



PLANNING BOARD MEMO • MAJOR SUBDIVISION AND SITE PLAN • FINAL PLAN REVIEW

DATE: June 24, 2024

TO: Windham Planning Board
FROM: Steve Puleo, Planning Director
Cc: Drew Gagnon, Gorrill Palmer Consulting Engineer Inc.; Agent
Loni Gravier, Windham Village Apartments, LLC; Applicant
Jasmine Lopez, Planning Intern

RE: #23-18 – Major Site Plan/Subdivision – Windham Village Apartments – 770 Roosevelt Trail
– Final Plan Review – Windham Village Apartments, LLC

Planning Board Meeting: **July 1, 2024 (Special Meeting)**

Overview –

The application is to construct 16 one-bedroom and 156 two-bedroom multifamily units along with associated landscaping, utility, drainage and stormwater infrastructure. The site is on a portion of the existing Shaw's Grocery Parcel. Tax Map: 70; Lot: 1A; Zone: Commercial I (C-1) zoning district and located in the Presumpscot River watershed.

A Development Review Team meeting was held on May 8, 2023. Planning Board conducted a site walk on April 22, 2024. Comments received during the meeting are reflected in the memo below.



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

SITE PLAN AND SUBDIVISION REVIEW

PLEASE NOTE: Staff comments reference guidance documents and suggested topics for Board discussion are in *italics text form a previously reviewed and approved items*, **bold and italic text represent unaddressed existing or new staff comments** or plain underlined text are items have been addressed by the applicant.

Staff Comments:

1. Complete Application: *[Final Plan]*

MOTION: I move the major site plan and subdivision application for the Tandberg Trail Residential Development 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:

Waiver of Submission Requirements: Waiver of submission requirements. The Director of Planning or designee may waive any of the submission requirements of [§120-811](#) based upon a written request by the applicant. Such request shall be submitted at the time of the preapplication conference for minor developments or as part of the sketch plan application for major developments. A waiver of any submission requirement may be granted if the Director of Planning finds that the information is not required to determine compliance with the standards and criteria of this chapter.

None requested.

Waiver of the Site Plan Performance Standards. The Planning Board may waiver the requirements of [§120-812](#) if it finds that extraordinary an unnecessary hardship, not self-imposed, may result from strict compliance with the site plan review standards. In all cases, waivers shall not be deemed a right of the applicant, but rather shall be granted at the discretion of the Planning Board. The applicant shall submit a list of the requested waiver(s) in writing. For each waiver requested, the applicant shall submit answers to each criterion in [§120-808B\(2\)](#).

(a) [§120-812C\(1\)\(d\)](#) Parking and Loading.

The applicant is requesting a reduction of the 30% requirement for 10' x 20' parking spaces to 21%. The Town of Windham requires 30% of the total parking area to be oversized, this is equivalent to approximately 103 parking spaces. The Applicant is proposing 73 oversized parking spaces and requests a waiver. Providing an additional 30 oversized spaces will encroach parking bays into impervious setbacks and create more impervious area on site, reducing the provided landscape islands and buffers.

Staff supports this request to minimize the overall impervious of the site.

MOTION: [I] move to approve the waiver request of [§120-812C\(1\)\(d\) Parking and loading](#), to reduce the required 10 feet by 20 feet of the 90 degree parking spaces from 30% to 21%.

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\(2\)](#). The Board is not required to use any criteria in making its determination on the granting of a waiver of the submission requirements. Per [§120-908C](#). The Planning Board may waive the requirements of [§120-911](#) Performance and Design Standards, when the applicant demonstrates that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met, 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\(2\)](#).

None requested.

3. Public Hearing: The Planning Board held a public hearing on April 22, 2024.
4. Site Walk: The Planning Board held a site walk on April 22, 2024.

Findings of Fact and conclusions for the Windham Planning Board,

MOTION: I move the major subdivision and site plan application for the Windham Village Apartments on Tax Map: 70, Lot 1A is to be (**approved with conditions/denied**) with the following findings of fact and conclusions.]

5. Jurisdiction: Windham Village Apartments project is classified as a Major Subdivision and Site Plan, which the Planning Board is authorized to review and act on by [§120-802A\(6\)](#) and [§120-905A](#) of the Town of Windham Land Use Ordinance.
6. Title, Right or Interest: The applicant has submitted a copy of purchase and sale agreement dated July 11, 2022, and amended October 18, 2023, with a closing date not later than July 1, 2024, with B33 WINDHAM II, LLC.

ARTICLE 3 DEFINITIONS

Major Subdivision: “Any subdivision containing five or more lots or dwelling units.”

ARTICLE 4 ZONING DISTRICTS

- As shown on the Town of Windham [Land Use Map](#) approved by the Town Council, date August 15, 2023, Tax Map 70, Lot 1A is located in the Commercial I (C-1) District.
- The detached multifamily dwelling residences are permitted use in the C-1 District [§120-410B](#).

ARTICLE 8 SITE PLAN REVIEW

§120- 812 - MAJOR SITE PLAN PERFORMANCE STANDARDS

§120-812A - Utilization of the Site

- The applicant states that the proposed site has no known environmentally sensitive areas. Natural drainage was preserved in the final plan and sand and gravel aquifer maps were provided.

§120-812B - Vehicular Traffic

- The applicant received a complete traffic study showing an anticipated trip generation of 81 in the AM and 98 in the PM peak hour of the generator. The Development Review Team confirmed that per MaineDOT requirements, a permit is not needed.
- The applicant shows two access points on the site.

§120-812C - Parking and Loading

- The proposed development will provide 342 proposed parking spaces including 14 accessible and 73 oversized.
- The applicant is requesting a waiver to reduce the required number of oversized parking lots below 30%, reducing the number by 30 to avoid encroaching on setbacks and increasing impervious area.

§120-812D - Pedestrian Traffic

- The applicant is showing a system of pedestrian ways within the development by providing sidewalks and connections from Tandberg Trail and access to the new building.
- The applicant will construct a cover bus shelter at the proposed Manchester Drive school bus pick up location.

§120-812E - Stormwater Management

- The applicant proposes the utilization of Drip Edge Filters on the roof tops of the fourteen proposed buildings on site. A Subsurface Infiltration System is proposed in the Southeastern corner of the lot to infiltrate impervious and paved areas on site.
- The applicant has provided a Stormwater Management Report.

§120-812F - Erosion Control

- (2)** The applicant has a plan for Erosion and Sedimentation Control practices during the site improvement construction activities that will meet the Basic Standards per §4(A) of the MeDEP Chapter 500 Stormwater Rules.
- The application includes an inspection, maintenance, and housekeeping plan and an erosion and sedimentation control plan sheet that generally meets the requirements of Maine DEP Chapter 500 Basic and General Standards.
 - A minimum of three construction inspections must be completed during the active earth-moving phase of construction (with one of these being completed at project

completion to ensure permanent site stabilization and temporary ESCs are removed) and a minimum of one inspection must be completed annually until a project reaches substantial completion.

- Corrective actions will be included in the inspection and must be implemented in a timely manner. Remediation tasks not completed are eligible for enforcement action.

§120-812G - Water Supply Provisions.

- See below in §120-911 Subdivision for details.
- The proposed buildings will be supplied by Portland Water District.
- An 8" watermain is proposed within the access drive that will connect to an existing 8" watermain in the wester Private Access Drive.
- Each building is proposed to be served by a 6" fire and 2" domestic water service.

§120-812H - Sewage Disposal Provisions

- See below in §120-911 Subdivision for details.

§120-812I - Utilities

- See below in §120-911 Subdivision for details.

§120-812J - Groundwater Impacts.

- See below in §120-911 Subdivision for details.

§120-812K - Water Quality Protection

- See below in §120-911 Subdivision for details.

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

- The proposed residential uses do not anticipate handling, storing, or using any material identified by the federal or state governments as hazardous, special, or radioactive. The applicant will provide a list of any materials that would fit in those categories for the final plan review.

§120-812M – Shoreland Relationship

- See below in §120-911 Subdivision for details.

§120-812N - Technical and Financial Capacity

- See below in §120-911 Subdivision for details.

§120-812O – Solid Waste Management

- See below in §120-911 Subdivision for details.

§120-812P – Historical and Archaeological Resources

- There are no known historic and archaeological resources onsite.

§120-812Q - Floodplain Management

- See below in §120-911 Subdivision for details.

§120-812R – Exterior Lighting

- See below in §120-911 Subdivision for details.

§120-812S - Noise

- The proposed commercial uses shall not exceed 65 dB between 7:00 AM to 10:00 PM and 55 dB between 10:01 PM to 6:59 AM.

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

- See below in §120-911 Subdivision for details.

§120-814 – MULTIFAMILY DEVELOPMENT STANDARDS.

§120-814A – Building Architecture

- (1) Architect style. The applicant **has provided** architectural rendering and designs for the final site plan review submission.
- (2) Façade. The applicant **has provided** architectural rendering and designs for the final site plan review submission.
- (3) Orientation. The applicant is showing the entrances oriented to face the access drives, Tandberg Trail, and Manchester Drive.

§120-814B – Site Design

- (1) Parking. See below in §120-911 Subdivision for details.
- (2) Screening. The applicant **has provided** a landscaping plan with the final plan submission.
- (3) Bicycle/Pedestrian. The applicant has provided a plan showing a network of walkways and bicycle parking pads in front of the buildings.
- (4) Recreation and open space. The applicant is proposing a centrally located outdoor amenity area as well as a second recreation area outside of the Community Center.
- (5) Landscaping and lighting. The landscaping plan has been submitted with the final application along with a planting list that uses local plants. A photometric plan has been included in the final application.
- (6) Access drive standards. The access drive shall remain private and shall meet the design standards set forth in C1.

§120-911 - MAJOR SUBDIVISION PERFORMANCE STANDARDS

§120-911A – Basic Subdivision layout

- (1)(a)** Per **§120-410E(2)**, there is not net residential density standard in the Commercial I (C-1) district.
- (b)** The side boundary lines are perpendicular to Tandberg Trail and follow north along Manchester Drive and the access driveway of Shaw Plaza.
- (d)** The proposed parcel has approximately 658 feet of street frontage.

- (e) Lot number for the proposed lot has not been assigned. The lot numbering shall be reviewed by the E-911 Addressing Officer and the comments shall be considered by the Board.
- (2) At the Development Review Team meeting held on May 3, 2023, the applicant stated all utilities will be located underground, per [§120-911A\(2\)\(a\)](#).
- The proposed development will extend water service from Manchester Drive throughout the site for domestic and fire suppression purposes.
 - Underground electric/fiber/communication service will be provided to the development. Details shall be provided for the preliminary plan submission.
 - Natural Gas is available within the private access drive located at the eastern portion of the site.
 - Lighting will be provided throughout the development via pole and building mounted lighting fixtures. The applicant **has provided** a photometric plan with the final plan submission.
 - ~~The Town Engineer is concerned that the plans show underground electrical lines within the development but do not appear to show a clear indication of the connection to the outside electrical grid other than a note regarding assumed power source with a riser at a pole along Rte. 35. Additional detail, presumably based on CMP input, should be included in final plans.~~
 - For the final plan, the applicant **has provided** a revised plan set that details the connection to the utility pole along Rte. 35.
 - The applicant intends to connect to the public sewer in late 2025.
- (3) For the final plan, the applicant **has provided** the location of proposed street line monuments along Tandberg Trail.

§120-911B – Sufficient Water

- (1) The applicant **has not** provided an “Ability to Serve” letter from the water supply with the Portland Water District to supply the domestic and fire suppression services.
- The Town Engineer stated: the application notes that a request for an ability to serve for water supply and wastewater disposal has been submitted to Portland Water District and their response will be included in the final application. The plan shows the proposed routing of the water and sewer lines through the property with the sanitary sewer lines going to a proposed PWD pump station at the corner of Route 35 and Manchester Drive. The proposed routing through an easement conveyed to the PWD appears consistent with plans previously reviewed by PWD and shared with Public Works staff.
 - The Portland Water District’s response with an “Ability to Serve” letter **has not been submitted** in the final application. Preconstruction cannot begin until a response has been received.
- (3)(d) The applicant has provided information on the locations of public or private fire hydrant, which is across the unnamed street intersection.
- *The Deputy Fire Chief is requesting the applicant add a fire hydrant to the entrance of the project on the unnamed road, across the street from the restaurant parking*

area. This would ensure that all the buildings in this project would be with 1000' feet of a fire hydrant.

- The applicant has added an additional fire hydrant at the east entrance of the “Staple’s” access road. The utility plan has been revised to reflect the change.

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

- (2)** The developer has provided a statement for the Maine licensed professional civil engineer that the plan shall prevent soil erosion and sedimentation from entering water bodies, wetlands, and adjacent properties. The applicant **has provided** stormwater management and erosion control plans which meet DEP Chapter 500 Stormwater Rules.

§120-911D – Sewage Disposal

- (1)(a)** The applicant has designed the residential development to connect the public sewer expansion project in the North Windham sewer district. See Conditions of Approval #4.
- The existing conditions show that there is a 0.76-acre subsurface wastewater disposal with a reversed areas serving the Shaw’s Plaza located along the northerly property boundary lines of the 9-acre site.

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

- (1)(a)** The applicant has provided more information relating to the natural resource impacts for the final plan review. The site has no shoreline frontage. The applicant **has not submitted** a “Beginning with Habitat Map” showing the location of the subject property in relations to deer wintering areas and brook trout habitat. There are no deer wintering areas or brook trout habitats shown on the property. The applicant **has provided** a review of the site from the Maine Historic Preservation Commission as part of the final plan review. Areas where tree clearing will occur **has been noted** on the plan and shall be maintained for at least five years after the approval.
- The State of Maine Department of Agriculture, Conservation, and Forestry has stated in letter dated March 3, 2023, that there are no rare, endangered, or threaten species onsite.
- (b)** The developer **has included** the planting of street trees along the access drive in the site and along the Manchester Drive and Tandberg Trail. The applicant **has provided** an extensive landscaping plan.
- (2)(a)** The open space and common lands is identified on the plan and developer will own and maintain those areas. The applicant is providing a large open space area. For the final plan the applicant **has provided** the required open space and recreational, per **§120-814** Multifamily performance standards.

§120-911F – Conformance with Land Use Ordinances

Comprehensive Plan:

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

Land Use Ordinances:

- There is no minimum lot size in the C-1 zoning district.

- Lots meet the lot frontage requirement of 100 feet in the C-1 zoning district.
- There is no net residential density requirement.
- The applicant has shown solid waste disposal locations throughout the development.
- The solid waste in the form of stumps or brush will be hauled off-site and disposed of in accordance with all applicable regulations.

Subdivision Ordinance:

- The Assessor's assigned tax map and lot numbers shall be shown on the final plans.
- For the final plan, data of the subdivision plan **has been provided** and is compatible with the Town's GIS system in the a .DWG file format and provided to the Town prior to release or the signed recording plan.
- The building setback requirements are shown on the proposed site plan submission for the lot.
- Documents have been provided with the final plan review submission and specify the rights and responsibilities of the property owner with respect to the maintenance, repair, and plowing of the development's streets, and stormwater infrastructure.
- The final plan **has included** a boundary survey conducted and certified by a Maine Licensed Professional Surveyor.

Others:

- Refer to [Chapter 204 Art. II](#) - Street Naming and Addressing: **Prior to the Planning Board signatures on the approved site plan and subdivision recording plan, the applicant shall obtain street names approved by the Town Addressing Officer, including map and lot numbers.**

Subdivision Ordinance:

- **General notes, approved wavers, and the standard conditions of approval must be shown on the surveyor stamped and signed recording plan.**
- The subdivision plan shows the entire parcel including all contiguous land in common ownership within the last five years, as required by [30-A MRSA §4401](#).
- *The Town Engineer is concerned about the retaining wall and landscape plan:*
 - Portions of the retaining wall proposed in back of Building 13 at the far southwest corner of the property appear to be above 4 ft tall and therefore will require design by a registered professional engineer.
 - The applicant has updated the plan to reflect the detail, including the intended construction material, and noted the required stamp from a registered professional engineer.
 - The Landscape Plan shows 7 plantings labeled "QR" along the rear access drive to the Shaw's Plaza off of Manchester Drive however I didn't see a species designated "QR" in the plantings list. Please clarify.
 - The applicant has revised the labels on the plan to say "QB", instead of "QR", which was addressed as a mistake in the original labeling.

§120-911G – Financial and Technical Capacity

- (1) The project site work cost estimate is \$4,580,000, and the 172-units of building cost is estimated to cost \$232,736,00. The applicant has provided a letter dated November 16, 2023, from Karl Suchecki, Executive Vic President of Gorham Saving Bank stating there a banking relationship for Graiver Home, Inc. and its president, Loni Graiver, principal of Windham Village Apartments, LLC.
- (2) The applicant has provided technical capacity to complete the proposed project. Gorrill Palmer and Flyscatcher, LLC have been contracted to prepare to the required permit application and development plans.

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

- As noted above the development will be served by the Town of Windham’s Wastewater Treatment Facility and will be served by the Portland Water District water main in the Tandberg Trail ROW.

§120-911I – Floodplain Management

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

§120-911J – Stormwater

- (2) The applicant states the proposed project area will create over 3-acres of non-vegetated area within the Shaw’s Plaza development, as such, the project will be required to obtain MeDEP Site Location of Development Act (SLDA) permit.
- The applicant has initiated the MeDEP review process and understands the amended SLDA permit is required for the final plan review.
- The following comments from the Town Engineer **have been addressed** in the final plan review.
 - The Applicant’s stormwater evaluation is part of the Site Location and Development Application submitted to Maine DEP, which is currently under their review. The comments provided here supplement any comments from Maine DEP.
 - The applicant acknowledged the comment.
 - The proposed stormwater management design includes roof drip edge filters on each of the proposed buildings to treat roof runoff and a large chamber-based subsurface infiltration system at the southeast corner of the site. Based on my general review of the Stormwater Report, it appears that proposed stormwater management system meets the Town’s ordinance and Maine DEP requirements for providing water quality treatment and flood control.
 - The applicant acknowledged the comment.
 - The situation with storm drain culverts in the area between CB-5 and DMH-8 is confusing because of overlapping linework. Can this be clarified with a detail or better resolution with the line weights?

- The drainage plan has been updated to better reflect the differentiation between stormwater culverts greater than 18 inches and stormwater culverts equal to or less than 18 inches.
- Please clarify the values used for exfiltration rate from the chambers in the TR-20 Calculations in Appendix B of the Application and also length of the Device 2 weir.
 - The applicant **has clarified** the values used in the final application.
- An Operation and Maintenance Plan is included as part of the Erosion and Sediment Control Plan (Attachment 10) which generally addresses the inspection and maintenance of the proposed stormwater features included in the design. However, I would suggest some additional detail be included regarding the maintenance of the subsurface chambers including the isolator rows.
 - The final application includes an updated Operation and Maintenance Plan.

§120-911K – Conservation Subdivision

- The project is not located in Farm, Farm Residential, and or Village Residential zoning districts.

§120-911L – Compliance with Timber Harvesting Rules

- The applicant stated the subdivision will not involve timber harvesting activity. All trees being removed will be limited in scope and clearing and be minimized to the greatest extent practical.

§120-911M – Traffic Conditions and Street

- (1) The proposal is meeting the general transportation performance standards by using the access driveway serving the existing Shaw's Plaza. One connection will be a 24' access (see [§120-522 Curb Cuts](#)) driveway designed to meet the Town's [Residential Street Standards](#) from an unnamed access road from Tandberg Trail running west through the development to an 24' access drive onto an unnamed access from Manchester Drive.
- During the Development Review Team meeting held on May 3, 2023, with the applicant and their engineering consultant, the staff requested the applicant to provide following for the preliminary plan submission:
 - RSU 14 requested the applicant provide a sidewalk connection for a possible future bus stop on Manchester Drive.
 - The Applicant **is showing a five-foot wide side walk throughout the site** in the final plan.
 - The Fire Chief requested the applicant show truck turn movements throughout the development for 46' long fire truck.
 - The turning movements **are included** in the final plan.
 - The Fire Chief **has reviewed** the ponding on the access drive from Tandberg Trail (near the Gorham Saving Bank, east of the site) during heavy rain event.
 - The Town Engineer **has reviewed** overlay the existing sidewalk along the access drive to Shaw's Plaza, along the eastern boundary of the site.

- The Planning Director requested the applicant look at creating a “defining edge” withing the 90° parking stalls along southernly side of the site access drive to meeting the amended Town’s [Residential Street Standards](#).
 - The final application **does not include** a plan for a “defining edge”.
- (2) The proposed development will generate less the 100 A.M. and P.M. peak hour trips and will not require Maine DOT Traffic Movement Permit.
 - The Town Engineer stated that a Traffic Evaluation was submitted with the application that included estimated trip generation and distribution, capacity, safety and sight distance reviews. The project is estimated to generate up to 98 peak hour trip ends (for PM peak hour), which is just below the 100 peak hour trips that typically require a Maine DOT Traffic Movement Permit (TMP). Based on this and on other factors, the Evaluation does not recommend any traffic mitigation measures other than clearing some vegetation around the site driveways. However, the Manchester Drive/Tandberg Trail intersections identified as a High Crash Location (HCL), and the report acknowledges that the North Windham Moves study identified the Tandberg Trail/Roosevelt Trail intersections having poor levels of service in its current condition. Both of these intersections will be impacted by the relatively high volume of traffic from the proposed development and therefore I think the potential impacts and potential mitigative measures should be further evaluated.
 - June 24th, the applicant requested a concurrence letter from MDOT that a TMP is not required for this development.
- The applicant **has included** a traffic study meeting the Town’s performance standards.
- The applicant **has provided** a distribution of vehicle trips impacting the Whites Bridge Road and Anglers Road and Route 302.
- **The applicant is proposing to provide to the Town of Windham mitigation impact fees for sidewalk and traffic improvements:**
 - **Anglers Road Intersection Impact Fee of \$7,653.**
 - **Mobility Impact Fee of \$8,274.**
 - **Safety Fee of \$10,000.**
 - **Total Impact Fees of \$25,927**

CONCLUSIONS (For Final Plan Review)

1. The proposed subdivision and site plan **will not** result in undue water or air pollution.
2. The proposed subdivision and site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed subdivision and site plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed subdivision and 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.

5. The proposed subdivision and site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed subdivision and site plan **will** provide for adequate sewage waste disposal.
7. The proposed subdivision and site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed subdivision and site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed subdivision **conforms** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed subdivision and site plan **is not** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed subdivision and site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed subdivision **is not** situated entirely or partially within a floodplain.
14. All freshwater wetlands within the proposed subdivision and site plan **have** been identified on the plan.
15. Any river, stream, or brook within or abutting the subdivision **has** been identified on any maps submitted as part of the application.
16. The proposed subdivision and site plan **will** provide for adequate storm water management.
17. ~~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 have/do not have a lot depth to shore frontage ratio greater than 5 to 1.~~
(N/A)
18. The long-term cumulative effects of the proposed subdivision **will not** unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
19. ~~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)
20. Timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.

CONDITIONS OF APPROVAL

1. Approval is dependent upon and limited to, the proposals and plans contained in the application dated June 3, 2024 and July 1, 2024 of and on supporting documents and oral representations submitted and affirmed by the applicant, and conditions, If any, imposed by the Planning Board

and any variation from such plans, proposals and supporting documents, and representations are subject to review and approval by the Planning Board or the Town Planner in with [§120-814](#) and [§120-815](#) of the Site Plan and [§120-913](#) of the Subdivision Ordinances.

2. Approval is subject to the requirements of [Chapter 201 Article II](#) Post-Construction Stormwater Ordinance. Any person owning, operating, leasing, or having control over stormwater management facilities required by the post-construction stormwater management plan must annually engage the services of a qualified third-party inspector who must certify compliance with the post-construction stormwater management plan on or by June 1st of each year.
3. At the time of applying for building permits for the 172 residential units, the applicant shall pay the Mitigation Impact Fees of \$25,927 (including the [North Windham Route 302 Road Improvement impact fee](#)), the Recreation Impact Fee, the Open Space Impact Fee, the Public Safety Impact Fee, and the Municipal Office Impact Fee. All fees will be determined and collected for any building, or any other permits necessary for the development, [§120-1201C](#).
4. Any building plan, subdivision plan or site plan submitted for building(s) to be located in a sewer expansion area shall include on the plan the location of any service pipe to be installed in accordance with this section. Subdivisions shall further comply with the provisions of [§181-45](#).
5. Before the required pre-construction meeting with staff and before any land use activities begin, the applicant shall provide to the Planning Director the “Ability to Serve” letter from the Portland Water District (PWD).