

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

DATE: September 5, 2025

TO: Windham Planning Board
FROM: Amanda Lessard, Senior Planner/Project Manager
Cc: Amy Bell Segal, RLA, Sebago Technics, Inc.
Jon Smith, Great Falls Construction
Tyler Norod, Westbrook Development Corp.
Steve Puleo, Planning Director

RE: #24-25 Andrew School Redevelopment/WDCJCS Subdivision – Amended Major Subdivision & Site Plan – Final Plan Review – Academy Street/55 High Street – Great Falls Construction Inc & Westbrook Development Corp.
Planning Board Meeting & Public Hearing: September 8, 2025

Overview

The application is for 17 market-rate apartments in two buildings. The plan amends the October 28, 2024 approval by continuing the mixed-income development consisting of 18 affordable apartments for senior housing in four buildings, to bring a new total of 35 units in 6 buildings on the 2.39 acre property. This project also includes associated parking areas, internal vehicular drive aisles, pedestrian pathways, subsurface stormwater treatment measures and the completion of the centralized open space area. The development will be served by public water and sewer.

Tax Map: 37; Lot: 24; Zone: Village Commercial (VC) in the Presumpscot River watershed.

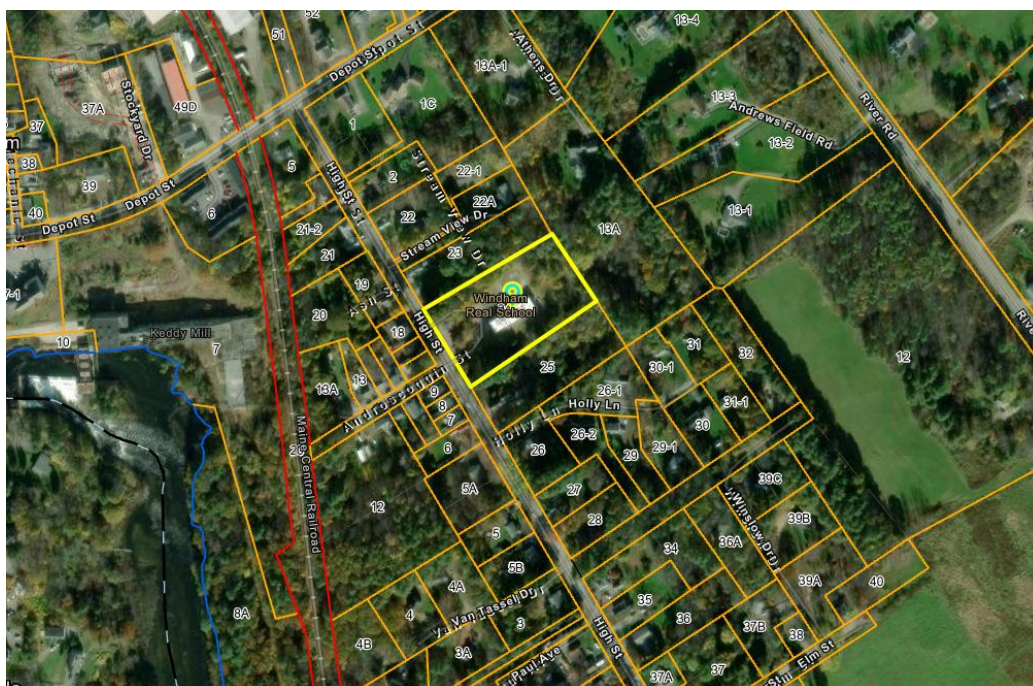


Figure 1. Aerial view of the subject parcel relative to surrounding properties and street network.

Review History

The request before the Planning Board is for an amendment to a previously approved major subdivision and site plan, initially approved on October 28, 2024, and recorded on October 29, 2024, in Plan Book 224, Page 432 at the Cumberland County Registry of Deeds.

The Planning Board's review authority is governed by [§120-913A](#), which stipulates that the Board must make findings of fact to determine whether the proposed revision meets the criteria outlined in [30-A M.R.S.A. §4404](#). Under [§120-913B\(2\)](#), the revision involves the creation of 17 additional dwelling units, and thus, the process should follow the procedures for a preliminary plan. The application must include sufficient supporting information to demonstrate that the proposed revisions satisfy the standards of Article 9 and the relevant State subdivision statutes. The revised plan must clearly indicate it is a revision of the previously approved and recorded plan, as required by [§120-913B\(3\)](#). The Planning Board's scope of review will be limited to the portions of the plan that are being amended.

For the amended plan review, comments from the Development Review Team meeting were received by March 14, 2025. The Planning Board reviewed the preliminary plan on April 14, 2025. At that meeting the Board approved a waiver from the required second connection to the public street and approved the preliminary subdivision plan.

The applicant has submitted a final subdivision and site plan application. The submission includes all required outside agency approvals, draft condominium documents, and building elevations.

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 Amended Major Subdivision & Site Plan final application for project #24-25 Andrew School Redevelopment 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:

SUBMISSION WAIVER

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.

- a) [§120-910C\(3\)\(e\)](#). **Traffic Impact Analysis**. Approved as part of the April 14, 2025 preliminary plan submission.
- b) ~~[§120-910C\(3\)\(a\)](#): **High Intensity Soils Mapping**~~. Approved as part of the October 28, 2024 approved plan.
- c) ~~[§120-910C\(3\)\(c\)](#): **Hydrogeologic Assessment**~~. Approved as part of the October 28, 2024 approved plan.

PERFORMANCE STANDARD WAIVER

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) [§ 120-911M\(5\)\(b\)\[7\]](#) **Street Connection Requirements**. Unanimously approved by the Planning Board on April 14, 2025.
The applicant is requesting a waiver from the requirement that subdivisions with 31 or more units have a minimum of 2 connections of the subdivision street with an existing public street.

- 3. Public Hearing: A public hearing is scheduled for the September 8, 2025 Planning Board meeting
- 4. Site Walk: The Planning Board held a site walk on October 5, 2024. Site walks are not required for amended subdivisions. The Planning Board should determine whether to conduct a site walk.

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

MOTION: [I move] the Amended Major Subdivision & Site Plan final plan application for the #24-25 Andrew School Redevelopment/WDCJCS Subdivision identified on Tax Map: 37; Lot: 24; Zone: Village Commercial (VC) and located in the Presumpscot River watershed is to be **(approved with conditions/denied)** with the following Findings of Fact, Conclusions, and Conditions of Approval.

FINDINGS OF FACT

Jurisdiction: The Andrew School Redevelopment project is classified as a Major Subdivision & Site Plan, which the Planning Board is authorized to review and act on by [§120-905A\(2\)](#) of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted a copy of a Purchase and Sales agreement between the Town of Windham and Westbrook Development Corporation and Great Falls Builders, INC., dated October 23, 2024.

ARTICLE 3 DEFINITIONS

Dwelling, Multifamily: “A building containing three or more dwelling units. A multifamily dwelling may be attached to a nonresidential use.”

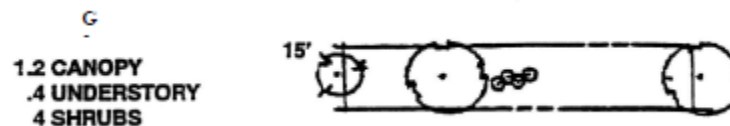
ARTICLE 4 ZONING DISTRICTS

- As shown on the Town of Windham Land Use Map approved by the Town Council, date April 9, 2024, Tax Map: 37; Lot: 24.
- The property is located in Village Commercial (VC) zoning district.
- Multifamily dwellings are a permitted use found in § 120-415B.

ARTICLE 5 PERFORMANCE STANDARDS

§120-511 – Buffer yards

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



§120-541 – 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).

§120-911 - SUBDIVISION PERFORMANCE STANDARDS

§120-911A – Basic Subdivision layout

- (1) The subject property size is 104,108 SF (2.39 acres) exceeding the minimum lot size in the Village Commercial (VC) zoning district for lots connected to public water and sewer, per §120-405E(1).
 - (a) The applicant provided a net residential density calculation by deducting 4,287 SF of steep slopes from the gross area of 104,108 SF. The net residential density is 2,500 SF, equaling 39 dwelling units.
- (2) Utilities are shown on the provided subdivision plan.

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

- (3) The applicants have shown connection with the public water system on the provided subdivision plan. The Portland Water District issued an “Ability to Serve” letter dated October 29, 2024 constituting approval of the water system for the 35 proposed dwelling units.

§120-911C - Erosion Control and sedimentation control

- (1) The applicants have provided a soil erosion and sediment control plan showing the use of erosion and sediment control best management practices (BMPs) at the construction site consistent with the minimum standards outlined in the Maine DEP Stormwater Rule Chapter 500 Appendix A – Erosion and Sediment Control, Appendix B – Inspections and Maintenance, Appendix C – Housekeeping. Erosion and Sedimentation Control. BMPs shall be designed, installed, and maintained in accordance with the standards contained in the latest revisions of the following Maine DEP documents.
- (3) The applicant or develop shall consider the topsoil as part of the subdivision is not to be removed from the site.
- (4) Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion.

§120-911D – Sewage disposal

- (2) The applicant has provided an “Ability to Serve” letter from Portland Water District dated October 29, 2024 approving connection to the PWD managed sewer collection system in High Street for the 35 proposed dwelling unit.

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

- (1) The applicants are developing the access driveway and dwelling units in the open space of the site, preservation the natural beauty and aesthetics.
- (a) The applicant has provided a note not allowing the clearing of trees where tree cover is depicted on the plan for at least five years. Mandatory buffer for stormwater or other reasons shown on the plan shall not be cleared of vegetation unless the Planning Board grants an amendment to the subdivision or maintenance that does not alter the purpose for which the buffer was required.
- (b) The applicant has included a landscape plan with the application.
- (2) The final plan identifies areas of open space and the condominium association documents identifies that the association is responsible for the common areas that includes the open space.

§120-911F – Conformance with Land Use Ordinances

Comprehensive Plan:

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

Subdivision Ordinance

- The applicants have provided a landscaping plan.

- Standard notes, the standard conditions of approval, and the approved waiver must be shown on the plans.
- A digital transfer of the subdivision plan data must be submitted for inclusion with the Town's GIS.
- Per [§120-913B\(3\)\(d\)](#) the plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.

[§120-911G](#) – Financial and Technical Capacity

- [\(1\)](#) The Applicants have provided two bank letters, from Kennebunk Savings Bank, and Gorham Savings Bank, showing sufficient financial resources to construct, operate, and maintain all aspect of the proposed development.
- [\(1\)](#) The applicant has provided evidence of technical capacity. The applicants have contracted Sebago Technics, Inc. to manage the permitting and design of the development.

[§120-911H](#) – Impact on Ground Water Quality or Quantity

- [\(1\)](#) The applicant has provided evidence that the subdivision shall not increase any contaminant concentration is the groundwater and shall meet the State primary drink water standards.
- [\(2\)](#) The proposed development will connect to available water supply provided by the Portland Water District (PWD) that has an existing main along High Street. 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 not within a mapped FEMA Floodplain boundary.

[§120-911J](#) – Stormwater

- The project will require a Chapter 500 Stormwater Management Law permit for MeDEP.
- A Stormwater Permit from Maine DEP dated August 18, 2025 was included with the final plan submission.
- The applicant has provided condominium documents include a draft deed for the units with covenants and restriction, by-laws, and stormwater maintenance and inspection plan, among other requirements. The Stormwater Permit states that the applicant (Great Falls Construction) will be responsible for the maintenance of all common facilities including the stormwater management system. See condition of approval #9.
- The site is located in the Town's Urbanize Area and regulated by the MS4 (Municipal Separate Storm Sewer System). The applicant states that the site disturbance is anticipated to be more than an acre and will be subjected to the annual maintenance and inspection report to the Town, see COA #4.
- 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 use of a subsurface sand filter and drip edge filters for the 6 building units.

- The Town Engineer comments dated March 16, 2025:
 - A flow modeling analysis was conducted to show that the peak flows after development at three analysis point's will be less than or equal to the predevelopment peak flows, which demonstrates compliance with Windham's Subdivision ordinance § 120-911J.
 - The plans show both the subsurface sand filter and roof drip edge filters discharging to the municipal storm sewer system on High Street, the former to a new drain manhole DMH-3 and the latter to an existing catch basin in High Street just opposite to where Androscoggin St. comes in. Details specific to these drain connections will need to be provided in a construction plan set before construction occurs.
- On March 20, 2025 the applicant provided a response to comments and a revised plan with an updated Detail-Outlet Control Structure (OCS-4) to reflect how it was modeled in the Hydro-CAD.
- On March 31, 2025 the Town Engineer commented that his concerns were addressed by the applicant's response letter and revised detail for the sand filter outlet control structure.
- The final plan submission included a letter dated 17 July 2025 from the Town Engineer and Public Works Director authorizing the storm drain connection to the Town MS4.
- Street opening permits from Windham Public Works for all utility connections that involve excavations of High Street. This includes both storm drain connections, the water lines, sewer line and gas line. The contractor will need to notify the Windham Public Works Department in advance of connection of sewer service lines and storm drain line to existing infrastructure in High Street. It may be good to add to the call-out notes on Plan Sheet C-103.

§120-911K – Conservation Subdivision

- (1) The development is in the VC district and therefore is not required to meet the conservation subdivision ordinance.

§120-911L – Compliance with Timber Harvesting Rules

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

§120-911M – Traffic Conditions and Street

- A Traffic Memorandum was submitted by the Applicant that concludes that proposed traffic levels are below the threshold for requiring a Maine DOT Traffic Movement Permit (TMP) (10 peak hour trips for the 17 condo units and 5 peak hour trips for the 18 senior affordable units, totaling 15 peak hour trips). The applicant requested a waiver from the requirement to submit a Traffic Impact Analysis under the Town's Subdivision ordinance (116 trips/day for the 17 condo units and 58 trips/day for the 18 senior affordable units, totaling 174 trips/day).
- The access drive, Academy Street, entrance onto High Street aligns with the intersection with Androscoggin Street and sight distance is measured to be 270 feet looking to the left and exceeding 700 feet looking to the right. Both exceed the required minimum 200 feet for the 25 MPH posted speed.

- b) The applicant has requested a waiver from [§ 120-911M\(5\)\(b\)\[7\]](#) Street Connection Requirements, that requires that subdivisions with 31 or more units have a minimum of 2 connections of the subdivision street with an existing public street. The Planning Board granted the waiver on April 14, 2025.

§120-911N – Maintenance of common elements.

- The applicants provided draft condominium association documents for the Town Attorney's review. The condominium association documents shall be recorded in the Cumberland County Registry of Deeds within 90 days of the date that the subdivision plan is recorded. See COA #8.

§120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS

§120–812A – Utilization of the Site

- The subject parcel is approximately 2.4 acres (104,544 SF) in size.
- The site is currently utilized for overflow parking by neighbors. The site currently is an open area with paved and graveled portions, with a building to be demolished.
- The site provides 258.86 feet of frontage along High Street.

§120–812B – Vehicular Traffic

- (1) The site is located on the easterly side of High Street. 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. See Subdivision Review.
- (3) The proposed site will be accessed by an access 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 provides 57 parking spaces for the 35 dwelling units (1.6 spaces/unit).

§120–812D – Pedestrian Traffic

The applicant is proposing to provide a network of sidewalks that provide both internal connectivity and link externally to a sidewalk to be installed on the west side of High Street.

Please see the plan information submitted for specific locations and details of the proposed layout.

§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 will require a Stormwater Permit 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)** This proposed residential development will connect to existing public water infrastructure that is available along High Street. See Subdivision Review.

§120-812H – Sewage Disposal Provisions

- This proposed residential development will connect to existing public sewer infrastructure that is available along High Street. See Subdivision Review.

§120-812I – Utilities

- This proposed development includes utility connections for electrical, water, and sewer services. There is also natural gas service available in High Street. The applicant has not determined whether it will require connection to natural gas for any of its HVAC systems and reserves the right to do so as necessary in the future as construction plans are further refined. All proposed utilities are located underground, including the electrical service which is accomplished from connecting to the existing overhead lines along High Street, then drawn underground near the site's frontage.

§120-812J – Groundwater Impacts

- The proposed development will connect to available water supply and sewer collection provided by the Portland Water District (PWD) that has an existing infrastructure along High Street. The scale of this development is not anticipated to adversely impact the overall quality or quantity of available water supply.

§120-812K – Water Quality Protection

- This project will utilize available public water supply from the existing connection along High Street and will incorporate a stormwater management system to provide treatment of runoff. Collection is in a closed subsurface sand filter and discharged to Town's MS4.

§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 proposed development will handle and process solid waste privately through a licensed solid waste contractor. Internally, each of the proposed units will contain private bins to collect generated waste and the selected contractor will haul to a licensed facility.

§120-812P – Historical and Archaeological Resources

- According to the National Register of Historic Places, the Town's Comprehensive Plan, and available local historical archives, there are no portions of the subject property or surrounding properties that are of significant historical or archaeological significance. A letter dated October 28, 2024 from the Maine Historic Preservation Commission (MHPC), stated that the proposed undertaking will not impact any historic property as defined by Section 106 of the National Historic Preservation Act.

§120-812Q – Floodplain Management

- See Subdivision Review.

§120-812R – Exterior Lighting

- (1) The applicant has provided a lighting plan that meets Town standards for residential developments and ensures safety while minimizing light pollution.
- (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)

- The applicant states that the project does not contain any exposed storage areas, machinery, or areas used for the storage or collection of automobile parts.
- Trash totes/bins will be stored within a shed-like structure attached to each building. A dumpster location and enclosure detail are shown on the plan. Above ground utilities will also be screened, which are detailed on the Landscape Plan.

§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 two additional buildings has a variety of techniques to visually break up the façade. Two colors and materials are proposed for each building. These buildings also differ in architectural style from the 4 buildings approved in 2024.
- (2) Facade.
 - (a) The buildings have vertical and horizontal articulations are provided throughout the building, with rooflines of varying heights and ridgelines. The primary façades facing High Street meets the 25% fenestration requirement, ensuring adequate window and door coverage. These two additional buildings shown on the amended plan do not have frontage along High Street, thus the 25% fenestration does not apply.
- (3) Orientation.
 - (a) The building entrances will be oriented to face the internal private drives.
 - (b) The facades of the 4-Unit buildings facing High Street have porches which create a front-facing orientation.

B. Site design.

- (1) Parking.
 - (a) The development provides 57 parking spaces, includes 6 ADA-compliant spaces distributed throughout the site. The parking areas are located directly off the internal private drive (Academy Street).
 - (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. Evergreen and deciduous plantings are proposed along the northern property line and a combination of fencing and evergreen trees are proposed along the southern property line. In lieu of a buffer along the eastern property line the applicant has met with and agreed to plant a buffer on the abutter's property. In addition, approximately 300 feet of undeveloped woods remain between the eastern property line and the abutter's residence. Existing vegetation near the frontage on the southwest corner of the parcel will be preserved.
- (3) Bicycle/pedestrian.
 - (a) Internal traffic flow internal walkways. Internal walkways connect the entrances of each building to the existing sidewalk located along the western side of High Street.
 - (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. A total of (9) bike racks provide parking for eighteen (18) bicycles.
- (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 1,500 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). The open space requirement table on the site plan notes that 15,848 square feet of open space is provided. A central open space lawn area of 7,683 square feet is shown on the plan with a note that type, size and location of the recreation amenity will be determined in collaboration with the residents.
- (5) Landscape/lighting.
A plan for site lighting and landscaping must be provided for final plan review.
- (a) Landscaping. The project incorporates a comprehensive landscape plan that includes a mixture evergreen and deciduous trees, shrubs, and ornamental grasses to promote seasonal interest, provide shade, and accent building entrances.
- (c) Lighting. There are a total of 15 lights mounted on 15 ft tall poles, placed a location shown on the photometric plan that avoid conflicts with landscaping. Additional there are 6 building mounted lights near service areas and entrances, and a total of 18 canopy lights over porches at building entrances. All illumination shall be controlled with cutoffs that primarily direct light downward.
- (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.

SUBDIVISION CONCLUSIONS

1. The development plan **reflects** the natural capacities of the site to support development.
1. Buildings, lots, and support facilities **will** be clustered in those portions of the site that have the most suitable conditions for development.
2. 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.
3. The proposed subdivision **has** sufficient water available for the reasonably foreseeable needs of the site plan.
4. 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.
5. 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.
6. The proposed subdivision **will** provide adequate sewage waste disposal.

7. The proposed subdivision **conforms** to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan.
8. The developer **has** the adequate financial capacity to meet the standards of this section.
9. The proposed subdivision **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
10. The proposed subdivision **will** provide for adequate stormwater management.
11. The proposed location and height of buildings or structure walls and fences, parking, loading, and landscaping shall be such that it **will not** interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value.
12. On-site landscaping **does** provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.
13. All freshwater wetlands within the proposed subdivision **have** been identified on the plan.
14. Any river, stream, or brook within or abutting the subdivision **has** been identified on any maps submitted as part of the application.
- ~~15. 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.~~
- ~~16. 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)~~
- ~~17. 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)~~
- ~~18.~~ 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.

APPROVED WAIVER

The approved waiver of [§ 120-911M\(5\)\(b\)\[7\]](#) Street Connection Requirements, allows for the subdivision with 35 units to have only 1 connection of the subdivision street with an existing public street.

CONDITIONS OF APPROVAL

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated March 3, 2025 as amended March 20, 2024 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. Per [§120-912G](#), No subdivision plan shall be released for recording at the Registry of Deeds until the required performance guarantee has been posted. If an approved plan is not recorded in the Registry of Deeds within three years of the original approval, it shall become null and void.
3. In accordance with [§120-815C\(1\)\(b\)](#) and [§120-914B\(5\)](#) the Land Use Ordinance, the Construction of improvements covered by any site plan approval and any subdivision plan shall be completed within two years of the date upon which the performance guarantee is accepted by the Town Manager. 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 the site or to complete the improvements as shown on the approved plan. The developer may request a one-year extension of the construction completion deadline prior to the expiration of the period. Such request shall be in writing and shall be made to the Planner. The Town Manager may require an update to the schedule of values and the amount of the guarantee when accepting an extension of the construction period. If construction has not been completed within the specified period, the Town shall, at the Town Manger's discretion, use the performance guarantee to either reclaim and stabilize or to complete the improvements as shown on the approved plan.
4. Approval is subject to the requirements of the [Post-Construction Stormwater Ordinance, Chapter 201](#). Any person owning, operating, leasing, or having control over stormwater management facilities required by the post-construction stormwater management plan must

annually engage the services of a qualified third-party inspector who must certify compliance with the post-construction stormwater management plan on or by June 1st of each year.

5. The development is subject to the following Article 12 Impact Fees, to be paid with the issuance of building permits: [Recreation Impact Fee](#), [Open Space Impact Fee](#), [Public Safety Impact Fee](#) and [Municipal Office Impact Fee](#). All fees will be determined and collected for any building, or any other permits necessary for the development per [§120-1201C \(MASTER FEE SCHEDULE\)](#)
6. The applicant shall provide to the Director of Planning and the Director of Public Works approval to connect to the Windham's MS4 System and offer to Town Council any of the stormwater pipes and manholes location in High Street.
7. Prior to receiving authorization to connect the private stormwater management system with the Town's stormwater collection system, the applicant shall provide a written approval from the Town Engineer to the Town Planner.
8. In accordance with [§120-911N\(5\)](#) of the Land Use Ordinance, the condominium association documents, including but not limited to the condominium declaration, bylaws, plat, and plans, shall be approved as to form by the Town Attorney and 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 of such condominium association documents and all deeds shall reference the declaration establishing the condominium association.
9. The applicant shall provide the Planner with a copy of the approved and recorded transfer of Maine DEP Stormwater Permit to the Condominium Association.