

**PLANNING BOARD MEMO • MAJOR SITE PLAN & SUBDIVISION • SKETCH PLAN REVIEW**

DATE: July 24, 2025

TO: Windham Planning Board  
FROM: Amanda Lessard, Senior Planner/Project Manager  
Cc: Steve Puleo, Planning Director  
Joseph Marden, PE, Sitelines PA  
Wayne Nelsen, DWN Asset Management Inc

RE: #25-19 High Street Duplex Development – Minor Subdivision & Site Plan – Sketch Plan Review – High Street – DWN Asset Management Inc  
Planning Board Meeting: July 28, 2025

**Overview –**

The application is for the development of 4 dwelling units in two (2) two-story duplex buildings on a 0.46 acre property. All units will be served by public water and sewer. Subject property is identified as Tax Map: 38; Lot: 1D; Zone: Village Commercial (VC) in the Presumpscot River watershed.

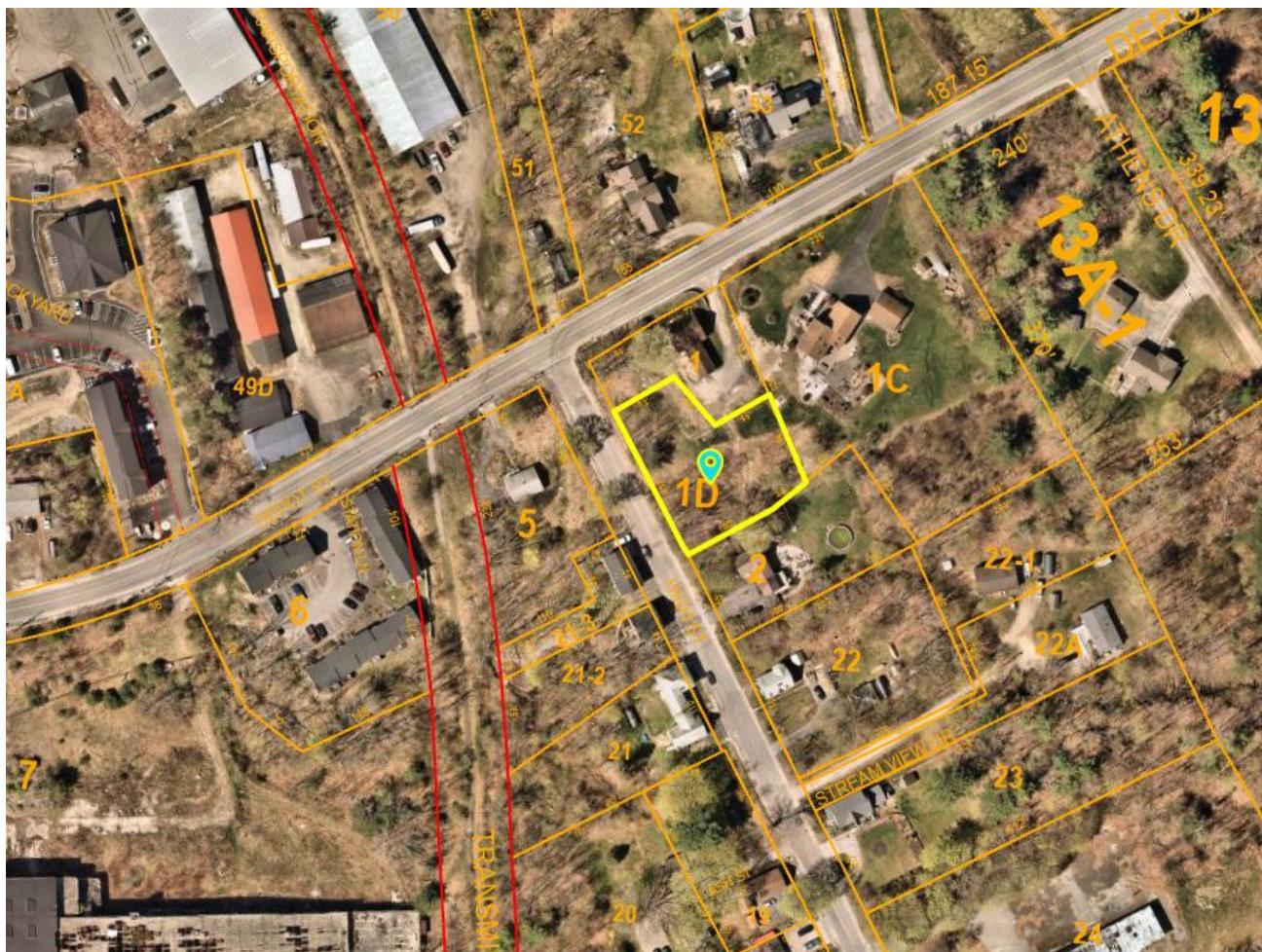


Figure 1: Aerial View of the subject parcel(s) relative to surrounding properties and street network

## 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: *N/A with Sketch Plan*

**MOTION:** ~~[I move] the Minor Site Plan & Subdivision application for project #25-19 High Street Duplex Development 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:

Waiver of Submission Requirements: *The Planning Director, or designee, may waive any of the submission requirements of [§120-811](#) or [§120-910](#) based upon a written request by the applicant. Such a request shall be submitted at the time of the preapplication conference for minor developments or as part of the sketch plan application for major developments. 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.*

**None requested.**

Waiver of the Site Plan Performance Standards. *The Planning Board may waive 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\(2\)](#).*

**None requested.**

Waiver of the Subdivision Performance Standards. *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\(2\)](#).*

**None requested.**

3. Public Hearing: The planning board shall determine whether to hold a public hearing on the final plan.
4. Site Walk: The planning board shall determine when to schedule a site walk. Site walks are required for minor subdivisions by [§120-906C\(3\)](#).

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

**MOTION:** [I move] the Minor Site Plan & Subdivision application for the #25-19 High Street Duplex Development identified on Tax Map: 38; Lot: 1D; Zone: Village Commercial (VC) 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 High Street Duplex Development project is classified as a Minor Site Plan & Subdivision, which the 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 Warranty Deed between Paula a. Penna and DWN Asset Management, Inc dated March 12, 2025, and recorded on March 13, 2025 at the Cumberland County Registry of Deeds in Book 41325 and Page 108.

**ARTICLE 3 DEFINITIONS**

**Dwelling, Two-family:** “A building containing two attached dwelling units. A two-family dwelling may, or may not, be attached to a nonresidential use.”

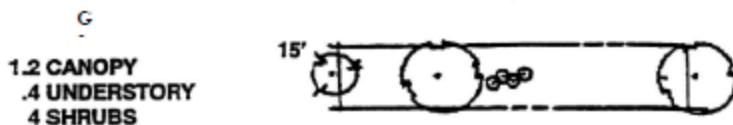
**ARTICLE 4 ZONING DISTRICTS**

- As shown on the Town of Windham [Land Use Map](#) approved by the Town Council, date April 9, 2024, Map: 38; Lot: 1D.
- The property is located in Village Commercial (VC) zoning district.
- Dwelling, Two-family is a permitted use found in [§120-415B](#).
- The lot complies with the dimensional standards of [§120-415E](#) in regard to lot size, frontage, and setbacks. While there is no minimum front setback, [§120-415E\(4\)](#) states that new buildings constructed in the Village Commercial District shall be located in such a manner as to maintain the established relationship of buildings to the street. **For final plan review, the applicant should describe the existing setbacks on the block.**

**ARTICLE 5 PERFORMANCE STANDARDS**

**§120-511 – Buffer yards**

**C(3)(b)** Buffers along streets. Commercial Districts (C-1, C-2, C-3, C-4, VC and WC Districts): use Buffer Yard G, see exhibit below.



#### §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

##### §120-812A – Utilization of the Site

- The subject parcel is approximately 20,000 square feet (0.46 acres) in size.
- The property is undeveloped. There is an existing sewer service located in 10' easement from High Street to the abutting Lot 1C.
  - The sketch plan shows a duplex building within the sewer easement. The applicant should provide evidence that this is permissible.
- The site fronts along High Street and has 167 feet of road frontage.

##### §120-812B – Vehicular Traffic

- (1) The site is located on the easterly side of High Street. The applicant is proposing a new 24' wide curb cut on High Street. The entrance is proposed to be an 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 hammerhead turnaround that complies with Appendix B is not shown at the end of the access drive.
- (a) The applicant does not expect to impact any road intersections within a half mile of the project.
- (b) For the final plan review, If the project generates 50 or more trips during either the a.m. or p.m. peak hour, per [§120-811B\(2\)\(h\)](#), the applicant shall provide, for the preliminary plan review, a "traffic study," prepared by a Maine licensed professional engineer, describing the impacts of the proposed project on the capacity, level of service and safety of adjacent streets. The applicant shall provide a traffic analysis that the existing streets and intersections can be expected to carry traffic generated by the development.
- (2) The access shall be 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 by an access driveway from High Street, a paved public street.

- (a) The construction activity will require an “entrance permit” from the Town’s Department of Public Works.

      - *The Town Engineer commented that the grade of the driveway from the property onto High Street may exceed the maximum allowed in Section 120-522E.*
    - (b) The driveway access must meet a separation requirement of 75 feet.
  - (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 lot layout that accommodates ten (10) parking spaces, inclusive of 1 ADA space, for the two duplex buildings.

#### §120-812D – Pedestrian Traffic

There are no existing sidewalks along the property frontage on High Street. The applicant proposes a sidewalk along the access drive connecting the entrances of the duplex buildings to High Street.

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

- (1) The applicants shall provide for the *final plan review* 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.

  - (a) Stormwater management systems shall detain, retain, or result in the infiltration of stormwater from the twenty-four-hour storms of the two-year, ten-year, and twenty-five-year frequencies such that the peak flows of stormwater from the project site do not exceed the peak flows of stormwater prior to undertaking the project.
- The site is located in the Town’s Urbanized Area and regulated by the MS4 (Municipal Separate Storm Sewer System). The applicant states that the site disturbance is anticipated to be less than an acre and is therefore not subject to the Post-Construction Stormwater Ordinance, Chapter 201 Article II.

#### §120-812F – Erosion Control

- (2) The applicant shall have provided for the *final plan review* an erosion and sedimentation control plan that will meet the Basic Standards per Section 4(A) of the MeDEP Chapter 500 Stormwater Rule.
- *The Town Engineer commented that the plan will need to include provisions for stabilizing the steep slope adjacent to High Street to prevent erosion of soils onto the road and into the storm drains on High Street.*

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

(1) 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 applicant shall provide for *the final plan review* the applicant shall provide an Ability to Serve letter from PWD.

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

- The proposed development will connect to the public sewer collection system provided by the Portland Water District (PWD) that has an existing main along High Street.
- The applicant shall provide for *the final plan review* the applicant shall provide an Ability to Serve letter from PWD.

#### §120–812I – Utilities

- The applicant all utility connections (electrical, telephone, and telecommunication services) will be subsurface.
- A utility and grading plan shall be provided for *the final plan review*.

#### §120–812J – Groundwater Impacts

- The building are proposed to be connected to the PWD public water and sewer systems.

#### §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 drink 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

(1) The applicant has not provided an estimate of the project cost of development or financial capacity evidence. The applicant shall provide evidence of financial capacity for *the final plan review*.

(2) The applicant has hired Sitelines PA, for site planning, permitting, and engineering services for site development.

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

- The applicant proposes that the two-family dwellings will have private trash collection. A dumpster is shown on the plan.

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

- The applicant shall provide for *final plan review* evidence from the State showing that there are no historic or archaeological resources onsite.

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

- The site is not located in the mapped FEMA 100-year floodplain hazard.

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

- (1) The applicant will provide an acceptable lighting plan with hooded or shielded fixtures, cut sheets, and locations for review for the preliminary plan review.
- (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 will provide a landscaping plan and planting schedule for *final plan review*.

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

**A.** Building Architecture. For the *final plan review*, the applicant shall provide building elevations for review.

- (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.
  - (d) The primary facade and all facades visible from public ways for shall have an area of fenestration a minimum of 25% of the total area of street facing facades.
- (3) Orientation.
  - (a) The building entrances shall be 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. Service areas, loading docks, delivery areas, trash receptacles, and mechanical equipment will be screened to minimize visibility from sensitive view-

points such as public and private roadways, main entrances, residences outside the development, public open spaces, and pathways. Service areas shall be screened with architectural elements such as walls or fences. Screening may be further enhanced with evergreen trees, shrubs, and earth berms. Gates on utility enclosures shall be designed to prevent sagging.

- (b)** Existing residential abutters. When new residential development is adjacent to an existing residential use, landscaping, including large evergreen trees, and/or garden features (e.g., trellis or supplementary fencing), will provide a buffer or screening between properties and obscure direct sightlines into private yard areas or windows on adjacent properties.
- (3)** Bicycle/pedestrian.

  - (a)** Internal traffic flow internal walkways.
  - (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)** For the *final plan review*, 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 1,000 square feet (250 square feet/each 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).
- (5)** Landscape/lighting.

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

  - (a)** Landscaping.
  - (c)** Lighting.
- (6)** Access drive standards.

  - (b)** Other districts.

    - [1]** Design standards. 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](#).
    - [2]** Rights-of-way. The minimum right-of-way width for a "major private road" in Table 3 of Appendix B is not applicable to an access drive.
    - [3]** Setbacks. There shall be no minimum setback required between an access drive and a structure.
  - (c)** There are not proposed curb cuts off the access drive.
  - (d)** Access drives shall remain private and shall not be maintained or repaired by the Town. A note shall appear on the site plan: All internal access roads and driveways shall remain private and shall be maintained by the developer, lot owners, homeowners/condominium association, or road association and shall not be offered for acceptance, or maintained, by the Town of Windham unless they meet all municipal street design and construction standards at the time of offering.

## **§120-911 – SITE PLAN PERFORMANCE STANDARDS**

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

- (1)** The property has 0.46 acres exceeding the minimum lot size in the VC zoning district.
  - (a)** The applicant provided a net residential density calculation; the applicant deducted 2,046 SF of steep slopes, for the net area of 17,954 SF. The net residential density for VC is 2,500 SF, allowing 7 dwelling units.
  - (e)** For the final plan review, the applicant shall consult with the E-911 Addressing Officer to assign lot numbers and a street name.
- (2)** For the final plan review, the applicant shall show where the proposed utilities will be located and shall be installed underground.
- (3)** The plan shows the location of all required subdivision monuments.

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

- (3)** For the final plan review, an ability to serve letter from PWD approving the design of the water service is required.

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

- For the Final Plan review, a wetland delineation report showing the location of total amount wetland areas on the site
- (1)** For the final plan review, the applicant shall provide 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.
- (2)** For the final plan review, the developer shall provide a statement for the Maine licensed professional civil engineer preventing soil erosion and sedimentation from entering water bodies, wetlands, and adjacent properties.
- (3)** For the final plan review, 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 proposed development will connect to the public sewer collection system provided by the Portland Water District (PWD) that has an existing main along High Street. The applicant shall provide an Ability to Serve letter from PWD.

### **§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 High Street
  - (a)** For final plan review, the applicant shall provide 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)** For final plan review, the applicant must provide a landscape plan including a list of proposed plant species and their size at the time of installation and maturity, including the street tree plantings no more than 50 feet apart
- (2)** For final plan review, the applicant shall provide reservation or dedication and maintenance of open space, common land, facilities such as the stormwater management system, among others, and service in the form of homeowner's association documentation.

### **§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.

#### Land Use Ordinance, Chapter 120 Article 9:

- There is a net residential density in the Village Commercial zoning district for lots connected to public water and sewer is 2,500 square feet.

#### Subdivision Ordinance, Chapter 120 Article 9:

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

#### Growth Management, Chapter 101:

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

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

- (1)** See above in the site plan performance standards for review.
- (2)** See above in the site plan performance standards for review.

### **§120-911H – Impact on Ground Water Quality or Quantity**

- (1)** For final plan review, the applicant shall provide evidence that the subdivision shall not increase any contaminant concentration in the groundwater and shall meet the State's drinking water standards. A hydrogeological evaluation shall be required to demonstrate nitrates as nitrogen meet the maximum contaminant level.
- (2)** For final plan review, the applicant shall provide evidence the proposed development will be connected to public water system.

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

- The subject property is not within a mapped FEMA Floodplain boundary.

### **§120-911J – Stormwater**

- See Site Plan Performance Standard above for details.
- For final plan review, the applicant shall identify if the owner or a future condominium association will have the responsibility of maintaining the stormwater management system, as per §120-911N.
- For final plan review, applicants must submit condominium documents such as a draft deed with covenants and restrictions, bylaws, and a stormwater maintenance and inspection plan, if applicable.

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

(1) The applicant is not proposing a conservation subdivision, therefore this section is not applicable.

### **§120-911L – Compliance with Timber Harvesting Rules**

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

### **§120-911M – Traffic Conditions and Street**

- For final plan review, the applicant shall provide an estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours.
- The applicant is proposing turnaround area at the end of the parking area for vehicle and truck maneuvering.

### **§120-911N – Maintenance of common elements.**

- For the final plan review, the applicant shall specify if the common elements will be maintained by the developer or provide draft condominium association documents for the Town Attorney's review and comment.

### **(SITE PLAN) CONCLUSIONS *(final plan review)***

1. The plan for development ~~reflects/does not reflect~~ the natural capacities of the site to support development.
2. Buildings, lots, and support facilities ~~will/will not~~ 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/will not~~ be maintained and protected to the maximum extent.
4. The proposed site plan ~~has/does not have~~ sufficient water available for the reasonably foreseeable needs of the site plan.
5. The proposed site plan ~~will/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/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 site plan ~~will/will not~~ provide adequate sewage waste disposal.
7. The proposed site plan ~~conforms/does not conform~~ to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
8. The developer ~~has/does not have~~ the adequate financial capacity to meet the standards of this section.
9. The proposed site plan ~~will/will not~~ alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
10. The proposed site plan ~~will/will not~~ 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/will not~~ interfere with or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonably affect its value.
12. On site landscaping ~~does/does not~~ 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/have not~~ been identified on the plan.
14. Any river, stream, or brook within or abutting the subdivision ~~has/has not~~ 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, section 480-B, none of the lots created within the subdivision ~~has/do have~~ a lot of depth to shore frontage ratio greater than 5 to 1.
16. The long term cumulative effects of the proposed site plan ~~will/will not~~ unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
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.
18. The timber on the parcel being subdivided ~~has/has not~~ been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.

(SUBDIVISION) CONCLUSIONS (For preliminary plan review)

1. The development plan ~~reflects/does not reflect~~ the natural capacities of the site to support development.
2. Buildings, lots, and support facilities ~~will/will not~~ 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/will not~~ be maintained and protected to the maximum extent.

4. The proposed subdivision ~~has/does not have~~ sufficient water available for the reasonably foreseeable needs of the site plan.
5. The proposed subdivision ~~will/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/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/will not~~ provide adequate sewage waste disposal.
8. The proposed subdivision ~~conforms/does not conform~~ to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan.
9. The developer ~~has/does not have~~ the adequate financial capacity to meet the standards of this section.
10. The proposed subdivision ~~will/will not~~ alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
11. The proposed subdivision ~~will/will not~~ 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/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/does not~~ 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/have not~~ been identified on the plan.
15. Any river, stream, or brook within or abutting the subdivision ~~has/has not~~ been identified on any maps submitted as part of the application.
16. The proposed subdivision ~~will/will not~~ provide for adequate stormwater 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, §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.
18. 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.
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.
20. The timber on the parcel being subdivided ~~has/has not~~ been harvested in violation of rules adopted pursuant to [Title 12, §88369, sub§14](#).

#### CONDITIONS OF APPROVAL

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated July 1, 2025 as amended [*the date of the final plan approval*] and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board. Any variation from such plans, proposals,

supporting documents, and representations is subject to review and approval by the Planning Board or the Town Planner in accordance with [§120-912](#) or [§120-815](#) of the Land Use Ordinance.

2. 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: [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](#).
3. 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 Manager's discretion, use the performance guarantee to either reclaim and stabilize or to complete the improvements as shown on the approved plan.