



PLANNING BOARD MEMO • AFTER-THE-FACT MAJOR SUBDIVISION • FINAL PLAN REVIEW

DATE: October 3, 2024

TO: Windham Planning Board

FROM: Evan O'Connor

Cc: Dustin Roma, DM Roma Consulting Engineers, Agent.
 Peter Gilman, PTG Properties Inc, Applicant
 Steve Puleo, Planning Director

RE: #24-13 – After-the-Fact Major Subdivision – Cross Ridge Subdivision – Lockland Drive and Flintlock Drive – Final Plan Review – PTG Properties Inc.

Planning Board Meeting: October 7, 2024

Overview –

The application is to create eight lots for single-family dwelling use. All lots will utilize existing private roadways for access, frontage and utilities. No new roadways or extensions are being proposed. Tax Map: 22; Lots: 23-3B, 23-9, 23-10, 23-11, 23-12, 23-3, 23-8, 23-7, 23-6, and 20-5 ; Zone: Farm Residential (FR) zoning district and located in the Pleasant River watershed.



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

REVIEW HISTORY

A Development Review Team meeting was held on June 18, 2024. The Planning Board conducted a site walk on August 17, 2024. The planning board held a public hearing on August 26, 2024. comments received during the meeting are reflected in the memo below.

ADMINISTRATIVE CONSENT AGREEMENT

As provided in Exhibit B of the Administrative Consent Agreement, the Planning Director reviewed the applicant's application to ensure that the applicant met the required submitted materials list a.to s. and plans information outlined in t. See below:

a. Depiction and written description of two (2) fire cisterns as depicted on Exhibit A. Said cisterns shall have an aggregate capacity of at least 40,000 gallons.

The applicant has provided the required information, see application.

b. Erosion and sedimentation control plan for any proposed new land disturbances only.

The applicant has provided the required information, see application.

c. Plan for asphalt overlay paving as set forth on Exhibit A.

The applicant has provided the required information, see planset detail sheet.

d. Evidence of right, title and interest for all properties in the Development that are currently owned by Owners, including any deeds for road rights-of-way.

The applicant has provided the required information, see application.

e. Copies of all existing recorded deed restrictions, easements, right-of-way, other encumbrances, and/or road maintenance agreements.

The applicant has provided the required information, see application.

f. Narrative describing Owners' intended provisions for post-approval ownership and maintenance of roads, fire protection areas and other common areas within the Development.

The applicant is required through Planning board approval to create a HOA to maintain the common elements of the subdivision.

(The applicant has provided a narrative for the Board's Consideration)

g. Drafts of any proposed easements to be placed on Development lots.

The applicant has provided a note on the recording plan restricting the number of lots accessed through the ROW across lot 1 to a only one (1) single family house in Towns of Windham and Gray.

h. Copies of proposed covenants or deed restrictions intended to cover all lots or part of the lots or dwellings in the subdivision.

The applicant has provided the required information, see application.

i. Existing drainage and stormwater management plans and permits; depiction of existing and proposed stormwater controls on the plan submission.

The applicant has provided the required information, see application.

j. Erosion control plans for any areas to be newly disturbed or altered.

The applicant has provided the required information, see plans.

k. Location of existing and proposed cul de sacs, turnarounds and hammerheads; templates for any proposed hammerhead and truck turnaround areas.

The applicant has provided the required information, see plans.

l. Copies of DEP Order # L-21336-TB-A-N dated April 18, 2003, for wetland fill, and Order #L-21336-NJ-B-NIL-21336-TB-C-N dated January 6, 2011, including the applications filed with DEP for review, and any further applications, amendments or permits filed with or issued by DEP related to the Development.

The applicant has provided the required information, see application.

m. Information demonstrating financial capacity to perform all new work identified as part of plan.

The applicant has provided the required information, see application.

n. Confirmation that the proposed lot configurations satisfies the current dimensional standards for conventional lots in the Farm Residential Zone.

The applicant has provided the required information, see plans.

o. Confirmation by a land surveyor that all monumentation for the proposed numbered lots in the subdivision have been installed.

The applicant has provided the required information, see application.

p. Confirmation that stormwater management devices have been installed in accordance with MDEP Stormwater Permits.

The applicant has provided a stamped engineer’s report for the Board’s consideration.

q. The establishment, if agreed upon, of homeowners’ associations to assume responsibility of stormwater maintenance and road maintenance, to the extent not established by existing instruments recorded in the Cumberland County Registry of Deeds.

Upon approval, the applicant will try to establish Homeowner’s Association (HOA) or a Road Association.

r. Construction details for both water cisterns. The applicant shall install the cisterns and fill the cisterns one (1) time.

The applicant will maintain the cisterns as outlined in Note #12.

s. Cost estimate for the installation of the cisterns and the proposed pavement overlay. The Town shall review the cost estimate and set the required Performance Guarantee amount as part of the Final Plan review and prior to the Planning Board public hearing.

The applicant has provided a narrative for the Board’s consideration.

t. Other plan information, only as required and necessary, as follows:

- i. Name of the subdivision.
- ii. Surveyor stamp.
- iii. Location Map.
- iv. Vicinity Plan.
- v. Boundary survey of the effected lots.
- vi. Existing lot lines and approximate dimensions and the area of each lot.
- vii. Typical cross section of roadways, sidewalks, stormwater structures, and installation of fire protection systems (i.e., Cisterns etc.).
- viii. Wetland areas.
- ix. Contours lines at 2-foot intervals.
- x. Number of acres with the subdivision
- xi. Location of all rivers and/or stream and waterbodies.
- xii. Zoning district(s)
- xiii. Area flood-hazard areas

The applicant has provided the required information, see plan(s).

The applicant has provided an exhibit outlining elements of the private roadways that are deficient of the Town’s private road standards. The applicant is requesting the board include the exhibit and grant a waiver of [§120-911M\(5\)\(a\)\[5\] Private Roads and Att. §120-2 Attachment 2 -](#)

Appendix B: –Street Design and Construction for Cross Ridge Drive, Lockland Drive, Idlewood Drive, Winchester Drive, and Flintlock Drive.

SUBDIVISION REVIEW

PLEASE NOTE: The staff memo is a reference guidance document, and suggested topics for board discussion are listed; ~~the strikethrough text is items for the final review;~~ ***bold and italic text represent unaddressed existing and/or new staff comments;*** or plain underlined text are items that have been addressed by the applicant; and *italic text is for information or previously reviewed and/or approved items.*

Staff Comments:

1. Complete Application:

MOTION: [I move] the major site plan application for project #24-13 Cross Ridge Subdivision project is found complete in regard to the submission requirements based on the application checklist, but the Planning Board retains the right to request more information where review criteria are not fully addressed.

2. Waivers:

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

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

- [1]** Undue water or air pollution.
- [2]** Undue light pollution or glare.
- [3]** An inadequate water supply.
- [4]** Unreasonable soil erosion.
- [5]** Unreasonable traffic congestion or safety risk.
- [6]** Decreased pedestrian safety or access.
- [7]** Inadequate supply of parking spaces.
- [8]** Inadequate sewage disposal capacity.
- [9]** Inadequate solid waste disposal capacity.
- [10]** An adverse impact on scenic or natural beauty, aesthetics, historic sites, or rare or irreplaceable natural areas.
- [11]** Flooding or adverse drainage impacts on abutting properties.
- [12]** An adverse impact on the Town's ability to provide the subdivision with public safety services.[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

a) ~~§120-910C(1)(i)(2) Test Pit Analysis for Septic Systems~~

The applicant states that test pits were not required by the Consent Agreement, so they were not performed. The lots are of sufficient size with available upland to install septic systems on each of the proposed lots.

~~**The Planning Director has waived the Test Pit Analysis requirement in order to align with the Consent Agreement.**~~

b) ~~§120-910C(3)(a) High Intensity Soil Survey~~

The applicant states that a High Intensity Soil Survey was not required by the Consent Agreement and is not necessary.

~~**The Planning Director has waived the High Intensity Soil Survey requirement in order to align with the Consent Agreement.**~~

c) ~~§120-910C(3)(b) Landscape Plan~~

The applicant states that a landscaping plan was not required by the Consent Agreement and is not necessary.

~~**The Planning Director has waived the Landscaping Plan requirement in order to align with the Consent Agreement.**~~

d) ~~§120-910C(3)(c) Hydrological Assessment~~

The applicant states that a hydrological assessment was not required by the Consent Agreement and is not necessarily based on the scale of the development.

~~**The Planning Director has waived the Hydrological Assessment requirement in order to align with the Consent Agreement.**~~

Waiver of subdivision performance standards. The Planning Board may waive the requirements of §120-911, Performance and design standards, unless prohibited by Maine statutes, where it finds that there are special circumstances of a particular parcel proposed to be subdivided, or that the application is simple and minor in nature. The applicant must demonstrate that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met and the public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of this chapter.

a) ~~§120-911M(5)(3)(7) Street Connection Requirements~~

The applicant states that there is no reasonable opportunity to make a second road connection to an existing public way.

Planning Board should consider a waiver of the two connections due to the previously due the historical parcels division occur in the past and the applicant does not have control to modify the street connections.

MOTION: [I] move to approve the waiver request of §120-911M(5)(3)(7) Street Connection Requirements.

At the August 26, 2024 meeting by a vote of 3-3 (Yost absent), in which the Rules of the Planning Board dated July 24, 2023 Section 6 states “A tie vote results in postponement of the motion to the next meeting, not a failure of the motion. Only one (1) postponement for a motion is allowed. If the vote remains tied at the second vote, the motion fails.

~~b) §120-911E(1)(b): – Street tree per lot.~~

~~The request is to waive the requirement to plant two (2) street trees per lot. The lot is mostly wooded, and the applicant will keep as many trees as possible on each parcel.~~

~~The staff support the waiver because there a significant amount of tree left in the Flintlock Drive Right of Way.~~

~~MOTION:~~ [I] ~~move to approve the waiver request of §120-911E(1)(b) Street tree planting every 50 feet by keeping the existing tree line in the right of way.~~

The Board approved the waiver request at the August 26, 2024 meeting by a vote of 6-0 (Yost absent).

~~c) §120-911M(5)(a)[5] Private Roads and Att. §120-2 Attachment 2 – Appendix B: – Street Design and Construction~~

~~The waiver request by the applicant to allow the existing private roads and right of way of Cross Ridge Drive, Lockland Drive, Winchester Drive, and Flintlock Drive be exist per the “Summary Waiver Request Appendix B Road Standards Cross Ridge Drive and Lockland Drive application response submitted on August 23, 2024 and as attached to this memo.~~

~~The Planning Board should discuss the reason the applicant is requesting the waiver.~~

~~MOTION:~~ [I] ~~move to approve the waiver request of Att. §120-2 Attachment 2 – Appendix B: – Street Design and Construction to allow the existing private roads and right of way of Cross Ridge Drive, Lockwood Drive, Winchester Drive, Idlewood Drive, and Flintlock Drive to serve the subdivision.~~

The Board approved the waiver request at the August 26, 2024 meeting by a vote of 6-0 (Yost absent).

3. Public Hearing: The Planning Board held a public hearing on July 22, 2024, August 26, 2024 and October 7, 2024.
4. Site Walk: The Planning Board held a site walk on August 17, 2024

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

MOTION: [I move] the major subdivision application for the #24-13 Cross Ridge Subdivision development identified on Tax Map: 22; Lots: 23-3B, 23-9, 23-10, 23-11, 23-12, 23-3, 23-8, 23-7, 23-6, and 20-5 ; Zone: Farm Residential (FR) zoning district and located in the Pleasant River watershed is to be **(approved/approved with conditions/denied)** with the following Findings of Fact, Conclusions, and Conditions of Approval.

FINDINGS OF FACT

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

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

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

ARTICLE 4 ZONING DISTRICTS

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

- Per [§120-407E](#) Dimensional standards, the applicant is showing potential developed area for the construction of single-family houses.

ARTICLE 5 PERFORMANCE STANDARDS

§120-541 – Net residential area of acreage

- B.** The net residential area or acreage of a lot proposed for subdivision, as defined, shall be calculated by subtracting the eight (8) items listed in the subsection from the gross acreage of a lot and dividing the resulting net residential area of the parcel by the net residential density standard of the appropriate zoning district (see [Article 4](#), Zoning Districts). The eight (8) deductions shall be subtracted from the gross acreage of the lot.

§120-911 - SUBDIVISION PERFORMANCE STANDARDS

§120-911A – Basic Subdivision layout

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

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

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

§120-911C - Erosion and Sedimentation Control

- (1)** **The applicant has provided** a soil erosion and sediment control plan showing the use of erosion and sediment control best management practices (BMPs) at the construction site consistent with the minimum standards outlined in the Maine DEP Stormwater Rule

Chapter 500 Appendix A – Erosion and Sediment Control, Appendix B – Inspections and Maintenance, Appendix C – Housekeeping. Erosion and Sedimentation Control. BMPs shall be designed, installed, and maintained in accordance with the standards contained in the latest revisions of the following Maine DEP documents.

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

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

- (1) Based on an assessment done by the Maine Department of Environmental Protection (MDEP), the proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, or threatened or endangered plant habitat.
 - (a) The applicant has provided a note not allowing the clearing of trees where tree cover is depicted on the plan for at least five years. Mandatory buffer for stormwater or other reasons shown on the plan shall not be cleared of vegetation unless the Planning Board grants an amendment to the subdivision or maintenance that does not alter the purpose for which the buffer was required.
 - (b) The applicant received a submission waiver from Planning Director to provide a landscape plan from street tree planting every 50-feet. The applicant is not proposing to install street trees and is requesting a waiver of §120-911E(1)(b), **in which the Board approved the waiver at the August 26, 2024 Planning Board meeting.**
- (2) The applicant shall provide reservation or dedication and maintenance of open space, common land, facilities such as the stormwater management system, among others, and service in the form of homeowner's association (HOA) documentation.

§120-911F – Conformance with Land Use Ordinances

Comprehensive Plan:

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

Land Use Ordinance:

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

Subdivision Ordinance

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

§120-911G – Financial and Technical Capacity

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

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

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

§120-911I – Floodplain Management

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

§120-911J – Stormwater

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

§120-911K – Conservation Subdivision

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

§120-911L – Compliance with Timber Harvesting Rules

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

§120-911M – Traffic Conditions and Street

- All lots will utilize existing private roadways for access, frontage, and utilities.
- No new roadways or extensions are proposed for the project.
- A homeowner's association shall maintain the roadways and there is a potential for four new residential single-family homes to be constructed adding four vehicle trips to the existing traffic generation.
- The applicant has shown on the plans, the addition of traffic stop-signs. The locations are at the intersections of Cross Ridge Drive and Lockland Drive, Lockland Drive and Winchester Drive, Idlewood Drive and Lockland Drive, at the 90° intersection along Lockland Drive, and Flintlock Drive and Lockland Drive.
- The applicant has provided a note on the recording plans in general notes, per [§120-911M\(5\)\(a\)\[5\]\[e\]](#) stating “All roads in this subdivision shall remain private roads to be maintained by the developer, lot owners or road association, and shall not be offered for

acceptance, or maintained, by the Town of Windham until they meet all municipal street design and construction standards."

§120-911N – Maintenance of common elements.

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

CONCLUSIONS (*Final Plan Review*)

1. The development plan **reflects** the natural capacities of the site to support development.

§120-911E – The subdivision has large single-family house lots with natural landscaping minimum area of tree clearing and reflect the natural environment.

2. Buildings, lots, and support facilities **will** be clustered in those portions of the site that have the most suitable conditions for development.

§120-911A – The proposed lots are located in areas of the site that are most suitable for development.

3. Environmentally sensitive areas, including but not limited to wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and sand and gravel aquifers **will** be maintained and protected to the maximum extent.

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

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

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

5. The proposed subdivision **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

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

6. The proposed use and layout **will not** be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved.

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

7. ~~The proposed subdivision will/will not provide adequate sewage waste disposal.~~

8. The proposed subdivision **conforms** to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan.
§120-911A – The proposed subdivision does conform to the subdivision regulations.
9. The developer **has** the adequate financial capacity to meet the standards of this section.
§120-911G – The applicant has estimated the cost of development at \$140,000.00 and shall that a performance guarantee equal to the amount of the required improvement plus contingency will be required prior to starting construction.
10. The proposed subdivision **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
§120-911B- The proposed subdivision will be utilizing private wells.
11. The proposed subdivision **will** provide for adequate stormwater management.
§120-911J – The responsibility of maintaining the stormwater management system will be the applicant until such time it could be assigned to the future Homeowner's Association (HOA), as required per §120-911N.
- ~~12. The proposed location and height of buildings or structure walls and fences, parking, loading, and landscaping shall be such that it **will/will not** interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value.~~
13. On-site landscaping **does** provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.
§120-911C - The applicant's engineer has provided a statement from a Maine licensed professional civil engineer preventing soil erosion and sedimentation from entering water bodies, wetlands, and adjacent properties.
14. All freshwater wetlands within the proposed subdivision **have** been identified on the plan.
§120-911E – All freshwater wetlands have been identified on the plan.
15. Any river, stream, or brook within or abutting the subdivision **has** been identified on any maps submitted as part of the application.
§120-911E – All water features have been identified; no adverse impact anticipated.
16. The proposed subdivision **will** provide for adequate stormwater management.
§120-911J – A sufficient stormwater management plan has been developed and provided.
- ~~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, §480-B, none of the lots created within the subdivision **has** a lot depth to shore frontage ratio greater than 5 to 1.~~

- ~~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.~~
- ~~20. The timber on the parcel being subdivided **has/has not** been harvested in violation of rules adopted pursuant to [Title 12, §8869, sub§14](#).~~

CONDITIONS OF APPROVAL (REQUIRED)

1. Approval is dependent upon and limited to the proposals and plans contained in the applications dated March 4, 2024, May 1, 2024, July 22, 2024, and amended August 26, 2024, along with 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](#) of the Land Use Ordinance.
2. The signed subdivision recording plan shall be recorded three (3) years for the date of the final approval at the Cumberland County Registry of Deeds (CCRD).
- ~~3. Prior to the issuing building permits, a Homeowner's Association Bylaws, Convents, and Documentation for the care and maintenance of the (private road) and/or open space areas shall be recorded in Cumberland County Registry of Deed (CCRD) and a copy of the recorded documentation shall be submitted to the Planning Department for verification.~~
3. The development is subject to the following [Article 12](#) Impact Fees: [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 permits, or any other permits necessary for the development, [§120-1201C](#).

**Summary of Waiver Request of Appendix B Road Standards
Cross Ridge and Lockland Drive Subdivision Application**

The following is a partial list of dimensional requirements for **Major Private Roads** as defined in the Windham Land Use Ordinance, Chapter 120, Appendix B:

Surface Type:	Paved
Min. ROW Width:	50 feet
Min. Travel Way Width:	20 feet
Primary Shoulder Type:	Paved
Min. Primary Shoulder Width:	2 feet
Secondary Shoulder Type:	Gravel
Min. Secondary Shoulder Width:	2 feet
Min. Grade without curb:	0.5%
Min. Grade with curb:	1.0%
Max Grade:	11%
Min. Centerline Radius:	100 feet
Min Tangent b/w reverse curves:	100 feet
Min. Aggregate Subbase:	21 inches
Min. Aggregate Base:	3 inches
Min. HMA Pavement:	4 inches

The following is a partial list of dimensional requirements for **Minor Private Roads** as defined in the Windham Land Use Ordinance, Chapter 120, Appendix B:

Surface Type:	Gravel
Min. ROW Width:	50 feet
Min. Travel Way Width:	18 feet
Primary Shoulder Type:	Gravel
Min. Primary Shoulder Width:	2 feet
Secondary Shoulder Type:	N/A
Min. Secondary Shoulder Width:	N/A
Min. Grade without curb:	0.5%
Min. Grade with curb:	1.0%
Max Grade:	11%
Min. Centerline Radius:	60 feet
Min Tangent b/w reverse curves:	N/A
Min Paved Apron Length:	20 feet
Min. Aggregate Subbase:	18 inches
Min. Aggregate Base:	3 inches
Min. HMA Pavement:	N/A

The following is a summary of the measured conditions of road segments and indication of whether the road sections appear to be compliant or require a waiver:

Road Segment 1 – Cross Ridge Drive (750 feet +/-) – Major Private Road Standard

Surface Type:	Compliant
Min. ROW Width:	Compliant
Min. Travel Way Width:	Compliant – overlay will be 20 feet width
Primary Shoulder Type:	Waiver Required
Min. Primary Shoulder Width:	Compliant
Secondary Shoulder Type:	Waiver Required
Min. Secondary Shoulder Width:	Waiver Required
Min. Grade without curb:	Compliant
Min. Grade with curb:	N/A
Max Grade:	Compliant
Min. Centerline Radius:	Compliant
Min Tangent b/w reverse curves:	Compliant
Min. Aggregate Subbase:	Waiver Required - unknown
Min. Aggregate Base:	Waiver Required - unknown
Min. HMA Pavement:	Waiver Required – 1.5” additional HMA to be set
Suitable turn-around area:	Compliant

Road Segment 2 – Lockland Drive from Cross Ridge Drive Intersection to Winchester Drive Intersection (1,500 feet +/-) – Major Private Road Standard

Surface Type:	Compliant
Min. ROW Width:	Compliant
Min. Travel Way Width:	Compliant
Primary Shoulder Type:	Waiver Required
Min. Primary Shoulder Width:	Compliant
Secondary Shoulder Type:	Waiver Required
Min. Secondary Shoulder Width:	Waiver Required
Min. Grade without curb:	Compliant
Min. Grade with curb:	N/A
Max Grade:	Compliant
Min. Centerline Radius:	Compliant
Min Tangent b/w reverse curves:	Waiver Required
Min. Aggregate Subbase:	Waiver Required - unknown
Min. Aggregate Base:	Waiver Required - unknown
Min. HMA Pavement:	Waiver Required
Suitable Turn-Around Area:	Compliant

Road Segment 3 – Lockland Drive from Winchester Drive Intersection to end of roadway (1,900 feet +/-) – Major Private Road Standard

Surface Type:	Compliant
Min. ROW Width:	Compliant
Min. Travel Way Width:	Waiver Required for Curbed Section only
Primary Shoulder Type:	Waiver Required
Min. Primary Shoulder Width:	Waiver Required for Curbed Section only
Secondary Shoulder Type:	Waiver Required
Min. Secondary Shoulder Width:	Waiver Required
Min. Grade without curb:	Compliant
Min. Grade with curb:	Compliant (Needs repair for puddling)
Max Grade:	Compliant
Min. Centerline Radius:	Waiver for 90-degree turn portion
Min Tangent b/w reverse curves:	Compliant
Min. Aggregate Subbase:	Waiver Required - unknown
Min. Aggregate Base:	Waiver Required - unknown
Min. HMA Pavement:	Waiver Required
Suitable Turn-Around Area;	Compliant

Road Segment 4 – Winchester Drive (700 feet +/-) – Minor Private Road Standard

Surface Type:	Compliant
Min. ROW Width:	Compliant
Min. Travel Way Width:	Compliant
Primary Shoulder Type:	Compliant
Min. Primary Shoulder Width:	Compliant
Secondary Shoulder Type:	N/A
Min. Secondary Shoulder Width:	N/A
Min. Grade without curb:	Compliant
Min. Grade with curb:	N/A
Max Grade:	Compliant
Min. Centerline Radius:	Compliant
Min Tangent b/w reverse curves:	N/A
Min Paved Apron Length:	Compliant
Min. Aggregate Subbase:	Compliant
Min. Aggregate Base:	Compliant
Min. HMA Pavement:	N/A
Suitable Turn-Around Area:	Compliant

Road Segment 5 –Flintlock Drive (700 feet +/-) – Minor Private Road Standard

Surface Type:	Compliant
Min. ROW Width:	Compliant
Min. Travel Way Width:	Compliant
Primary Shoulder Type:	Compliant
Min. Primary Shoulder Width:	Compliant
Secondary Shoulder Type:	N/A
Min. Secondary Shoulder Width:	N/A
Min. Grade without curb:	Compliant
Min. Grade with curb:	N/A
Max Grade:	Compliant
Min. Centerline Radius:	Compliant
Min Tangent b/w reverse curves:	N/A
Min Paved Apron Length :	Compliant
Min. Aggregate Subbase:	Compliant
Min. Aggregate Base:	Compliant
Min. HMA Pavement:	N/A
Suitable Turn-Around Area:	Compliant