



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Planning Board

Monday, January 27, 2025

6:30 PM

Council Chambers

1. Call To Order - Chair's Opening Remark

Meeting went into Recess

Meeting Reconvened

2. Roll Call and Declaration of Quorum

Chair, Marge Govoni, called the meeting to order. Other members present were: Shonn Moulton, Evert Krikken, Kathleen Brown, Anne Daigle, Christian Etheridge, and Rick Yost.

Planning Director, Steve Puleo, was also present.

3. [PB 24-118](#) Approval of Minutes - The Meeting of January 13, 2024

Attachments: [Minutes 1-13-2025 - draft.pdf](#)

Christian Etheridge made a motion to approve the minutes from January 13, 2025.

Seconded by Evert Krikken

Vote: Six in favor. No one opposed, Rick Yost abstained.

Continuing Business

4. [PB 24-117](#) #24-26 - Minor Subdivision - After-the-Fact Subdivision - Monique Drive - Final Plan Review - Robert Cloutier ****APPLICANT REQUESTED POSTPONEMENT UNTIL FEBRAUARY 10TH****
- The application is an after-the-fact subdivision to approve 3 lots. Upgrades the private streets, Lisa Drive and Jules Drive, to establish the required road frontage for lot 49-D5. The applicant is seeking a final plan approval and is requesting the Board to review and approve a draft road maintenance agreement for the Lisa Drive and Jules Drive. Subject properties are identified as Tax Map: 11; Lot: 49D, 49D-3, 49D-5 and found in the Village Residential (VR) zoning district and in the Presumpscot River via Otter Brook watershed.

Attachments: [APPLICANT_RequestForPostponement_012325.pdf](#)
[APPL_AHunter_ROWwAbutter_011625.pdf](#)
[Existing Road Maintenance Agreement bk21296_pg175.pdf](#)
[ABUTTERS_COMMENTS_Road_Maintaince_Letter.pdf](#)
[24-26_MNR_SUB_FP_PB_MEMO_MoniqueDrive_010625.pdf](#)
[24-26_MNR_SUB_FP_RESPONSE_MoniqueDrive_010825.pdf](#)
[24-26_MNR_SUB_FP_REV_PLANS_MoniqueDrive_010825.pdf](#)

Steve Puleo stated the applicant was working toward a road maintenance agreement with the abutters and obtaining additional land for the right-of-way. The tie vote had resulted in postponement until this meeting. They now requested postponement until February 10th.

Kathleen Brown moved to postpone #24-26 Minor Subdivision, After-the-Fact Subdivision – Monique Drive – Final Plan Review – Robert Cloutier until February 10th.

Seconded by Christian Etheridge.

Vote: All in favor.

5. [PB 24-116](#)

#23-18 - Amendment Subdivision - Windham Village Apartments - 770 Roosevelt Trail - Windham Village Apartments, LLC.

The applicant is requesting a subdivision amendment of the July 1, 2024 approved project for the construction 172 dwelling unit apartment complex. The applicant was required to obtain a MDOT Traffic Movement Permit (TMP) for the traffic generation from the developmen. Tax Map: 70; Lot: 1A; Zone: Commercial I (C-1) zoning district and located in the Presumpscot River watershed..

Attachments: [23-18_MJR_SUB-SP_AMD_PB_MEMO_WindhamVillageApartments_011725.pdf](#)
[23-18_AMD_MJR_SUB-SP_APPL_FP_WindhamVillageApartments_011725.pdf](#)
[23-18_AMD_MJR_SUB-SP_PLN_WindhamVillageApartments_01725.pdf](#)
[Residential Development - 770 Roosevelt Trail Windham.pdf](#)

Drew Gagnon, from Gorrill-Palmer, was present representing the application. The amendment would update the approved subdivision plan by changing a plan note regarding the number of their Traffic Movement Permit, and include the additional fees they were required to pay to the Department of Transportation (DOT). There were no other changes proposed.

Evert Krikken made a motion that the amended subdivision application for the Windham Village Apartment project was found complete in regard to the submission requirements based on the application checklist, but the Planning Board retained the right to request more information where review criteria were not fully addressed.

Seconded by Christian Etheridge.

Vote: All in favor.

Evert Krikken made a motion that the amended major subdivision application for the Windham Village Apartment, LLC and the property is identified as Tax Map: 70, Lot 1A was to be approved with conditions with the following findings of fact and conclusions.

FINDINGS OF FACT

- 1. Jurisdiction: Windham Village Apartments project is classified as a Major Subdivision and Site Plan, which the Planning Board is authorized to review and act on by §120-913 of the Town of Windham Land Use Ordinance.*
- 2. Title, Right or Interest: The applicant has submitted a copy of purchase and sale agreement dated July 11, 2022, and amended October 18, 2023, with a closing date not later than July 1, 2024, with B33 WINDHAM II, LLC.*

ARTICLE 4 ZONING DISTRICTS

- As shown on the Town of Windham Land Use Map approved by the Town Council, date August 15, 2023, Tax Map 70, Lot 1A is located in the Commercial I (C-1) District.*
- The detached multifamily dwelling residences are permitted use in the C-1 District §120-410B.*

ARTICLE 8 SITE PLAN REVIEW

§120-812C - Parking and Loading

- The approval of July 1, 2024 required the applicant have a change of the 30% oversized parking spaces (10' by 20') performance standards or meet the parking requirement by adjusting the total parking supply. The Planning Director issued a minor change approval*
- The proposed development will provide 338 proposed parking spaces including 14 accessible and 102 oversized.*
- The applicant is meeting the 30% oversized parking requirements.*
- The Planning Director issued minor change approval on November 25, 2024, to restripe the parking field to meet the §120-812C(1)(d).*

§120-911 - MAJOR SUBDIVISION PERFORMANCE STANDARDS

§120-911M – Traffic Conditions and Street

(2) The proposed development will generate more the 100 P.M. peak hour trips and will require Maine DOT Traffic Movement Permit. The MDOT has issued a draft TMP with the following traffic impact fees

- The applicant will provide to the Town of Windham TMP traffic impact fees for as description the MDOT draft Traffic Movement Permit (see COA # 3):*
 - o Anglers Road Intersection Impact Fee of \$7,653.*
 - o Mobility Impact Fee of \$50,000.*
 - o Safety Fee of \$6,000.*

CONCLUSIONS (For Final Plan Review)

- 1. The proposed subdivision and site plan will not result in undue water or air pollution.*
- 2. The proposed subdivision and site plan has sufficient water available for the reasonably foreseeable needs of the site plan.*
- 3. The proposed subdivision and site plan will not cause an unreasonable burden on an existing water supply.*
- 4. The proposed subdivision and 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.

5. *The proposed subdivision and site plan will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.*
6. *The proposed subdivision and site plan will provide for adequate sewage waste disposal.*
7. *The proposed subdivision and site plan will not cause an unreasonable burden on the municipality's ability to dispose of solid waste.*
8. *The proposed subdivision and site plan will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.*
9. *The proposed subdivision conforms with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.*
10. *The developer has adequate financial and technical capacity to meet the standards of this section.*
11. *The proposed subdivision and site plan is not situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.*
12. *The proposed subdivision and site plan will not alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.*
13. *The proposed subdivision is not situated entirely or partially within a floodplain.*
14. *All freshwater wetlands within the proposed subdivision and site plan 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. *The proposed subdivision and site plan will provide for adequate storm water management.*
17. *If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have/do not have a lot depth to shore frontage ratio greater than 5 to 1. (N/A)*
18. *The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.*
19. *For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will/will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located. (N/A)*
20. *Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.*

CONDITIONS OF APPROVAL

1. *Approval is dependent upon and limited to, the proposals and plans contained in the application dated June 3, 2024, July 1, 2024, November 25, 2024, and amended January 27, 2025 of and on supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board and any variation from such plans, proposals and supporting documents, and representations are subject to review and approval by the Planning Board or the Town Planner in with §120-814 and §120-815 of the Site Plan and §120-913 of the Subdivision Ordinances.*
2. *Approval is subject to the requirements of Chapter 201 Article II Post-Construction Stormwater Ordinance. 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.

3. At the time of applying for building permits for the 172 residential units, the applicant shall pay the required Traffic Impact Fees as described in the approved Traffic Movement Permit #REG 01-XXXXX_A_N. This includes safety and Mobility impact fees totaling \$56,854 and \$7,653 paid to the Town for the North Windham Route 302 Road Improvement impact fee.

4. The Recreation Impact Fee, the Open Space Impact Fee, the Public Safety Impact Fee, and the Municipal Office Impact Fee. All fees will be determined and collected for any building, or any other permits necessary for the development, §120-1201C.

5. Any building plan, subdivision plan or site plan submitted for building(s) to be located in a sewer expansion area shall include on the plan the location of any service pipe to be installed in accordance with this section. Subdivisions shall further comply with the provisions of §181-45.

6. Before the required pre-construction meeting with staff and before any land use activities begin, the applicant shall provide to the Planning Director the "Ability to Serve" letter from the Portland Water District (PWD).

7. If the Town Council amends §120-812C(1)(d) Parking and loading to reduce the required percentage of 10'X20' parking spaces from 30% to 20%, The authorizes the Planning Director to issue a minor change approval. If the parking standard is not changed by the Town Council, the applicant shall update the site plan to meet the parking and loading standards.

Seconded by Christian Etheridge.

Vote: All in favor.

New Business

6. [PB 24-115](#) #25-01 - Major Site Plan & Subdivision - Dolley Farm Subdivision - River Road - Sketch Plan Review - 25 River Road, LLC.

This application is for a 44-unit residential condominium development on a 32.8-acres property. The development will have an access drive for the 44-unit condominium complex and public water will be extended 400-feet to service the residences. The applicant is proposing the treat septic on-site. The subject property is identified as Tax Map: 5; Lot: 25; Zone: Medium-density Residential (RM) zoning district in the Presumpscot River watershed.

Attachments: [25-01_MJR_SUB_SP_SKP_PB_MEMO_DolleyFarmSubdivsion_012225.pdf](#)

[25-01_MJR_SUB_SK_APP_DolleyFarmSub122324.pdf](#)

[25-01_MJR_SUB_SK_PLAN_DolleyFarmSub122324.pdf](#)

[25-01_MJR_SUB_SK_SITE_PLAN_DolleyFarmSub122324.pdf](#)

Dustin Roma, from DM Roma Consulting Engineers, was present representing the application. He explained:

- Frontage and access would come from River Road. They proposed two access roads.
 - o One road would be the drive for the condominiums, with underground utilities.
 - o The second road was proposed to provide access to additional future development.
- Public water would be extended to the access drive and a watermain installed to the

condos.

- They anticipated foot traffic along River Road and were investigating a sidewalk section or a widened shoulder.
- Multiple septic systems were proposed.
- The plan would include open space and constructed amenities.
- A permit from the Department of Environmental Protection (DEP) would be required.
- There would be no wetland impacts in this phase.

Steve Puleo reviewed additional information.

- The Fire Department had requested fire hydrants along the access drive.
- The school district was satisfied that a bus could provide service on the two roads.
- A buffer yard was required along the frontage of River Road.
- The preliminary review would include a hydrogeological assessment.
- Traffic analysis was needed.
- No waivers were requested.

Board Comment

- Was there a much larger plan for future roadway expansion?
- Who would maintain the sidewalks in the winter?
- Would there be connection to Newhall Road?
- Could they maintain as much vegetation as possible in the area of an existing well?

How close could roads be to the wells? Was it possible that an abutting house already had public water?

- In some areas a raised sidewalk didn't make sense where a wider shoulder may work better.
- Would sidewalks be only on one road?
- How many bedrooms would the units have?
- The school district would want a cluster bus stop. It would be nice to provide a bus shelter there.

Other Business

7. [PB 24-120](#) #25-03: Workshop on Potential Amendments to Chapter 120 of the Land Use Ordinance by the Planning Board.
The first of four Planning Board workshops Land Use Ordinance amendment this year. These sessions will discuss and promote specific amendments to the Chapter 120 Land Use Ordinance that the Board believes the Town Council should consider.

Attachments: [24-34 WORKSHOP_PB_MEMO_LUOAmendments_021025.pdf](#)

The purpose of the workshops was for the Planning Board to have the opportunity to discuss potential amendments to Chapter 120, the Land Use Ordinance.

8. Adjournment

Christian Etheridge made a motion to adjourn.

Seconded by Evert Krikken.

Vote: All in favor.