

**PLANNING BOARD MEMO • MAJOR SUBDIVISION & SITE PLAN • PRELIMINARY & FINAL PLAN REVIEW**

DATE: July 11, 2025

TO: Windham Planning Board  
FROM: Amanda Lessard, Senior Planner/Project Manager  
Cc: Dustin Roma PE, DM Roma Consulting Engineers  
Jarod Robie, Robie Holdings LLC  
Steve Puleo, Planning Director

RE: #25-06 Shepherd Lane Subdivision (formerly 421 Falmouth Road Condos) - Major Subdivision & Site Plan - Preliminary & Final Plan Review - 421 Falmouth Road - Robie Holdings, LLC  
Planning Board Meeting June 9, 2025

Overview

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 served by public water, shared private wastewater disposal systems, and underground utilities.

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

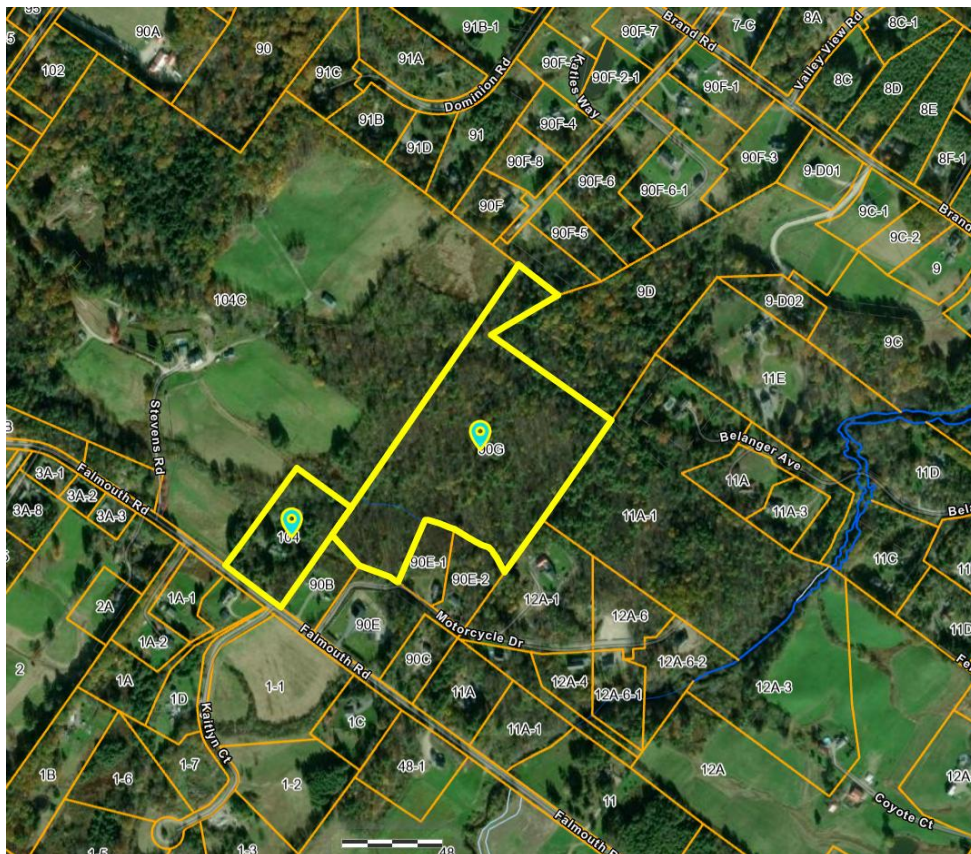


Figure 1. Aerial view of the subject parcel relative to surrounding properties and street network.

### Review History

A Development Review Team meeting was held on March 4, 2025. The Planning Board reviewed the sketch plan on March 10, 2025. At that meeting the Board discussed the net density calculations for the two zoning districts, the proposed road standard and the safety of the road intersection on Falmouth Road. The Board held a site walk on June 2, 2025.

The Planning Board held a public hearing and reviewed the preliminary plan submission on June 9, 2025. The Board discussed that the driveway spacing would reduce the road length and allow all the land area in the farm zone to remain undeveloped. The Board found the application complete but postponed further review until the applicant responded to staff comments.

The applicant has provided a response to staff comments and a final subdivision and site plan application. The submission includes all required outside agency approvals (Portland Water District, Maine DEP, Maine DOT), draft condominium documents, and building elevations for three different building styles. The applicant is requesting that the Board take action on both the preliminary and final plan applications.

### SUBDIVISION & SITE PLAN 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 Subdivision & Site Plan final application for project #25-06 Shepherd Lane Subdivision 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 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.*

#### **SUBMISSION REQUIREMENTS**

*The Planning Director, or designee, may waive any of the submission requirements of [§120-910](#) or [§120-811](#) based upon a written request by the applicant that includes the reasons for which a waiver is sought. A waiver of any submission requirement may be granted only if the Planning Director, or designee, finds that the information is not required to determine compliance with the*

*standards and criteria of the Land Use Ordinance or that the information relates to a standard that is not applicable to the application. Per [§120-908B\(1\)](#) the Planning Director is not required to use any criteria in making its determination on the granting of a waiver of the submission requirements.*

**a) [§120-910C\(3\)\(a\)](#) High Intensity Soil Survey**

The applicant states that a High Intensity Soil Survey is not needed as the 3 acre development area has Hinckley loamy sand and Scantic Silt loam soils on the medium intensity soils map, wetland boundaries have been delineated with no wetland impacts proposed and the applicant will be conducting multiple test pit analyses to design the subsurface wastewater disposal systems and stormwater management facilities.

**The Planning Director has waived the High Intensity Soil Survey requirement due to the other information that will be provided as part of the subdivision review**

**b) [§120-910C\(3\)\(c\)](#) Hydrogeologic assessment**

The applicant states that the project will include the installation of Advanced Treatment Septic Tanks that will reduce the nitrate concentration to 10 mg/l before the wastewater enters the disposal field, so nitrate plume analysis is not necessary. Stormwater management BMPs include water filtration practices with impermeable liners and/or underdrain systems that will filter the stormwater without directly introducing stormwater into the groundwater system through infiltration.

**The Planning Director has waived the Hydrogeologic assessment requirement due to the use of advanced treatment wastewater disposal**

*PERFORMANCE STANDARD WAIVER - SUBDIVISION*

*Limitation of Waivers. The Planning Board may waive the requirements of [§120-911](#) Performance and Design Standards when the applicants demonstrates 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 the land use ordinance. In granting site waivers, the Planning Board shall utilize the criteria in [§120-908C\(2\)](#).*

**a) None requested.**

*PERFORMANCE STANDARD WAIVER – SITE PLAN*

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

**a) None requested.**

3. Public Hearing: A public hearing was held on June 9, 2025

4. Site Walk: The Planning Board held a site walk on June 2, 2025.

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

**MOTION:** [I move] the Major Site Plan & Subdivision preliminary & final plan application for the #25-06 Shepherd Lane Subdivision development identified on Tax Map: 19: Lots: 104 & 90G in Village Residential (VR) and Farm (F) is to be **(approved with conditions/denied)** with the following Findings of Fact, Conclusions, and Conditions of Approval.

FINDINGS OF FACT

**Jurisdiction:** The Shepherd Lane Subdivision project is classified as a Major Site Plan & Subdivision, which Planning Board is authorized to review and act on by [§120-903](#) and by [§120-803A\(1\)](#) of the Town of Windham Land Use Ordinance.

**Title, Right, or Interest:** The applicant has submitted a copy of a Short Form Deed between Elizabeth T. High and Robie Holdings, LLC dated October 30, 2024, and recorded on October 31, 2024 at the Cumberland County Registry of Deeds in Book 41093 and Page 243 and a Warranty Deed between Philip R. Webster and Lisa M. Webster and Jarod Robie dated December 18, 2024, and recorded on December 19, 2024 at the Cumberland County Registry of Deeds in Book 41195 and Page 333.

ARTICLE 3 DEFINITIONS

Dwelling, Single-family Detached: "A freestanding building containing one dwelling unit."

ARTICLE 4 ZONING DISTRICTS

- As shown on the Town of Windham [Land Use Map](#) approved by the Town Council, date April 9, 2024, Map: 19: Lots: 104 & 90G.
- The property is located in in Village Residential (VR) and Farm (F) zoning districts.
- Street trees shall be planted along the street frontage of Falmouth Road, at least one tree every 50 feet, per [§120-415.2F\(1\)\(g\)](#).

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

**§120-814A** Multifamily Development Standards.

1. At least two different building designs shall be provided as required by [§120-814A\(1\)](#).
2. Buildings adjacent to Falmouth Road shall have entrances oriented to face the existing street as required by [§120-814A\(3\)\(a\)](#). The elevation for Unit 1 has a stairway
3. 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\(2\)\(b\)?](#)
4. 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\(4\)\(c\)](#).
  - a. 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
5. 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.

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

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

- (1) The property has 22.75 acres exceeding the minimum lot size in the VR and F zoning districts. 4.87-acres in located in the VR district and 17.93 acres in the F district.
  - (a) The applicant provided a net residential density calculation by separately calculating the net residential density for each zoning district. In the VR district, the applicant deducted 48,446 SF of poorly drained soils, for the net area of 161,531 SF. The net residential density for VR is 30,000 SF, equaling 5 dwelling units. In the F district, the applicant deducted 12,002 SF of steep slopes, and 1,046 SF of 100-year flood plain, and 190,799 SF of poorly drained soils, for the net area of 577,473 SF. The net residential density for F is 60,000 SF, equaling 9 dwelling units. The total allowed dwelling unit for the parcel is 14.
  - (e) The E-911 Addressing Officer has assigned the street name Shepherd Lane.
- (2) Underground utilities are shown on the provided subdivision plan.
- (3) The location of the proposed subdivision monuments on shown on the subdivision plan.

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

- (3) The applicants have shown connection with the public water system on the provided subdivision plan, from the end of the water main in Falmouth Road. A new fire hydrant is proposed to be installed at the end of the main, which is less than 1,000 feet from the

last home in the subdivision. The applicant provided an “Ability to Serve” letter from the Portland Water District dated July 7, 2025.

#### **§120-911C - Erosion Control and sedimentation control**

- (1) The applicants have provided a soil erosion and sediment control plan showing the use of erosion and sediment control best management practices (BMPs) at the construction site consistent with the minimum standards outlined in the Maine DEP Stormwater Rule Chapter 500 Appendix A – Erosion and Sediment Control, Appendix B – Inspections and Maintenance, Appendix C – Housekeeping. Erosion and Sedimentation Control. BMPs shall be designed, installed, and maintained in accordance with the standards contained in the latest revisions of the following Maine DEP documents.
- (3) The applicant or developer shall consider the topsoil as part of the subdivision is not to be removed from the site.
- (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 three (3) private on-site subsurface disposal systems for the 13-unit condominium development. The applicant proposes to install advanced treatment units for all of disposal fields. The HHE-200s prepared by site evaluator Norman Harris of Harris Septic Solutions were included in the preliminary plan submission.
  - o If the wastewater disposal field located under Shepherd Lane needed to be replaced, a temporary gravel driveway over the front yards of Units 1, 2 and 3 would need to be built to provide access to the development while the system was excavated and repaired or replaced. There are no septic tanks, transformer pads or other utility conflicts located within the area where the temporary access drive would be located because all of those utilities are located either on the other side of the road or on the rear side of the dwelling units.

#### **§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 Falmouth Road to serve the development. All of the back land in the Farm (F) district is proposed to remain intact, preserving the natural beauty and aesthetics.
  - o The final subdivision plan Note 11 identified that the development impacts 2,702 square feet of forested wetlands.
  - o The project proposes development within the 75’ stream setback. The applicant filed for a Natural Resource Protection Act Permit By Rule from Maine DEP on June 6, 2025, which is approved 14 days after the submission.
- (a) The applicant provided a note 12 on the final plan not allowing the clearing of trees where tree cover is depicted on the plan for at least five years. Mandatory buffer for stormwater or other reasons shown on the plan shall not be cleared of

vegetation unless the Planning Board grants an amendment to the subdivision or maintenance that does not alter the purpose for which the buffer was required.

(b) The applicant has included a landscape plan with the application. Two trees are shown along Falmouth Road and street trees are shown on the internal subdivision street every 50 feet.

(2) The applicant provided draft condominium documents that specifies the reservation or dedication and maintenance of open space, common land, facilities such as the stormwater management system, among others, and the required membership in the association. The common land is shown on the final plan with appropriate notations on the plan to indicate it shall not be used for future building lots.

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

Comprehensive Plan:

- The plan does meet the goals of the 2024 Comprehensive Plan. The property is in the Residential Growth Area.

Subdivision Ordinance:

- Standard notes, the standard conditions of approval, and approved waiver must be shown on the plans.
- A digital transfer of the subdivision plan data was submitted with the final application for inclusion with the Town's GIS.

Growth Management, [Chapter 101](#):

- Growth permits are required for the creation of each new single-family dwelling. Growth permit applications are submitted with building permit applications.

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

(1) The Applicant has provided an estimated cost of the project and a letter from Maine Community 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 proposes the installation of Advanced Treatment Septic Tanks that will reduce the nitrate concentration to 10 mg/l before the wastewater enters the disposal field, and has requested a waiver from the requirement to submit a hydrogeologic assessment.

(2) The proposed development will connect to available water supply provided by the Portland Water District (PWD) with a connection to the existing main in Falmouth Road. The scale of this development is not anticipated to adversely impact the overall quality or quantity of available water supply.

### **§120-911I – Floodplain Management**

- The subject property is within a mapped FEMA Floodplain boundary. The mapped floodplain is located at the rear of the parcel in proximity to mapped wetlands. No development is proposed within the floodplain.

#### **§120-911J – Stormwater**

- The subdivision will result in 36,958 SF of impervious area and 112,733 SF of developed area. The project includes an additional 14,457 square feet of disturbance that will be allowed to revert to natural meadow.
- The final plan includes a table of impervious area allowed for each unit.
- The applicant filed for a Stormwater Permit By Rule from Maine DEP on June 6, 2025, which is approved 14 days after the submission.
- The responsibility of maintaining the stormwater management system will be assigned to the future Condominium Association, as per [§120-911N](#).
- The applicant provided condominium documents with covenants and restrictions, 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 and roofline drip edges around each of the buildings.
- *The Town Engineer comments dated May 28, 2025:*
  - *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.*
  - *Where the disturbed area drains directly to wetlands, the plans should show a double row of perimeter erosion control.*
  - *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.*
- The applicant responded to the comments on June 23, 2025. On July 8, 2025 the Town Engineer stated he was satisfied with the response.

#### **§120-911K – Conservation Subdivision**

- (1) The development is in the VR 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 13 trips in the PM peak hour and 123 trips during a typical weekday. Since the expected traffic does not exceed 140 trips per day, a traffic impact analysis per § 120-910C(3)(e) is not required.



- The applicant shall provide an estimate of 12 new peak hour trips expected to pass through the Route 302/Anglers Road/Whites Bridge Road intersection in order to calculate the [North Route 302 Road Improvements Impact Fee](#). See Condition of Approval.
- The applicant is proposing a new street connection on Falmouth Road. The entrance is proposed to be a Condominium driveway meeting the Town’s “Major Private Road” standard for design and construction found in [Appendix B](#).
  - The condominium association will maintain the R/W road once the subdivision is completed.
  - The private road note of [§120-911M\(5\)\(a\)\[5\]\[e\]](#) is shown on the plan.
  - A road plan and profile for Shepherd Lane was included on Sheet PP-1 of the final plan set.
  - 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. Site distances in each direction exceed 600 feet.
- This portion of Falmouth Road is a state road outside of the urban compact. A Driveway/Entrance Permit Maine DOT dated June 25, 2025 was included with the final plan submission.

#### **[§120-911N](#) – Maintenance of common elements.**

- The applicant provided draft condominium association documents.
- 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.

### **[§120- 812](#) – MAJOR SITE PLAN PERFORMANCE STANDARDS**

#### **[§120–812A](#) – Utilization of the Site**

- The subject parcel is approximately 22.75 acres in size.
- There is an existing single-family dwelling on the site that is proposed to be demolished.
- The site fronts along Falmouth Road and has 350 feet of road frontage.

#### **[§120–812B](#) – Vehicular Traffic**

- (1) The site is located on the northly side of Falmouth Road. The applicant is proposing a new road connection to Falmouth Road. The entrance is proposed to be a Condominium access driveway meeting the Town’s “Major Private Road” standard for design and construction. A right-of-way is not required for an access driveway in the Multi-family performance standards, found in [§120-814B\(6\)\(b\)\[2\]](#).
  - (a) The applicant does not expect to impact any road intersections within a half mile of the project.
  - (b) The applicant provided a traffic analysis that the existing streets and intersections can be expected to carry traffic generated by the development. See [Subdivision Review](#).
- (2) The access is designed to have minimum sight distance, according to MDOT and [Appendix B Street Design and Construction Standards](#), to avoid hazardous conflicts with

existing turning movements, to avoid traffic congestion, and to prevent queuing of vehicles entering and exiting the site.

- (3) The proposal site will be accessed driveway from Falmouth Road.
- (4) The site is designed to allow internal vehicular circulation in common with the other property owner for the safe movement of passenger, service, and emergency vehicles through the site.

#### §120-812C – Parking and Loading

- (1) The applicant has designed a parking layout that accommodates for two (2) parking spaces for each of the 13 single family dwelling units.

#### §120-812D – Pedestrian Traffic

There are no existing sidewalks on Falmouth Road. Sidewalks are not required for the access drive. The applicant is proposing to provide walking trails on the existing snowmobile trails for the condominium association to access the back land.

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

- (1) The applicants shall provide for a stormwater management system design for the collection and disposal of all the stormwater that runs off of parking areas, roofs, travel ways, and other surfaces.
  - (f) Major site plans, regardless of size, shall comply with Sections 4C(2) and 4C(3) of the General Standards of the MDEP Chapter 500 Stormwater Management Law. The applicant states that the development in proximity to an unnamed stream will require a NRPA PBR from MaineDEP. See Subdivision Review.

#### §120-812F – Erosion Control

- (2) The applicant shall have provide an erosion and sedimentation control plan that will meet the Basic Standards per Section 4(A) of the MeDEP Chapter 500 Stormwater Rule. See Subdivision Review.

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

- (1) The existing building is served by a Portland Water District water main that terminates at the frontage of the subject parcel. See Subdivision Review.
  - At the Development Review Team meeting, the Fire Chief commented that the existing hydrant was north of Carpenters Way and requested a new hydrant is installed at the end of the main on Falmouth Road to serve all the homes in the development.

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

- See Subdivision Review.

#### §120-812I – Utilities

- The applicant all utility connections (electrical, telephone, and telecommunication services) will be subsurface. See Subdivision Review.

#### **§120-812J – Groundwater Impacts**

- The buildings are proposed to be connected to the PWD public water system, and the wastewater disposal system is not anticipating a disposal system with a capacity of 2,000 gallons per day (GPD).

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

- The applicant states development will help protect Windham’s water quality by using a public water system, a state-approved wastewater disposal system that shall comply with the State’s drinking water standards, and stormwater management system to provide treatment to runoff. The day-to-day operations do not require substances that are hazardous, such as fuels, industrial chemicals, waste, etc.

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

- (1) No hazardous materials will be stored on site.

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

- The site is not in a shoreland zoning district.

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

- See Subdivision Review.

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

- The applicant proposes that the single-family dwellings with participate in the Town’s curbside collection program.

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

- There are no historic or archaeological resources onsite.

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

- See Subdivision Review.

#### **§120-812R – Exterior Lighting**

- (1) Shielded fixtures are proposed for each porch. Cobra head lighting will be installed on the light pole at the project entrance.
- (2) The applicant shall connect all light poles and other exterior light fixtures underground.

#### **§120-812S – Noise**

- (1) The proposed condominium shall not exceed 55 dB between 7:00 AM to 10:00 PM and 45 dB between 10:01 PM to 6:59 AM.
- (3) No construction activities are allowed between the hours of 10:00 PM and 6:00 AM.

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

- A landscaping plan is shown on Sheet S-1.

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

A. Building Architecture. The applicant provided building elevations for as part of the final plan application.

- (1) Architectural variety
  - (a) The building has a variety of techniques to visually break up the façade, a varied roof lines, and some variation in window sizes.
- (2) Facade.
  - (a) The building horizontal articulations are provided throughout the building, and rooflines incorporate varying heights and ridgelines.
- (3) Orientation.
  - (a) The building entrance for Unit 1, adjacent to Falmouth Road, has stairs oriented to face the street.
  - (b) Buildings may be oriented to open space areas, provided that street frontages are developed consistent with above.

B. Site design.

- (1) Parking.
  - (b) Provisions are made for snow storage in the design of all parking areas. The areas used for snow does not conflict with proposed landscaping. The areas shall be sited to avoid problems with visibility, traffic circulation, drainage, or icing during winter months.
- (2) Screening.
  - (a) Utilities. There are no service areas, loading docks, delivery areas, trash receptacles, and mechanical equipment associated with this development.
  - (b) Existing residential abutters. Approximately 60 feet of existing vegetation will be maintained between the development and the residential abutter to the south.
- (3) Bicycle/pedestrian.
  - (a) Internal traffic flow internal walkways. There are no existing sidewalks on Falmouth Road. The paved and gravel shoulder on Shepherd Lane will be suitable for residents of the development
  - (c) Bicycle parking/racks.
    - [1] The development will provide facilities for the parking of bicycles at a ratio of 0.5 bicycle parking space per dwelling unit.
- (4) Recreation and open space.
  - (a) The applicant must designate and permanently reserve a minimum of 15% of the total lot area as usable common open space. Within the common open space, a minimum of 2,650 square feet (250 square feet/each of the first 10 units, plus 50 square feet/unit above 10 units) of contiguous area with constructed amenities for passive use (e.g. outdoor courtyards, seating areas, or family picnic area with amenities such as landscaping, lighting, weather protection and other features that encourage use year-round) or active areas (e.g., children's play areas, play fields, and community gardens). 18 acres of undeveloped woodland is reserved as open space. The applicant proposes to construct 1,325 square feet of trail to connect to an existing trail that will be maintained at a surface area of over 8,000 square feet.

(5) Landscape/lighting.

A plan for site lighting and landscaping must be provided for final plan review.

(a) Landscaping. Street trees are proposed along Falmouth Road and Shepherd Lane. Condo owners will be responsible for additional landscaping around the perimeter of their unit.

(c) Lighting. No pole-mounted lighting within the development is proposed. On building lighting is proposed. A streetlight will be installed at the access driveway entrance at Falmouth Road.

(6) Access drive standards.

(b)[1] Access drives shall be designed to conform to the standards for "major private roads" in these regulations, including the standards contained in Table 3, Table 4, and the applicable cross sections in Appendix B Street Standards.

(c) Curb cuts on the access drive must be separated by a minimum of 75 feet where possible. Driveway for the 13 single family dwellings are separated to the extent possible in order to reduce the road length to allow all the land area in the farm zone to remain undeveloped.

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 not** been harvested in violation of rules adopted pursuant to [Title 12, §8869, sub§14](#).

#### SITE PLAN CONCLUSIONS

1. The plan for development **reflects** the natural capacities of the site to support development.
2. Buildings, lots, and support facilities **will** be clustered in those portions of the site that have the most suitable conditions for development.
3. Environmentally sensitive areas, including but not limited to, wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and sand and gravel aquifers **will** be maintained and protected to the maximum extent.
4. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
5. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
6. The proposed use and layout **will not** be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved.
7. The proposed site plan **will** provide for adequate sewage waste disposal.
8. The proposed site plan **conforms** to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
9. The developer **has** adequate financial capacity to meet the standards of this section.
10. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
11. The proposed site plan **will** provide for adequate stormwater management.
12. The proposed location and height of buildings or structure walls and fences, parking, loading, and landscaping shall be such that it **will not** interfere with or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value.

## CONDITIONS OF APPROVAL

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated February 17, 2024 as amended July 14, 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](#) or [§120-815](#) 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. The condominium declaration and condominium plat shall be submitted to the Planning Department for review prior to recording.
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 \$463.80; [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 permit for the development, [§120-1201C](#).
4. In accordance with [§120-914B\(5\)](#) and [§120-815C\(1\)\(b\)](#) 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.