent of the Site Plan Review Authority. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned large-scale ground-mounted solar energy system. As a condition of Site Plan approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation.

4. *Surety: The applicant will provide financial assurance for the decommissioning costs in the form of a performance bond, surety bond, 'evergreen' letter of credit, or other means acceptable to the Town, for the total cost of decommissioning. The applicant will have the financial assurance mechanism in place prior to construction and will re-evaluate the decommissioning cost and financial assurance at the end of years, five, ten, and fifteen. Every five years after the start of construction, updated proof of acceptable financial assurance must be submitted to the Town for review.*

5. *Prior to the pre-construction meeting, the applicant shall provide written approval from Town of Windham's Director of Code Enforcement & Maine DEP to the Director of Planning to modify the mineral extraction site closure plan by retaining the existing tree line and eliminating the 2:1 grading areas that require tree clearing.*

*Seconded by Shonn Moulton.*

*Vote: All in favor.*

6. [PB 24-097](#)

#24-27: Amendments to the Town of Windham's Code, Chapter 185, Shoreland Zoning, to revise the Table of Land Uses, requiring certain non-residential uses in the Shoreland Zoning District to comply with Chapter 120 Land Use Article 8. Per §185-8 Amendments, the Planning Board shall review and provide a land use recommendation; this chapter may be amended by the Town Council in accordance with the Town Charter.

**Attachments:** [24-27\\_PB\\_MEMO\\_AmendmentsChapter185Shorland\\_LUO\\_101624.pdf](#)  
[Ordinance Amendment 102424.pdf](#)  
[Moratorium Ordinance Effective 03.26.2024 \(1\).pdf](#)

*Steve Puleo explained the proposed amendments:*

- *Corrections to some definitions*
- *Additions to the land use table*
- *A requirement for Planning Board review, under Chapter 120 of the Land Use Ordinance, for some uses in a shoreland zone*

*Public Comment*

*Jeanne Goode , Hackett Road – She thanked the Board for listening to abutters of the marina. She hadn't seen anything regarding DEP's multi-sector general permit requirements for marinas to file a Notice of Intent and implement a stormwater pollution prevention plan. It would do a lot of what the Board was looking for.*

*Veronica Schneider, Marston Road – She appreciated the Board for listening to their*

concerns. Her additional concerns: Could they receive clarification on the one parking space? She believed the space should be adjacent to the marina. Did the land for the parking need to be owned by the marina, or could it be leased or an easement? Was the environmental impact taken into consideration in the recommendations? Was the access via public or private land? Should there be a requirement to upgrade the road? As the owner of Marston Road, she was worried about that type of expansion causing excessive strain and overburdening the original easement provided to the association. She would like it if a requirement for a certain amount of distance for the parking lot could be made.

Dustin Roma, DM Roma Consulting Engineers – He spoke regarding the proximity of parking lots to marina uses. There were some reasons why you wouldn't want a large parking area adjacent to a marina use. Marinas and boat slips had a functionally water dependent need. Many such facilities had parking areas some distance away. Even though it was convenient to have parking close, he wouldn't want to see them preclude the ability to locate in areas more environmentally suitable with wooded areas between them and the water and to determine that on a case by case basis. He did think it was important to have whatever right-title-or interest in the parking be into perpetuity and tied to the marina so it would not be revoked.

There was no more public comment. Public comment was closed.

Kathleen Brown made a motion to recommend approval of the proposed amendments to specific sections of Chapter 185, Shoreland Zoning Districts, including modifications to sections 185-14 through 185-17; in addition, amendments to Chapter 120 Land Use, including changes to specific sections in 120-105 D, 120-805 A, 120-805 A 2 (e), and 120-812 C (2) (a).

Seconded by Shonn Moulton.

Kathleen Brown was willing to recommend the motion with comments.

The comment was for further consideration of parallel parking on access ways and private roads.

Seconded by Anne Daigle.

Vote: All in favor.

## **New Business**

### **7. [PB 24-096](#)**

#24-30 - Amended Major Subdivision - Third Amended Otterbrook Estates Subdivision - 12 Irving Lane - Final Plan Review - Norman & Anastasia Harris

The application is to request for a Planning Board approval to allow a land swap with the applicants' parcel in the Otterbrook Estates subdivision. In 2012, the applicant owned Lot 15 of the Otterbrook Estates and received an approval to divide the parcel into 7.59 parcel which had approved access from Irving Lane.

**Attachments:** [24-30 AMD MJR SUB FP PB MEMO Lot Change 15-1OtterbrookEstates101524.pdf](#)  
[24-30 AMD MJR SUB REVISED APPL Lot Change 15-1OtterbrookEstates 101624](#)  
[24-30 AMD MJR SUB ATTORNEY COMMENT Removal15-1OtterbrookEstates 100724](#)

Norman Harris, the applicant, explained he had a neighbor who would swap some land with him so he could locate a garage on his property.

Steve Puleo explained the application:

- Would be the conveyance of 18,336 square feet.
- The remaining properties in the subdivision would remain unchanged.

#### Public Comment

There was no public comment. Public comment was closed.

Christian Etheridge made a motion that the Amended Major Subdivision application for project #24-30 Third Amended Otterbrook Estates Subdivision project 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 Kathleen Brown.

Vote: All in favor.

Kathleen Brown made a motion that the Amended Major Subdivision application for the #24-30 Third Amended Otterbrook Estates Subdivision development identified on Tax Map: 11B; Lot: 15-1; Zone: Farm (F) zoning district and located in the Presumpscot River via Otter Brook watershed is to be approved with conditions with the following Findings of Fact, Conclusions, and Conditions of Approval.

#### FINDINGS OF FACT

*Jurisdiction:* The Third Amended Otterbrook Estates Subdivision project is classified as an Amended Major Subdivision, which the Planning Board is authorized to review act on by § 120-913B(2) of the Town of Windham Land Use Ordinance.

*Title, Right, or Interest:* The applicants have submitted a copy of a Warranty Deed between Kyle D. Rich and Jill C. Rich and Norman P. Harris and Anastasia P. Harris, dated November 18, 2011, and recorded on November 21, 2011 at the Cumberland County Registry of Deeds and found in Book 29139 and Page 191. Along with, a Warranty Deed between Dale S. Morrell and Janet L. Morrell to Page Properties, LLC, dated February 27, 2013, and recorded at the Cumberland County Registry of Deeds recorded on March 14, 2013 and found in Book 30467 and Page 38. On October 13, 2024, the applicants and the abutter agreed to property exchange as show on the third amended Otterbrook Estates subdivision as described herein.

#### ARTICLE 4 ZONING DISTRICTS

- As shown on the Town of Windham Land Use Map approved by the Town Council, Tax Map: 11B; Lot: 15-1; Zone: Farm Residential (FR) zoning district and located in the Presumpscot River via Otter Brook watershed.
- The existing use is a residential subdivision where single family lots are developed.

- The applicants are pursuing an amendment to adjust the record property boundary lines by swapping a portion of the applicants' property with the abutting property identified as Tax Map: 50; Lot 20 to construct a garage for personal use.

*The following findings from the amended subdivision Review of relative criteria in §120-911 SUBDIVISION PERFORMANCE STANDARDS.*

*§120-911A – Basic Subdivision layout*

- The layout of the subdivision will not change with this amendment, only the applicants' property boundary lines.
- The amendment is to provide a suitable location near the applicants' residents to construct a detached garage.

*§120-911E – Impact on wildlife habitat*

- The parcel modification to the boundary lines will not impact any natural habitats.

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

*Comprehensive Plan:*

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

*Subdivision Ordinance:*

- Digital transfer of the subdivision plan data must be submitted with an electronic copy to the Town and as well for the Town's GIS data transfer, after the amended plan is recorded at the Cumberland County Registry of Deeds.

*Maine Subdivision Law, per 30-A M.R.S. Sec. 4401: Town Attorney comment regarding the removal of a parcel created by the Planning Board.*

*1. There is nothing in State law that allows a numbered lot in a subdivision to be removed from the subdivision. While there is a subdivision revocation process, it only applies prior to the sale of any lots in the subdivision, which clearly is not the case here. This would not have been allowed in 2012. As stated in the property deed, the subdivision received approval from the DEP in 1988 and was subject to all of the conditions of that approval, including that any divisions of lots requires DEP approval. Even if the Town had the authority to remove it from the approved subdivision, it would still be subject to the DEP requirements. In addition, the deed refers to various conditions of record on the subdivision plan, so removal could create title issues for the owner.*

*30-A M.R.S. Sec. 4401 contains the definition of subdivision and it covers specified divisions of land that were under the same ownership within the five years immediately preceding any division that triggered subdivision review. That definition does not change over time.*

*2. If the hammerhead question remains after the above answer, the hammerhead may be left in place and counted towards the frontage requirement if it was the first hammerhead created after March 12, 2012. If it does not meet that requirement, it must be removed if the road is to be extended (although that doesn't appear on the plan). If this is the existing condition and it was approved as part of the lot split in 2012, then presumably it was reviewed at that time under the then applicable standards.*

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

- The applicants are self-funding the amended subdivision application.

*§120-911J – Stormwater Management*

- No changes in the existing stormwater management plan are required.

*CONCLUSIONS (Final Plan Review)*

1. *The amended subdivision reflects the natural capacities of the site to support development.*
1. *Not Applicable: Buildings, lots, and support facilities will/will not be clustered in those portions of the site that have the most suitable conditions for development.*
2. *Not Applicable: 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/will not 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 amended 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 amended subdivision will provide adequate sewage waste disposal.*
7. *The proposed amended subdivision conforms/does not conform to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan.*
8. *The property owner has the adequate financial capacity to meet the standards of this section.*
9. *The proposed amended subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.*
10. *The proposed s amended subdivision will provide for adequate stormwater management.*
11. *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.*
12. *Not Applicable: On-site landscaping does/does not provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.*
13. *Not Applicable: All freshwater wetlands within the proposed subdivision have/have not been identified on the plan.*
14. *Not Applicable: Any river, stream, or brook within or abutting the subdivision has/has not been identified on any maps submitted as part of the application.*
15. *Not Applicable: The proposed subdivision will/will not provide for adequate stormwater management.*
16. *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/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/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/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/has not been harvested in violation of rules adopted pursuant to Title 12, §8869, sub§14.*

*CONDITIONS OF APPROVAL (Required)*

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated October 7, 2024 and as amended October 28, 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 of the Land Use Ordinance.
2. Prior issuing the building permits, the applicant shall record the approved plan in the Cumberland County Registry of Deeds (CCRD), per §120-915B, to the Director of Planning.

Seconded by Christian Etheridge.

Vote: All in favor.

8. [PB 24-099](#)

#24-28 - Minor Subdivision - Franklin Drive Subdivision - 20 Franklin Drive - Sketch Plan Review - New Gen Estates, LLC

This application is a four-lot subdivision to create lots for future commercial and residential uses of the property. Tax Map: 18; Lot: 26-2; Zone: Commercial I (C-1) zoning district in the Chaffin Pond / Little Sebago Lake watershed.

**Attachments:** [24-28 MNR SUB SKP PB MEMO FranklinDriveSub102224](#)  
[24-28 MNR SUB SKP SR&C FranklinDriveSub101024](#)  
[24-28 MNR SUB SKP APP FranklinDriveSub\\_093024](#)  
[24-28 MNR SUB SKP PLANS FranklinDriveSub\\_093024](#)  
[Assesor Comments\\_100824](#)  
[24-28 UPD RENDERED PLAN FranklinDriveSub\\_102424](#)

Rob McSorely, from Sebago Technics, explained the application:

- They proposed to divide the approximately 30-acre parcel into four lots, one for commercial use; two for residential use, with one of those having frontage on Sandbar Road; and the fourth would contain wetlands and a significant vernal pool.
- They had designed the project to align with both the new sewer project and the Windham Moves initiative.
- Franklin Drive would be extended to meet a future throughfare.

Steve Puleo explained:

- Development on each of the four lots would be reviewed as individual Planning Board applications.
- There was an access easement through the property. The town intended to connect to Donna Beth Lippman Park through that easement and would apply to DEP for appropriate permits.

9. [PB 24-098](#)

#24-31 - Major Site Plan & Subdivision - Turning Leaf Heights - Turning

**Leaf Drive - Sketch Plan Review -Gateway Development LLC.**

This Application proposes a multifamily development consisting of three (3) buildings with 30 units each, two (2) buildings with 12 units each, seven (7) buildings with four (4) units each, and two duplex buildings for a total of 146 dwelling units. Approximately 1,900 ft of new roadway to be built as extensions of Turning Leaf Drive and Drive In Lane. All units served by public water and public sewer.

**Attachments:** [24-31 MJR SUB-SP SKP PB MEMO TurningLeafHeights 102124](#)  
[24-31 MJR SUB-SP SKP SR&C TurningLeafHeights 101524](#)  
[24-31 MJR SUB-SP SKP APP TurningLeafHeights 100824](#)  
[24-31 MJR SUB-SP SKP PLANSET TurningLeafHeights 100824](#)  
[Addressing officer comments 101024](#)

*Dustin Roma, from DM Roma Consulting Engineers, was present representing the application, with the applicants, Blaine and Ryan Rich. Mr. Roma explained:*

- *The proposal was for 146 residential units in a variety of multi-unit and town house options.*
- *The original layout had been changed in order to take advantage of existing topography.*
- *Turning Leaf Drive and Drive-In Lane would be extended for access, and the sewer would be extended up Turning Leaf Drive.*
- *Onsite parking would be located throughout the site.*
- *Fencing was to be installed along the property line with Commons Avenue as screening to commercial uses.*

*Steve Puleo told the Board that the extension of the sewer on Turning Leaf Drive would enable a gravity feed to the treatment plant on Sposedo Road.*

**Other Business****10. [PB 24-102](#)**

#24-13 Cross Ridge Subdivision- Notice of Decision.

**Attachments:** [24-13 MJR SUB FP APPR LTR NOD CrossRidgeSub 102224.pdf](#)

*Chair, Marge Govoni, signed the Notice of Decision.*

**11. Adjournment**

Note

Note

*Meeting went into Recess*

Note

Note



*Meeting Reconvened*