



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Planning Board

Monday, June 9, 2025

6:00 PM

Council Chambers

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, Rick Yost, Anne Daigle, Kathleen Brown and Patrick Roberts.

Planning Director Steve Puleo, and Senior Planner Amanda Lessard, were also present.

3. [PB 25-023](#) Approval of Minutes - The meeting of May 12, 2025

Attachments: [Minutes 5-12-2025 - draft.pdf](#)

Kathleen Brown made a motion to approve the minutes from May 12, 2025.

Seconded by Shonn Moulton.

Vote: All in favor.

Public Hearings & Continuing Business

4. [PB 25-024](#) #25-06 Shepherd Lane Subdivision (formerly 421 Falmouth Road Condos)
- Major Subdivision & Site Plan - Preliminary Plan Review - 421 Falmouth Road - Robie Holdings, LLC
The application is for a 13-unit single-family residential condominium development of a 22.75 acre property. The development will have a 480 foot access driveway and be served by public water, shared private wastewater disposal systems, and underground utilities. Subject property is identified as Tax Map: 19; Lots: 104 & 90G; Zone: Village Residential (VR) and Farm (F) in the Pleasant River watershed.

Attachments: [25-06 ShepherdLnSub PB MEMO MJR SUB SP PRLM 060525.pdf](#)
[25-06 MJR SUB-SP PRLM AC&SR MEMO ShepherdLnSub 052925.pdf](#)
[25-06 MJR SUB SP RESP ShepherdLnSub 2025 5 28.pdf](#)
[25-06 MJR SUB SP PRLM REV PLAN ShepherdLnSub 2025 5 28.pdf](#)
[25-06 MJR SUB SP PRLM APPL ShepherdLnSub 2025 5 19.pdf](#)
[25-06 MJR SUB SP PRLM PLANS ShepherdLnSub 2025 5 19.pdf](#)

Dustin Roma, from DM Roma Consulting Engineers, was present representing the application. He explained:

- *Three disposal fields would be constructed.*
- *They proposed to use the existing watermain from Falmouth Road.*
- *Power was to be underground.*
- *The road would have a hammerhead turn around.*
- *Two parking spaces were proposed in each driveway.*
- *They had applied to DEP and MDOT for the required permits.*

Amanda Lessard reviewed:

- *Postponing a decision on the preliminary plan was recommended because staff comments hadn't yet been addressed regarding:*
 - o *Stormwater*
 - o *Traffic*
 - o *Compliance with site distance requirements*
 - o *Vegetation clearing*
 - o *The Police Department request for a streetlight*
 - o *The project's inclusion in the North Route 302 Improvements Impact Fee collection area.*
- *The Planning Director had granted a waiver request from the submission requirement of the hydrogeological analysis.*

Kathleen Brown made a motion that the major subdivision and site plan preliminary application for project #25-06 Sheperd Lane Subdivision 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

Josh Valiquet, Webb Road – He clarified that the application was for single-family housing not duplexes and asked if there would be a variance for driveway spacing.

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

Board Comment

- *Was the land in back part of the plan or additional land? Was most of it past the stream?*
- *Were driveways planned to be equidistant? What was the approximate spacing*

between them?

- Was there a landscaping plan? Could they address snow removal in the landscaping plan?
- Had the Fire Chief weighed in on the subdivision plan?
- Would the street and driveway maintenance be done by the association?
- Could they provide recreation in accordance with the ordinance?
- How many bedrooms were in the units?
- Would there be a second phase?
- Would there be a sidewalk?
- There were trees impeding the site line on Falmouth Road.
- Would there be a safe area for kids to wait for a bus?

Shonn Moulton made a motion to postpone #25-06 Sheperd Lane Subdivision until such time that staff felt it was ready to come back.

Seconded by Kathleen Brown.

Vote: All in favor.

Continuing Business

5. [PB 25-029](#) #25-01 Dolley Farm Subdivision -Major Site Plan & Subdivision - Preliminary Plan Review- River Road - 25 River Road, LLC
This application is for a 42-unit residential condominium development on a 33.5-acres property. The development will have an access drive to the 21 duplex buildings. All units will be served by private on-site septic systems, and public water will be extended 400-feet in River Road to service the dwellings. The subject property is identified as Tax Map: 5; Lot: 25; Zone: Medium-density Residential (RM) zoning district in the Presumpscot River watershed.

Attachments: [25-01 MJR SUB-SP PP PB MEMO DolleyFarm_060525.pdf](#)
[25-01 Dolley Farm Response to Comments 2025 5 30 R.pdf](#)
[25-01 Dolley Farm Plan Set 2025 5 30 R.pdf](#)
[25-01 PUBLIC COMMENTS Coons 051325.pdf](#)

Dustin Roma, from DM Roma Consulting Engineers, was present representing the application. He explained:

- The applicant had agreed to sell some land to an abutter. New plans reflected what would be the new boundary line, removing a buildable lot from the proposal.
- There was ongoing discussion with an abutter on River Road regarding buffering and the well on that property. Decisions were pending on those issues.
- There would be a raised sidewalk from the variety store to the project.
- The traffic report had been updated in respect to the level of service and queuing delays on River Road.
- An abutter had requested that Thayer Drive be moved away from their driveway. Discussion with town staff was needed regarding an appropriate and safe distance for movement.
- Explanation had been provided regarding driveways that didn't meet the 75 foot separation requirement.
- A playground facility and picnic pavilion shelter had been proposed on the plan. The bus stop and mailbox were located in the same area.

- *Fencing along Thayer Drive would provide a barrier between the road and play area.*

Amanda Lessard stated:

- *Staff concerns regarding the sidewalk location adjacent to the property line had been addressed.*
- *There was not currently an additional condition regarding blasting. That could be added with the final plan, based on what was submitted.*

Board Comment

- *Was the sidewalk continuous?*
- *Would there be a painted area across River Road to Gambo Road?*
- *How would the property along Thayer Drive be screened?*
- *Where were the two fire hydrants located?*
- *Would plowed snow be adequately located?*
- *Was there a resolution for the units that did not face River Road?*
- *What would movement of Thayer Drive do to the stormwater buffer and leach field?*
- *Could the abutters to Thayer Drive be provided with a right-of-way to Thayer Drive?*
- *Would any utility poles impose on the sidewalk?*
- *Driveway spacing may help to define ownership/usage.*
- *Were there future plans for additional units off of Thyer Drive.*

Shonn Moulton made a motion that the Major Site Plan & Subdivision preliminary plan application for the 25-01 Dolley Farm Subdivision development identified on Tax Map: 5; Lot: 25; Zone: Medium-density Residential (RM) zoning district and located in the 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 Dolley Farm Subdivision project is classified as a Major Site Plan & Subdivision, which the Planning Board is authorized to review and act on by §120-903 of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted a copy of a Quitclaim Deed between Charles R, Haddock and 25 River Road, LLC, dated November 26, 2024, and recorded on November 27, 2024 at the Cumberland County Registry of Deeds in Book 41151 and Page 335.

ARTICLE 3 DEFINITIONS

Dwelling, Two-family: "A building containing two attached dwelling units. A two-family dwelling may, or may not, 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: 5; Lot: 25.*
- *The property is located in Medium-density Residential (RM) zoning district.*
- *Two-family dwellings are a permitted use found in § 120-409B.*

ARTICLE 5 PERFORMANCE STANDARDS

§120-541 – Net residential area of acreage

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

net residential density standard of the appropriate zoning district (see Article 4, Zoning Districts).

§120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS

As the application is for Preliminary Subdivision Review, the submission has not been fully reviewed against the Site Plan Review standards of Article 8.

§120- 814 Multifamily Development Standards

- 1. Buildings adjacent to River Road shall have entrances oriented to face the existing street as required by §120-814A(3)(a).*
- 2. The proposed evergreen trees along a portion of the southern property line does not fully provide a buffer or screening to the existing residential abutter at 469 River Road required by §120-814B(2)(b). The proposed sidewalk from Dolly Farm Road to the connection at the proposed sidewalk along River Road is located within the side yard setback and impacts the buffer to the existing residential abutter. Provide additional screening or relocate the sidewalk to provide an adequate buffer.*
- 3. For final plan review, the site plan shall designate, within the common open space, the required amount of contiguous area and the proposed constructed amenities for passive use or active areas required by §120-814B(4)(c).*

§120-911 - SUBDIVISION PERFORMANCE STANDARDS

§120-911A – Basic Subdivision layout

(1) The preliminary plan has been revised to reflect a proposed transfer to an abutter. The property must be conveyed prior to final plan review and the boundary survey updated. The property has 33.5 30.82 acres or 1,458,226 1,342,485 SF exceeding the minimum lot size in the Medium-density Residential (RM) zoning district, per §120-409E. There is a discrepancy between the parcel acreage on the survey (33.41 acres) and the subdivision/site plan (33.5 acres). Update plans and net residential density calculations as appropriate.

(a) The applicant provided a net residential density calculation by deducting 14,39013,466 SF of steep slopes areas and 250,369196,223 SF of poorly drained soils, and for the net area of 1,193,4671,132,769 SF. The net residential density is 15,000 SF, equaling 79 75 dwelling units. 42 dwelling units are proposed.

(2) Underground utilities are shown on the provided subdivision plan.

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

(3) The applicants have shown connection with the public water system on the provided subdivision plan, including a 400-foot extension of the water main in River Road. For the final plan review, the applicant shall provide an “Ability to Serve” letter from the Portland Water District.

- Fire Department comments April 30, 2025: Two fire hydrants are required in the subdivision. One fire hydrant at the intersection of River Road and Dolly Farm Road, and another fire hydrant at the intersection of Dolly Farm Road and Thayer Drive.*

§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 develop shall consider the topsoil as part of the subdivision is not to

be removed from the site.

(4) Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. The Board may require a developer to take measures to correct and prevent soil erosion in the proposed subdivision.

§120-911D – Sewage disposal

(2) The applicant is proposing six (6) private on-site subsurface disposal systems for the 42-unit condominium development. The applicant proposes to install advanced treatment units for three of disposal fields. For final plan review, the HHE-200s for disposal fields A, C, and D should include the Fuji Clean CEN-21 advanced treatment.

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

(1) The applicant is developing access from River Road to serve the development. The majority of the open space will remain intact, preserving the natural beauty and aesthetics.

(a) The applicant has provided a note not allowing the clearing of trees where tree cover is depicted on the plan for at least five years. Mandatory buffer for stormwater or other reasons shown on the plan shall not be cleared of vegetation unless the Planning Board grants an amendment to the subdivision or maintenance that does not alter the purpose for which the buffer was required.

(b) The applicant has included a landscape plan with the application. On the Site & Landscaping Plan, no landscaping is proposed along River Road. The Multifamily Development Standards narrative in the submission states that the existing mature trees along River Road will be preserved except for the driveway entrances. Show The tree line of existing trees along River Road is shown on the subdivision plan and street trees are shown on the internal subdivision street every 50 feet in accordance with §120-911E(1) (b).

(2) For final plan review, the applicant shall provide reservation or dedication and maintenance of open space, common land, facilities such as the stormwater management system, among others, and service in the form of homeowner's association documentation.

§120-911F – Conformance with Land Use Ordinances

Comprehensive Plan:

- The plan does meet the goals of the 2024 Comprehensive Plan.

Subdivision Ordinance

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

§120-911G – Financial and Technical Capacity

(1) The Applicant has provided an estimated cost of the project and a letter from Norway Savings showing sufficient financial resources to construct, operate, and maintain all aspect of the proposed development.

(1) The applicant has provided evidence of technical capacity, identifying the past experience of the principals and the professional engineers, surveyors and soil scientists hired to manage the permitting and design of the development.

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

(1) The applicant has provided evidence in form of a nitrate-nitrogen impact assessment

dated April 21, 2025 that the subdivision shall not increase any contaminant concentration is the groundwater and shall meet the State primary drink water standards, so long as leachfields A, C, and D incorporate Advanced Tertiary Treatment units upstream of the leachfields.

(2) The proposed development will connect to available water supply provided by the Portland Water District (PWD) with an extension of the existing main along River Road. The scale of this development is not anticipated to adversely impact the overall quality or quantity of available water supply. For final plan review, the applicant shall provide a blasting plan that includes proposed notification to abutters and the Town.

§120-911I – Floodplain Management

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

§120-911J – Stormwater

- The subdivision will result in 112,850 SF of impervious area and 251,165 SF of developed area so will require a Chapter 500 Stormwater Management Law permit for MeDEP.*
- For final plan review, A Stormwater Permit from Maine DEP will be required.*
- For final plan review, the applicant shall provide condominium documents include a draft deed for the units with covenants and restriction, by-laws, and stormwater maintenance and inspection plan, among other requirements.*
- The Stormwater Management Plan submitted indicates that the proposed development includes water quality treatment that complies with Maine DEP Ch. 500 Redevelopment Standard and the Town of Windham's Subdivision Ordinance through the construction of two (2) underdrained filter basins, a meadow stormwater treatment buffer and roofline drip edges around each of the buildings.*
- The Town Engineer comments dated May 5, 2025:*
 - o The subdivision will result in 112,850 SF of impervious area and 251,165 SF of developed area so it will need a Stormwater permit from Maine DEP. The stormwater analysis provided by the Applicant shows that 95% of the impervious area will be treated and 75% of the developed area using two underdrain soil filters, roof drip edges on the buildings and a meadow buffer for a portion of Thayer Road, which meets Maine DEP General Standards in Ch. 500. I spot-checked the input data in the Hydro CAD computations and find that the assumptions for the stormwater model appear to be consistent with the plans.*
 - o Reviewed the water quality calculations and agree that the project meets Chapter 500 General Standards for water quality based on the type and sizing of stormwater BMPs proposed. For water quantity, Windham Ordinance § 120-911J(6) requires that post-development flows are less than or equal to the predevelopment flow for all subdivisions. The stormwater flow analysis provided by the Applicant, as summarized in Table 1 of the Stormwater Management Report shows that this condition is met except with SP-2 for the 2-yr storm where the post-development flow exceeds the predevelopment flow by 18%. The flow from the subcatchments that contribute to SP-2 enters the drainage ditch along River Road in the Town Right- of way and an increase the potential for erosion into that ditch. The Applicant should evaluate ways of reducing this flow.*
 - o Since the existing contours appear to be derived from LIDAR, the Applicant should conduct field a survey of stormwater management facility areas in order to determine actual ground conditions at the ponds and buffers. The ground survey will help confirm that the contours don't concentrate stormwater at buffer areas.*
- The applicant responded to the Town Engineers comments on May 30, 2025. On June 5, 2025 the Town Engineer said he was satisfied with the applicant's response to comments.*

§120-911K – Conservation Subdivision

(1) *The development is in the RM district and therefore is not required to meet the conservation subdivision standards.*

§120-911L – Compliance with Timber Harvesting Rules

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

§120-911M – Traffic Conditions and Street

- *The Applicant submitted a traffic assessment that indicates that the subdivision will generate 28 trips in the PM peak hour and 270 trips during a typical weekday. Since this exceeds 140 trips per day, the Applicant will need to submit a traffic impact analysis per § 120-910C(3)(e). The submitted "Traffic Assessment" appears to include all the items specified for a traffic impact analysis in § 120-910C(3)(e) except for "effect upon the level of service of the street giving access to the site and neighboring streets which may be affected". The applicant submitted an updated Traffic Assessment, which now includes additional analysis regarding level of service impact on adjacent roadways as Section 5 of the report, and a statement in the Section 6 summary indicating the project is not expected to have significant impacts to the level of delay or traffic operations on River Road.*
- *The applicant is proposing two new street connections to River Road. Both are access driveway meeting the Town's "Major Private Road" standard for design and construction. found in Appendix B. On Thayer Drive the plans show a 1-ft gravel shoulder, but Windham's Road standards (Appendix B, Table 3 of the Land use Ordinance) require a 2-ft gravel shoulder so this should be corrected.*
 - o *The condominium association will maintain the R/W road once the subdivision is completed.*
 - o *The private road note of §120-911M(5)(a)[5][e] is shown on the plan.*
- *The access drives, Dolley Farm Road and Thayer Drive both exceed the required minimum 250 feet of sight distance for the 30 MPH posted speed.*
- *The Applicant proposes to widen River Road by adding a 5-ft shoulder for add a 5-ft wide raised curb sidewalk along River Road a distance of approximately 400 feet south from the Dolley Farm Road entrance to the convenience store property (Duck Pond Variety).*
 - o *The current width including shoulder is 31 feet. Staff are concerned that the paved shoulder proposed along River Road will increase vehicle travel speed and not provide adequate safety to pedestrians and recommends that the Planning Board request review and recommendation from the Town's consulting traffic engineer.*
 - o *§ 120-911M(5)(a)[4] states, "Where the applicant proposes improvements within existing public streets, the proposed design and construction details shall be approved, in writing, by the Director of Public Works or the Maine Department of Transportation, as appropriate."*
 - *The Public Works Directors comments dated May 6, 2025: Widening River Road another 5-ft would not work in that area and that a sidewalk is a much better/safer option, as well as expanding it to Newhall Road with the addition of a pedestrian cross walk.*
- *The Applicant proposes to install a new utility pole on River Road on the southerly side of the subdivision, closer to the intersection of Dolley Farm Road and install a cobra head streetlight.*
- *Driveway and street opening permits will need to be obtained from Windham Public Works prior to construction of the driveways and installation of the water main extension.*

§120-911N – Maintenance of common elements.

- *For the final plan review, the applicants shall provide draft condominium association documents for the Town Attorney's review.*
- *The condominium association documents shall be recorded in the Cumberland*

County Registry of Deeds within 90 days of the date that the subdivision plan is recorded.
See COA #3.

SUBDIVISION CONCLUSIONS

1. The development plan reflects the natural capacities of the site to support development.
2. Buildings, lots, and support facilities will be clustered in those portions of the site that have the most suitable conditions for development.
3. Environmentally sensitive areas, including but not limited to wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and sand and gravel aquifers will be maintained and protected to the maximum extent.
4. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the site plan.
5. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
6. The proposed use and layout will not be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved.
7. The proposed subdivision will provide adequate sewage waste disposal.
8. The proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan.
9. The developer has the adequate financial capacity to meet the standards of this section.
10. The proposed subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
11. The proposed subdivision 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 or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value.
13. On-site landscaping does provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.
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.
16. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, §480-B, none of the lots created within the subdivision has/does not have a lot-depth to shore frontage ratio greater than 5 to 1.
17. The long-term cumulative effects of the proposed subdivision will/will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision. (N/A)
18. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will/will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located. (N/A)
19. The timber on the parcel being subdivided has/has not been harvested in violation of rules adopted pursuant to Title 12, §8869, sub§14. (N/A)

CONDITIONS OF APPROVAL

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated December 23, 2024 as amended [the date of the final plan approval] and supporting documents and oral representations submitted and affirmed by the

applicant, and conditions, if any, imposed by the Planning Board. Any variation from such plans, proposals, supporting documents, and representations is subject to review and approval by the Planning Board or the Town Planner in accordance with §120-912 of the Land Use Ordinance.

2. In accordance with §120-914B(5) of the Land Use Ordinance, the Construction of improvements covered by any subdivision plan approval shall be completed within two years of the date upon which the performance guarantee is accepted by the Town Manager. The developer may request a one-year extension of the construction completion deadline prior to the expiration of the period. Such request shall be in writing and shall be made to the Planner. The Town Manager may require an update to the schedule of values and the amount of the guarantee when accepting an extension of the construction period. If construction has not been completed within the specified period, the Town shall, at the Town Manager's discretion, use the performance guarantee to either reclaim and stabilize or to complete the improvements as shown on the approved plan.

3. In accordance with §120-911N(5) of the Land Use Ordinance, the condominium association documents shall be recorded in the Cumberland County Registry of Deeds within 90 days of the date that the subdivision plan is recorded in the Cumberland County Registry of Deeds. Evidence of such recording shall be provided to the Planning Department. No units shall be sold in the subdivision prior to recording and all deeds shall reference the declaration establishing the condominium association.

4. Recreation Impact Fee, Open Space Impact Fee, Public Safety Impact Fee; and Municipal Office Impact Fee. All fees will be determined and collected for any building, or any other permits necessary for the development, §120-1201C.

Seconded by Kathleen Brown.

Vote: All in favor.

New Business

6. [PB 25-025](#) #19-16 The Cove at Highland Lake - Second Amended Major Subdivision & Site Plan - Final Plan Review – First Light Drive – 19 Roosevelt Trail, LLC

The application is to amend the approval of The Cove at Highland Lake, a 60-unit retirement community initially approved by the Planning Board on March 8, 2021 and amended February 12, 2024, to add a condition of approval that in lieu of the furnishing of a performance guarantee no building permit will be issued for units 21-60 until all project improvements are complete. The subject property is identified as Map 7; Lot 66 in the Commercial III District (C-3) and the Retirement Community and Care Facility Overlay District (RCCFO) in the Highland Lake watershed.

Attachments: [19-16 PB Memo AMEND2 SUB SP TheCoveAtHighlandLake 0605 25.pdf](#)
[19-16 TheCoveatHighlandLake AMEND SUB SP APPL 5.29.25.pdf](#)
[The Cove At Highland Lake PLAN 02-2024 Recorded.pdf](#)
[19-16 AMEND SUB SP AC&SR MEMO CoveAtHighlandLake 053 025.pdf](#)

Ben Chandonnet, development partner for the project, was present representing the applications. He requested the Board add a condition of approval, in lieu of a performance guarantee and in accordance with ordinance section 120-914.

- They had finished all the infrastructure for the first 20 homes. 16 of the 20 homes were in stages of construction, as was the club house.
- They had encountered ledge during construction and the requested amendment would aid in financing the next stage of construction.

Amanda Lessard explained:

- There were no proposed changes in the actual development of the project.
- Post approval activities would be different. A performance construction guarantee had been accepted by the town and would be held for development associated with the first 20 units and some soil disturbance in the area where additional units would be built.
- Roadways in the project would remain private, so the ordinance allowed a condition of approval to withhold building permits for units 21 to 60 until the work was done.

Board Comment

- Could the performance guarantee be used for the second part, or only the first part?
- What had to be accomplished before permits for the remaining units could be issued?
- Was there agreement that this would not be detrimental to the town?
- Would construction and completion dates still apply?
- What were the ramifications if they didn't complete the project?

Shonn Moulton made a motion that the application for project #19-16 The Cove at Highland Lake 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.

Shonn Moulton made a motion that the second amended subdivision and site plan application for #19-16; The Cove at Highland Lake on Map 7, Lot 66, in zone Commercial III District (C-3) and the Retirement Community and Care Facility Overlay District (RCCFO) is approved with the following facts, conclusions, and conditions of approval:

Findings of Fact

Jurisdiction: The Cove at Highland Lake development is classified as a subdivision and site plan application, which the Planning Board is authorized to review and act a revision or amendment to a subdivision plan which has been previously approved by and §120-913A and §120-815H of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted a copy of a Quitclaim Deed Without Covenant from Chase Custom Homes and Finance, Inc. to 19 Roosevelt Trail, LLC dated December 14, 2023, which was recorded on December 15, 2023 at the Cumberland County Registry of Deeds in Book 40527 and Page 302.

ARTICLE 4 ZONING DISTRICTS

- As shown on the Town of Windham Land Use Map approved by the Town Council on April 9, 2024, Tax Map 7, Lot 66 is located in the C-3 and RCCFO Districts.
- The previous existing use was discontinued. Commercial Campground, which is permitted as conditional use in the C-3 district, in according to §120-412C. A Retirement Community is a permitted use in the RCCFO District.
- The MeDEP Site Location of Development Act and Natural Resources Protection Act

permits, L-27306-87-G-N and L-27306-TC-H-N, were issued on November 24, 2020 and transferred to the applicant. The development is subject to the conditions of approval for the land use activities such as tree clearing, stream crossing, etc.

- The transfer of ownership included a permit from Army Corps of Engineers for 30 sf of temporary stream bed impact and 13,671 sf of permanent wetland impact.
- The applicant has applied for a new Maine Construction General Permit from Maine DEP as required by the Department's 2025 updated rule.

ARTICLE 5 PERFORMANCE STANDARDS

§120-511 – Buffer yards

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

§120-549 – Retirement community

A. The approved development is for a 60-unit age-restricted retirement community, per 42 U.S.C. §3601 et seq.

B. The applicant is requesting a transfer of ownership approval and has not proposed any changes, modifications, or alterations to the March 8, 2021, Board's major subdivision and site plan approval.

1.

THE FOLLOWING FINDINGS OF FACT ARE FROM THE AMENDED FINAL SUBDIVISION AND SITE PLAN REVIEW OF RELATIVE CRITERIA IN:

§120-911 SUBDIVISION PERFORMANCE STANDARDS AND §120-812 SITE PLAN PERFORMANCE STANDARDS.

§120-911A – Basic Subdivision layout

(1) The net residential area calculations are shown on the subdivision and site plan provided by the applicant.

- The parcel is 38.3 acres, or 1,668,348 SF, and the project meets the lot requirement of 200,000 SF.
 - o The site has 503,786 SF of wetlands and must be deducted for the gross area of the parcel per §120-541 net residential area, leaving 1,163,875 SF.
 - o The future six (6) residential units proposed to be built in the C-3 portion of the parcel require 60,000 SF per unit per §120-412E(2), using 360,000 SF of the site.
 - o The portion of the site in the RCCFO is 803,875 SF. The 55+ retirement community requires 5,000 SF per unit for a net residential density of 160 dwelling units.
- RCCFO District Standards, §120-420E. The project shall meet the standards of the district.
 - o Buildings are designed so that the front faces the road.
 - o Multifamily dwellings: The minimum setback from the external perimeter of the overall site shall vary depending on the height of the building. Building height: 0-35 feet; minimum setback: 100 feet; building height: 31-35 feet; minimum setback: 150 feet. There are no multi-unit buildings located within 100' of an abutting lot.
 - o Retirement community dwellings shall be limited to three or fewer bedrooms per dwelling unit.
 - o Submitted septic designs are for 2-bedroom units.

§120-911F – Conformance with Land Use Ordinances

Comprehensive Plan:

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

Subdivision Ordinance

- Standard notes and the standard conditions of approval must be shown on the plans (see the proposed Conditions of Approval).

- In accordance with §120-914A the applicant shall provide a performance guarantees for an amount adequate to cover 110% of the total construction costs of all required improvements. §120-914A(1)(d) states that in lieu of the furnishing of a performance guarantee before the recording of the final plan, the Planning Board may accept the agreement of the subdivider that no lot or parcel of land shall be conveyed, and no building permit for any building or portion of the development shall be issued by the Code Enforcement Officer, until the completion of required improvements. Such agreement shall be acknowledged by a note on the final subdivision plan (see proposed Condition of Approval).

§120-911G – Financial and Technical Capacity

- A cost estimate produced by Terradyn Consultants, Inc., estimating the total cost of site work at \$1,600,000.00 and a letter dated January 11, 2024 from Partners Bank stating that the applicant has financial capacity to by acquiring a commercial construction loan from Partner Bank to purchase the land and construct the infrastructure approved at the March 8, 2021 meeting.
- As evidence of technical capacity, the applicant has provided the State of Maine Department of the Secretary of State's certificates of good standing. The original submission included the names and qualifications of the professionals preparing the plan materials, including Jeff Amos, P.E. of Terradyn Consultants, LLC; Mark Cenci, Site Evaluator & Wetland Delineator from Mark Cenci Geologic, Inc.; Surveyor Wayne T. Wood, Traffic Engineer William Bray, P.E., and Mark Hampton, CSS performing the High Intensity Soil Survey.

§120-812 Site Plan Performance standards

- The March 8, 2021 approval included a Phase 2 for an additional 6 units in two mixed-use buildings. This Phase has not yet received final site plan approval. Per §120-912G, if a plan has received a phased approval, the first phase shall be recorded within three years of the original approval and subsequent phases shall be recorded within five years of the original approval. If a phased plan is not recorded within those time periods, the phases that have not been recorded shall become null and void.
- Note 18 on the plan states that the Board shall grant final approval of lots or units in subsequent phases only upon satisfactory completion of all requirements pertaining to previous phases. Evidence of satisfactory completion shall be a report from the Code Enforcement Officer or consulting engineer retained by the Town of Windham.
- The applicant shall provide the following information for the future development in the Commercial III District (C-3) nonresidential portion of the development. The applicant shall make application and will address all relate site plan performance including the items below, but no limited to:
 - o Identifying the proposed future nonresidential use, per §120-412B.
 - o A Traffic Impact Study identifying the commercial uses and providing evidence that the combined traffic generation will not have a negative impact on the road network in the area.
 - o The applicant shall provide an explanation how the commercial buildings in the C-3 district will meet the Commercial District Design Standards, per §120-813.

CONCLUSIONS

1. The subdivision and site 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 subdivision and site plan has sufficient water available for the reasonably foreseeable needs of the subdivision.
5. 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.
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 and site plan will provide adequate sewage waste disposal.
8. The proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan.
9. The developer has adequate financial capacity to meet the standards in the subdivision and site plan sections of the Land Use Ordinance.
10. The proposed subdivision and site plan will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
11. The proposed location and height of buildings or structure walls and fences, parking, loading, and landscaping shall be such that it will not interfere with or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value.
12. On-site landscaping does provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.
13. All freshwater wetlands within the proposed subdivision have been identified in the plan.
14. Any river, stream, or brook within or abutting the subdivision has been identified on any maps submitted as part of the application.
15. The proposed subdivision and site plan will provide for adequate stormwater management.
16. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, §480-B, none of the lots created within the subdivision has/do not have lot depth to shore frontage ratio greater than 5 to 1.
17. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
18. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
19. The timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, §8869, sub§14.

CONDITIONS OF APPROVAL

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated January 22, 2024 as amended May 29, 2025, and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board. Any variation from such plans, proposals, supporting documents, and representations is subject to review and approval by the Planning Board or the Town Planner in accordance with 120-913 and 120-815 of the Land Use Ordinance.
2. 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.

3. In accordance with §120-914B(5) and §120-815C(1)(b) of the Land Use Ordinance, the Construction of improvements covered by this subdivision and site plan approval shall be completed within two years of the date upon which the performance guarantee is accepted by the Town Manager. The developer may request a one-year extension of the construction completion deadline prior to the expiration of the period. Such request shall be in writing and shall be made to the Planner. The Town Manager may require an update to the schedule of values and the amount of the guarantee when accepting an extension of the construction period. If construction has not been completed within the specified period, the Town shall, at the Town Manger's discretion, use the performance guarantee to either reclaim and stabilize or to complete the improvements as shown on the approved plan.

4. Upon the issuance of the Maine Department of Environmental Protection Transfer of Owner Site Location of Development Act permit for the development, it is required that the applicant record the permit at the Cumberland County Registry of Deeds. Additionally, the applicant must provide an electronic copy of the recorded and stamped permit as well.

5. In lieu of a performance guarantee for the construction of the project improvements required for the development of Units 21-60, no lot or parcel of land may be conveyed, and no building permit for Units 21-60 shall be issued by the Code Enforcement Officer until the completion of all streets, utilities and other required improvements in accordance with this plan and all applicable laws, ordinances and standards associated. If the applicant wishes to convey or obtain a building permit for Units 21-60 prior to all project improvements being completed in accordance with this plan and all applicable laws, ordinances and standards, a performance guarantee equal to the cost of the remaining improvements shall first be approved by the Town Manager, in consultation with the Planning Director, and submitted to the Town.

Seconded by Kathleen Brown.

Vote: Six in Favor. Rick Yost opposed.

7. [PB 25-026](#) #25-12 Webb Road Retirement Community - Major Subdivision & Site Plan - Sketch Plan Review - Webb Road & Read Road - Robie Holdings, LLC

The application is for the development of a 53-unit residential retirement community condominium development in 49 single-family buildings and 4 two-family buildings on a 21 acre property. The retirement community will have an access driveway with two connections to Webb Road and be served by public water, shared private wastewater disposal systems, and underground utilities. Subject property is identified as Tax Map: 6; Lot: 33 (portion); Zone: Farm (F) and Retirement Community and Care Facility Overlay District (RCCFO) in the Black Brook watershed.

Attachments: [25-12 WebbRdRetirement PB MEMO MJR SUB SP SKP 060425.pdf](#)
[25-12 MJR SUB SP SKP APPL WebbRdRetirement 2025 5 19.pdf](#)
[25-12 MJR SUB SP SKP PLAN WebbRdRetirement 2025-5-19.pdf](#)

Meeting went into Recess

Meeting Reconvened

Dustin Roma, from DM Roma Consulting Engineers, was present representing the application. He explained:

- The road layout was preliminary, depending on topography, stormwater, and potential septic fields.*
- CMP's power line corridor abutted the property.*
- The roadway would be built to the major private road standard.*
- Additional off-street parking would be incorporated.*
- There were some wetlands and steep slopes on the property.*
- The application required a site location permit from DEP.*
- Wetland impacts were expected to be minimal.*
- Public water would extend from Gray Road with hydrants located along the subdivision roadway.*

Amanda Lessard reviewed:

- There were several different review criteria for the Board to consider in regard to a retirement community.*
- The Public Works Department was not in favor of adding more traffic to Read Road, given its construction.*
- The Fire Department preferred a looped road.*

Board Comment

- There was some concern with two entries onto Webb Road. Could they have connection to Read Road for emergency vehicles?*
- Could address numbers of the units be posted on street signs in case of emergency?*
- Why did the roadway hug the northerly property line? Some of the units were too close to property boundaries on Read Road.*
- What was the restriction that made it a retirement community?*
- The sidewalk should go down Webb Road.*
- Front corners of the proposed duplexes should be pinned for the site walk.*

8. [PB 25-027](#)

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

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

Attachments: [24-28 AMEND MNR SUB PB MEMO FranklinDriveSub 060525.pdf](#)
[24-28 AMEND MNR SUB RESPONSE FranklinDriveSub 2025-06-05.pdf](#)
[24-28 AMEND MNR SUB REV PLANS FranklinDrive 2025-06-04.pdf](#)
[24-28 AMEND MNR SUB APPL FranklinDriveSub 2025-05-16.pdf](#)
[24-28 AMEND MNR SUB PLANS FranklinDriveSub 2025-05-16.pdf](#)
[24-28 AMEND MNR SUB SW Report FranklinDriveSub 2025-05-16.pdf](#)
[FranklinDriveSubdivision signed 01-2025.pdf](#)
[24-28 AMEND MNR SUB AC&SR MEMO FranklinDriveSub 052325.pdf](#)

Rob McSorely, from Sebago Technics, was present representing the application. He explained the subdivision had been approved in January 2025. The proposed amendment would modify the road's construction to eliminate the cul-de-sac and allow construction of a round-about.

Amanda Lessard explained:

- A waiver had been granted as part of the approval to allow the road to be wider than the ordinance standard. DOT was designing a round-about and this allowed a narrower road that would be in compliance.
- Two waivers were still required:
 - o To maintain the proposed nine foot parking stall width and for landscaping to be in an easement inside of the right-of-way
 - o To eliminate the requirement for a cul-de-sac at a dead-end road
- The proposed T intersection and narrowing of pavement allowed for less impact to stormwater and the nearby vernal pool.
- The amendment would cause a change of the lot lines to fit with the new road right-of-way.
- Staff supported the waiver request as it was still providing adequate road width and movement.

Kathleen Brown made a motion that the Amended Minor Subdivision application for project #24-28 Franklin Drive 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 Shonn Moulton.

Vote: All in favor.

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

Seconded by Shonn Moulton.

Vote: All in favor.

Kathleen Brown made a motion to approve the waiver of §120-911M(5)(b)[8] Street construction practices to allow the construction of the proposed commercial street

section that includes 9 foot wide parallel parking spaces, 6 foot wide sidewalks and street landscaping within easement adjacent to the Franklin Drive right-of-way.

Seconded by Shonn Moulton.

Vote: All in favor.

Kathleen Brown made a motion to approve the waiver of §120-911M(5)(b)[8] Street construction practices to allow a 50 foot right-of-way with 38 foot wide pavement, ten foot traffic lanes and nine foot parking lanes and a six foot sidewalk and a ten foot adjacent easement that includes street trees.

Seconded by Shonn Moulton.

Amanda Lessard read an edited version of the motion: A waiver of the street construction practices to allow the construction of the proposed commercial street section that includes nine foot wide parallel parking spaces, six foot wide sidewalks and street landscaping within the easement adjacent to the Franklin Drive right-of-way.

Moved by Kathleen Brown.

Seconded by Shonn Moulton.

Vote: All in favor.

Board Comment

- Was there a reason for the T end of the road?*
- What was the reasoning for narrowing the road but still allowing nine foot parking lanes?*

Kathleen Brown made a motion that the Amended Minor Subdivision application for the #24-28 Amended Franklin Drive Subdivision identified on Tax Map: 18; Lot: 26-2; Zone: Commercial I (C-1) and located in the Chaffin Pond / Little Sebago Lake watershed was to be approved with conditions with the following Findings of Fact, Conclusions, and Conditions of Approval.

FINDINGS OF FACT

Jurisdiction: The Franklin Drive Subdivision project is classified as a Minor Subdivision, which the Planning Board is authorized to review and act on by §120-903A of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted a copy of a Quitclaim Deed with Covenant between JLB WINDHAM LLC and NEW GEN ESTATES, LLC dated January 2, 2024, and recorded on at the Cumberland County Registry of Deeds in Book 40556, Page 273. The Franklin Drive Subdivision was approved by the Planning Board on January 13, 2025 and the plan recorded on May 23, 2025 at the Cumberland County Registry of Deeds in Plan Book 225, Page 170.

ARTICLE 4 ZONING DISTRICTS

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

ARTICLE 5 PERFORMANCE STANDARDS

§120-511 – Buffer yards

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

§ 120-911 - SUBDIVISION PERFORMANCE STANDARDS

§ 120-911A – Basic Subdivision layout

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

- The property is 38.59 acres in size.
- The applicant has shown all required setbacks and street frontage, see sheet C-101 of the plan set.
- The C-1 district does not have a net residential density standard.
- All utility connections (water, sewer, electric, telephone, and telecommunication services) will be located underground. A utility and grading plan will be submitted for see sheets C-201 and C-301 of the plan set.
- The assigned lot numbers should be shown on the Plan (all TM 18): Lot 1 is Lot 26-2-A01, Lot 2 is Lot 26-2-A01, Lot 3 is Lot 26-2-A03, and Lot 4 is Lot 26-2-A04.

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

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

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

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

§ 120-911D – Sewage disposal

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

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

- A landscaping plan is provided in the plan set and found on sheet L-100.
- The final plan shows the limits of tree clearing, and a note will be added to state that

no clearing is allowed in designated areas for five years from the date of Planning Board approval.

- The project area includes a vernal pool and wetlands that have been identified as environmentally sensitive. The applicant has provided narrative (see attached file; 24-28_MNR_SUB_FP_REV_APPL_FranklinDriveSub_010825.pdf, Section 7), reviewed by the Town Engineer and Environmental and Sustainability Coordinator, identifying measures to protect these areas, ensuring minimal disturbance. A buffer zone will be maintained around the vernal pool and wetland areas, as required by local and state regulations.
- The amended subdivision plan reduces the vernal pool terrestrial habitat impacts.

§ 120-911F – Conformance with Land Use Ordinances

Comprehensive Plan:

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

Land Use Ordinance:

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

Subdivision Ordinance:

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

§ 120-911G – Financial and Technical Capacity

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

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

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

§ 120-911I – Floodplain Management

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

§ 120-911J – Stormwater

- The Town Engineer has reviewed the applicant's responses to his comments, see attached file; 24-28_MNR_SUB_FP_RESPONE_FranklinDriveSub_010825.pdf, and is

satisfied the proposed stormwater management system complies with MDEP Chapter 500 standards.

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

§ 120-911K – Conservation Subdivision

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

§ 120-911L – Compliance with Timber Harvesting Rules

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

§ 120-911M – Traffic Conditions and Street

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

CONCLUSIONS

1. The development plan reflects the natural capacities of the site to support development.
2. Buildings, lots, and support facilities will be clustered in those portions of the site that have the most suitable conditions for development.
3. Environmentally sensitive areas, including but not limited to wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and sand and gravel aquifers will be maintained and protected to the maximum extent.
4. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the site plan.
5. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
6. The proposed use and layout will not be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved.
7. The proposed subdivision will provide adequate sewage waste disposal.

8. *The proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan.*
9. *The developer has the adequate financial capacity to meet the standards of this section.*
10. *The proposed subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.*
11. *The proposed location and height of buildings or structure walls and fences, parking, loading, and landscaping shall be such that it will not interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value.*
12. *On-site landscaping does provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.*
13. *All freshwater wetlands within the proposed subdivision have been identified on the plan.*
14. *Any river, stream, or brook within or abutting the subdivision has been identified on any maps submitted as part of the application.*
15. *The proposed subdivision will provide for adequate stormwater management.*
16. *If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, §480-B, none of the lots created within the subdivision has/does not have a lot-depth to shore frontage ratio greater than 5 to 1.*
17. *The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.*
18. *For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will/will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.*
19. *The timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, §8869, sub§14.*

CONDITIONS OF APPROVAL

1. *Approval is dependent upon and limited to the proposals and plans contained in the application dated September 30, 2024, as amended June 5, 2025 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board. Any variation from such plans, proposals, supporting documents, and representations is subject to review and approval by the Planning Board or the Town Planner in accordance with §120-912 of the Land Use Ordinance.*
2. *In accordance with §120-914B(5) of the Land Use Ordinance, the Construction of improvements covered by any subdivision plan approval shall be completed within two years of the date upon which the performance guarantee is accepted by the Town Manager. The developer may request a one-year extension of the construction completion deadline prior to the expiration of the period. Such request shall be in writing and shall be made to the Planner. The Town Manager may require an update to the schedule of values and the amount of the guarantee when accepting an extension of the construction period. If construction has not been completed within the specified period, the Town shall, at the Town Manger's discretion, use the performance guarantee to either reclaim and stabilize or to complete the improvements as shown on the approved plan.*
3. *Approval is subject to the requirements of Chapter 201 Article II Post-Construction Stormwater Ordinance. Any person owning, operating, leasing, or having control over stormwater management facilities required by the post-construction stormwater management plan must annually engage the services of a qualified third-party inspector who must certify compliance with the post-construction stormwater management plan on*

or by June 1st of each year.

4. Prior to any land use activities on Lots 1, 2, 3, and 4, subdivision and site plan Planning Board or Staff Review Committee approvals are required.

Seconded by Shonn Multon.

Vote: All in favor.

9. [PB 25-028](#) #25-13 Franklin Drive Multifamily & Solar Development - Major Subdivision & Site Plan- Sketch Plan Review - Franklin Drive - New Gen Estates, LLC
The application is for 306 apartments in two buildings on a 7.88 acre property and a 425kW large-scale ground-mounted solar energy system comprised of 640 modules on a 23.94 acre property to power the residential development. This project also includes associated parking areas, internal vehicular drive aisles, and the construction of a public access trail to the adjacent Donnabeth Lippman Park. The development will be served by public water and sewer. The subject property is identified as Tax Map: 18; Lots: 26-2-A02 and 26-2-A03; Zone: Commercial 1 (C-1) zoning district and located in the Chaffin Pond/Little Sebago Lake watershed.

Attachments: [25-13 FranklinMultifamilySolar MJR SUB SP SKP PB MEMO 060 425.pdf](#)
[25-13 MJR SUB SP SKP APPL FranklinMultifamily 2025-05-16 .pdf](#)
[25-13 MJR SUB SP SKP APPL FranklinSolar 2025-05-16.pdf](#)
[25-13 MJR SUB SP SKP PLAN FranklinMultifamily&Solar 2025-05-19.pdf](#)

Rob McSorely, from Sebago Technics, was present representing the application. He described the project:

- A solar facility to power both residential and commercial aspects of development. Fencing would enclose the solar field.
- Two buildings, each housing 153 one and two bedroom apartment units
- Access from the Franklin Drive extension
- Sewer service
- Public water
- Emergency vehicle access around the site
- Construction of a relocated trail for access to Donnabeth Lippman Park
- They had applied for the traffic movement permit.
- 390 parking spaces would be provided.

Amanda Lessard explained that the solar and multi-family applications had been combined.

- Some outstanding items were:
 - o Landscaping
 - o Building orientation
 - o Franklin Drive access

Board Comment

- Where was the trash collection site and how often would it be collected.
- A lighting plan was needed.
- Would the solar facility supply the development directly or go to the grid?

- *Was there enough distance from the round-about?*
- *A school bus pick-up location would be needed.*
- *Would there be streetlights along Franklin Drive?*
- *Where was the snow removal location?*
- *What about pedestrian access on Franklin Drive and Veteran's Memorial Drive?*
- *Would lot 3 be used only for the solar facility?*

Other Business

10. Adjournment

Rick Yost made a motion to adjourn.

Seconded by Marge Govoni.

Vote: All in favor.