

ARTICLE 8
Site Plan
Review

§ 120-801. Purpose.

The site plan review provisions set forth in this article are intended to protect the public health and safety, promote the general welfare of the community, and conserve the environment by assuring that nonresidential and multifamily construction is designed and developed in a manner which assures that adequate provisions are made for traffic safety and access; emergency access; water supply; sewage disposal; management of stormwater, erosion, and sedimentation; protection of the groundwater; protection of the environment, wildlife habitat, fisheries, and unique natural areas; protection of historic and archaeological resources; minimizing the adverse impacts on adjacent properties; and fitting the project harmoniously into the fabric of the community.

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§ 120-811. Submission requirements. [Amended 11-28-2017 by Order 17-347; 6-16-2022 by Order No. 22-108; 5-23-2023 by Order No. 23-092; 4-29-2025 by Order No. 25-043]

B. Final site plan review application submission requirements. Applications for final site plan review shall be submitted on application forms provided by the Town. The complete application form, evidence of payment of the required fees, and the required plans and related information shall be submitted to the Planning Department. Applications for major developments will not be received until the review of the sketch plan is completed. The submission shall contain at least the following exhibits and information, unless specifically waived in writing:

- (2) Major final site plans, additional information. In addition to the information required for all minor and major site plan applications, an application for a major final site plan shall contain the following information:

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§ 120-812. Performance standards and approval criteria. [Amended 4-27-2010 by Order 10-075; 3-8-2011 by Order 11-03; 8-25-2015 by Order 15-122; 5-22-2018 by Order 18-905; 6-12-2018 by Order 18-099; 3-26-2019 by Order 19-020; 4-9-2019 by Order 19-053; 6-16-2022 by Order No.22-108; 5-23-2023 by Order No. 23-092; 12-12-2024 by Order No. 24-173; 4-29-2025 by Order No. 25-043]

The following criteria shall be used by the Planning Board or Staff Review Committee in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board or Staff Review Committee determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who shall produce evidence sufficient to warrant a finding that all applicable criteria have been met.

- I. Solid waste management. The proposed development shall provide for adequate disposal of solid wastes. All solid waste shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

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ARTICLE 9
Subdivision Review⁴³

§ 120-901. Purpose. [Amended 5-23-2023 by Order No. 23-092]

The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people; to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Windham, Maine, the Planning Board shall evaluate the proposed subdivision, using the following criteria. The subdivision provisions set forth in these regulations are

intended to protect the public health and safety, promote the general welfare of the community, and conserve the environment by assuring that residential and nonresidential construction is designed and developed in a manner that assures that adequate provisions are made for traffic safety and access; emergency access; water supply; sewage disposal; management of stormwater, erosion, and sedimentation; protection of groundwater; protection of the environment, wildlife habitat, fisheries, and unique natural areas; protection of historic and archaeological resources; minimizing the adverse impacts on adjacent properties; and fitting the project harmoniously into the fabric of the community.

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§ 120-910. Submission requirements. [Amended 11-28-2017 by Order 17-347; 6-9-2020 by Order 20-140; 6-16-2022 by Order No. 22-108; 5-23-2023 by Order No. 23-092; 4-29-2025 by Order No. 25-043]

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- B. Minor subdivision final plan. The final plan submission shall include three copies of the following information, including full-size plan sets, along with one electronic version of the entire submission. The Board may waive the submission information that is listed in § 120-910B(1)(c). With regard to applications for which the Board is performing delegated review authority for applicable permits (i.e., Site Law or Stormwater Law), the waiver shall not result in noncompliance with any provision of the Site Law, Stormwater Law, or DEP regulations adopted pursuant to those laws.

(1) Mandatory written information.

- D. Major subdivision final plan. The final plan submission shall include five copies of the following information, including full-size plan sets, along with one electronic version of the entire submission.

(1) Mandatory written information.

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§ 120-911. Performance and design standards. [Amended 4-27-2010 by Order 10-075; 5-10-2011 by Order 11-070; 7-24-2012 by Order 12-091; 12-16-2014 by Order 14-491; 2-28-2017 by Order 17-038; 10-10-2017 by Order 17-161; 5-22-2018 by Order 18-905; 1-15-2019 by Order 18-257; 6-9-2020 by Order 20-140; 6-16-2022 by Order No. 22-108; 7-12-2022 by Order No. 22-127; 3-28-2023 by Order No. 23-041; 5-23-2023 by Order No. 23-092; 4-29-2025 by Order No. 25-043]

The performance and design standards in this section are intended to clarify and expand upon the statutory review criteria found in § 120-902. In reviewing a proposed subdivision, the Board shall review the application for conformance with the following performance and design standards. In all instances, the burden of proof shall be upon the applicant to present adequate information to indicate all performance and design standards and statutory criteria for approval have been or will be met.

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WASTE MANAGEMENT AND DISPOSAL

ARTICLE 8
Site Plan Review

§ 120-801. Purpose.

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§ 120-811. Submission requirements. [Amended 11-28-2017 by Order 17-347; 6-16-2022 by Order No. 22-108; 5-23-2023 by Order No. 23-092; 4-29-2025 by Order No. 25-043]

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- (2) Major final site plans, additional information. In addition to the information required for all minor and major site plan applications, an application for a major final site plan shall contain the following information:

(i) Blasting Information. Where blasting is proposed or reasonably anticipated as part of a development, the applicant shall provide a description of the proposed blasting activity, including the location and limits of blasting areas shown on the site plan, the extent and purpose of the activity, the anticipated schedule and duration, and the name, address, and State of Maine license number of the blasting contractor, if known. The submission shall also describe measures to control flyrock, vibration, air-blast overpressure, dust, noise, and other off-site impacts; identify any applicable State of Maine permits, approvals, licenses, or authorizations required for blasting activities; and describe proposed pre-blast inspections, well testing, monitoring, and complaint response procedures, where applicable.

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The following criteria shall be used by the Planning Board or Staff Review Committee in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board or Staff Review Committee determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who shall produce evidence sufficient to warrant a finding that all applicable criteria have been met.

1. Solid waste management. The proposed development shall provide for adequate disposal of solid wastes per the requirements in Chapter 192 Solid Waste. All solid waste shall be

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disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

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U. Blasting Activities. Where blasting is proposed, the Planning Board shall find that:

- (1) Blasting activities will be conducted by individuals properly licensed by the State of Maine and in compliance with all applicable federal, state, and local requirements.
- (2) All required State of Maine permits, approvals, licenses, and authorizations have been obtained or will be obtained prior to commencement of blasting activities.
- (3) Appropriate measures have been incorporated to minimize flyrock, dust, noise, vibration, air-blast effects, and other off-site impacts.
- (4) Blasting activities will not create an unreasonable risk to public health, safety, neighboring properties, public infrastructure, utilities, or municipal facilities.
- (5) Groundwater resources, private wells, stormwater facilities, wetlands, waterbodies, and other protected natural resources will be protected from unreasonable adverse impacts resulting from blasting activities.
- (6) The applicant has provided sufficient information to demonstrate that blasting can be conducted in a safe manner and in accordance with accepted engineering and construction practices.
- (7) The Planning Board may impose reasonable conditions related to monitoring, reporting, inspections, mitigation measures, financial guarantees, and other safeguards necessary to ensure compliance with this section.

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ARTICLE 9
Subdivision Review⁴³

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§ 120-901. Purpose. [Amended 5-23-2023 by Order No. 23-092]

The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people; to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Windham, Maine, the Planning Board shall evaluate the proposed subdivision, using the following criteria. The subdivision provisions set forth in these regulations are intended to protect the public health and safety, promote the general welfare of the community, and conserve the environment by assuring that residential and nonresidential construction is designed and developed in a manner that assures that adequate provisions are made for traffic safety and access; emergency access; water supply; sewage disposal; management of stormwater, erosion, and sedimentation; protection of groundwater; protection of the environment, wildlife habitat, fisheries, and unique natural areas; protection of historic and archaeological resources; minimizing the adverse impacts on adjacent properties; blasting ordinance; and fitting the project harmoniously into the fabric of the community.

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- B. Minor subdivision final plan. The final plan submission shall include three copies of the following information, including full-size plan sets, along with one electronic version of the entire submission. The Board may waive the submission information that is listed in § 120-910B(1)(c). With regard to applications for which the Board is performing delegated review authority for applicable permits (i.e., Site Law or Stormwater Law), the waiver shall not result in noncompliance with any provision of the Site Law, Stormwater Law, or DEP regulations adopted pursuant to those laws.

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(1) Mandatory written information.

(n) Solid waste management as per requirements of Chapter 192 Solid waste.

(o) Blasting Information as per requirements of § 120-911P.

D. Major subdivision final plan. The final plan submission shall include ~~five~~^{three} copies of the following information, including full-size plan sets, along with one electronic version of the entire submission.

(1) Mandatory written information.

(n) Solid waste management as per requirements of Chapter 192 Solid waste.

(j) Blasting Information as per requirements of § 120-911P.

§ 120-911. Performance and design standards. [Amended 4-27-2010 by Order 10-075; 5-10-2011 by Order 11-070; 7-24-2012 by Order 12-091; 12-16-2014 by Order 14-491; 2-28-2017 by Order 17-038; 10-10-2017 by Order 17-161; 5-22-2018 by Order 18-905; 1-15-2019 by Order 18-257; 6-9-2020 by Order 20-140; 6-16-2022 by Order No. 22-108; 7-12-2022 by Order No. 22-127; 3-28-2023 by Order No. 23-041; 5-23-2023 by Order No. 23-092; 4-29-2025 by Order No. 25-043]

The performance and design standards in this section are intended to clarify and expand upon the statutory review criteria found in § 120-902. In reviewing a proposed subdivision, the Board shall review the application for conformance with the following performance and design standards. In all instances, the burden of proof shall be upon the applicant to present adequate information to indicate all performance and design standards and statutory criteria for approval have been or will be met.

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