

APPLICATION COMPLETENESS & STAFF REVIEW COMMENTS MEMO

DATE: May 28, 2025

TO: Dustin Roma PE, DM Roma Consulting Engineers
Jarod Robie, Robie Holdings LLC

FROM: Amanda Lessard, Senior Planner/Project Manager

Cc: Steve Puleo, Planning Director
Windham Planning Board

RE: #25-06 – Major Subdivision & Site Plan – Shepherd Lane Subdivision (formerly 421 Falmouth Road Condos) – 421 Falmouth Road – Preliminary Plan Review – Robie Holdings, LLC

Scheduled for Planning Board meeting: **June 9, 2025**

Thank you for submitting your preliminary application on May 19, 2025. The application is **incomplete**. ~~The staff has reviewed the application and found several outstanding item listed below under “Preliminary Subdivision Application Completeness” that need your attention by May 28, 2025 before the Planning Board preliminary plan review is scheduled for a public hearing, in accordance with Windham Land Use Ordinance §120-907B(4)(b).~~ Your application is ~~tentatively~~ **scheduled for a public hearing and review on June 9, 2025**. The Planning Board meeting is an "in-person meeting" at the Town Council Chambers in the Town Hall located at 8 School Street. The meeting begins at 6:00pm, and your attendance is required.

A site walk is scheduled for the project on Monday June 2, 2025 at 5:30 pm.

Revisions from the May 23, 2025 memo appear as underlined text below.

Project Information:

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.

Tax Map: 19; Lots: 104 & 90G; Zone: Village Residential (VR) and Farm (F) in the Pleasant River watershed.

Preliminary Subdivision Application Completeness

- §120-910C(1)(m) Names and address of adjoining property owners: Several direct abutter's information is not included in the submission (19/90F-5-1, 20/9D, 20/11A-1, 16A/12A-1, 19/90G, 19/90E-1, and 19/90E-2).
 - The applicant provided an updated abutters list on May 28
- §120-910C(2) Mandatory Plan Information: The following must be shown on the subdivision plan:

- [\(m\)](#) Location of all river, streams and brooks within or adjacent to the proposed subdivision. The legend does not include existing streams and the plan does not clearly identify all streams shown on the USGS map and boundary survey.
- [\(n\)](#) Zoning district boundary is labeled with text but is not clearly and fully identified on the plan with symbology that is separate and distinct from the property line.
- [\(u\)](#) The 100-year floodplain should be shown on the subdivision plan.
- The applicant provided a revised subdivision plan on May 28 with the following:
 - Expanded the Legend to show additional line types
 - Added notes indicating the location of the streams on the property
 - Added zoning district boundary line designations to make it more pronounced
 - Added notes to identify the limits of the 100-year floodplain.
- [§120-910C\(3\)\(c\)](#) Hydrogeologic assessment: The subdivision has an average density of more than one dwelling unit per 100,000 square feet. Submit a hydrogeologic assessment or a request for a waiver of the submission requirement in accordance with [§120-908B](#).
 - The applicant provided a waiver request for the submission of a hydrogeological assessment on May 28.

Staff Review Comments

The memo will be updated as staff comments are provided by June 2, 2025

Planning Department

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

1. Per [§120-911A\(3\)\(b\)](#), all subdivision boundaries corners shall be marked. There are several property corners on the subdivision plan that do not show existing or proposed iron pins.
2. The project proposes development within the 75' stream setback. For final plan review, the applicant must obtain a NRPA PBR from DEP.
3. The stormwater management report notes that the applicant is not proposing any modification to the land in the Farm Zone portion of the lot and that the existing snowmobile trails are intended to be used as walking trails for the condominium association to access the backland. The plan does not appear to provide a trail or means to access the backland. The applicant should show how pedestrian access to the undeveloped portion will occur. Additional developed area on the backland may also be required to comply with the multifamily recreation and open space requirements noted in Comment 14 below.
4. Per [§120-911E\(2\)\(c\)](#), the common land shall be shown on the final plan with appropriate notations on the plan to indicate it shall not be used for future building lots.
5. What is the total amount of proposed wetland impacts? The grading and utility plan appears to identify areas of wetland impacts. These areas should be more clearly labeled on this sheet and the total amount of wetland impacts should be included as a note on the subdivision plan.
6. For final plan review, provide an estimate of the number of new peak hour trips expected to pass through the Route 302/Anglers Road/Whites Bridge Road intersection in order to determine the amount of the [North Route 302 Road Improvements Impact Fee](#).
7. Per [§120-911E\(1\)\(a\)](#), the subdivision plan shall, by notes on the final plan and/or deed restrictions, not allow the clearing of trees in areas where tree cover is depicted on the plan for a period of at least five years from the date of Planning Board approval.

8. Per [§120-911M\(5\)\(a\)\[5\]\[e\]](#), the following words shall appear on the recorded plan: "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."
9. Sheet D-1 Typical Roadway Section without curbing shows a 1' gravel shoulder. To comply with the Major Private Road Standard in [Appendix B](#), this detail should show a 2' gravel shoulder. Are there any sections of the proposed access drive without curbing?
10. Provide a road profile for Shepherd Lane.
11. Site distances at the proposed entrance of Shepherd Lane at Falmouth Road that comply with Table 1 in [Appendix B](#) must be shown on the plan.
12. Show curb cuts on opposite side of Falmouth Road on the plan.
13. This portion of Falmouth Road is a state road outside of the urban compact. For final plan review, provide an entrance permit and a road opening permit from Maine DOT.
14. [§120-814A](#) Multifamily Development Standards. For final plan review:
 - a. At least two different building designs shall be provided as required by [§120-814A\(1\)](#).
 - b. Buildings adjacent to Falmouth Road shall have entrances oriented to face the existing street as required by [§120-814A\(3\)\(a\)](#).
 - c. Does the existing vegetation within the proposed treeline provide a sufficient buffer or screening to the existing residential abutter at 413 Falmouth Road required by [§120-814B\(2\)\(b\)?](#)
 - d. The site plan shall designate, within the common open space, the required amount of contiguous area (400 square feet for 13 units) and the proposed constructed amenities for passive use or active areas required by [§120-814B\(4\)\(c\)](#).
 - e. Curb cuts on access drives must be separated by a minimum of 75 feet where possible per [§120-814B\(6\)\(c\)](#). For final plan review, the applicant should show on the site plan the distances between driveways and provide an explanation where and why it is not possible to separate curb cuts by a minimum of 75 feet.
15. Recommended MAJOR SUBDIVISION CONDITIONS OF APPROVALS:
 1. Approval is dependent upon and limited to the proposals and plans contained in the application dated February 17, 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 [§120-911N\(5\)](#) 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.
 3. The development is subject to the following [Article 12 Impact Fees](#), to be paid with the issuance of new building permits for the expanded uses: [North Route 302 Road](#)

Improvements Impact Fee of **TBD** (TBD during final plan review per peak hour trip through Route 302/Anglers Rd/Whites Bridge Intersection); Public Safety Impact Fee; and Municipal Office Impact Fee. All fees will be determined and collected for any building, or any other permit for the development, §120-1201C.

4. 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.

Town Engineer

16. In their Stormwater Report they say that they need to meet a 90% number for treating water quality for impervious area, but the requirement in the DEP Ch. 500 General Standards, which apply to this development, is 95%. If the applicant can treat only 90%, then they need to base their design on a Ch. 500 4C(2)(a)(ii) as described below

(ii) Where treatment of 95% of the impervious area is not practicable, the Department may allow treatment of as low as 90% of the impervious area if the applicant is able to demonstrate that treatment of a greater depth of runoff than specified in the standards will result in at least an equivalent amount of overall treatment of the impervious area. The treatment depth of runoff must be increased by 0.05 inch for each 1% that the treatment area is decreased. Treatment must still be provided for no less than 80% of the developed area; or

17. Where the disturbed area drains directly to wetlands, the plans should show a double row of perimeter erosion control.
18. If the existing contours are derived from LIDAR, field survey of stormwater filter basin areas should be completed in order to determine actual ground conditions at these areas.
19. Add a note to indicate the 5-yr limit on any additional clearing beyond what's shown on the plans;
20. Add a streetlight to provide better visibility for the entrance to the road.

As staff review comments related to compliance with any applicable review criteria become available, I will send them to you ASAP. We will need your response by June 5, 2025 or earlier to be included in the Planning Board agenda. Thank you for your attention to these matters. Provide one copy of your response to staff comments with all revised application materials and one (1) plan set. Email an electronic copy of your response letter, supporting documentation, and plan set. Please feel free to call me with any questions or concerns at (207) 207-894-5900 x 6121 or email me at allessard@windhammaine.us.