

August 18, 2025

Amanda Lessard, Senior Planner Town of Windham 8 School Road Windham, Maine 04062

Re: Response to Town Review Comments
Dolley Farm Subdivision
25 River Road, LLC – Applicant

Dear Amanda:

On behalf of 25 River Road LLC, we have prepared this letter and attached information in response to the comments presented in the Application Completeness & Staff Review Comments Memo dated August 5, 2025.

Final Subdivision & Site Plan Application Completeness

Attached is an email from the MDEP indicating that the technical review of the application is complete and has been found to meet the applicable standards. At the time of this response, we have not yet received the MDEP permit order.

Planning Department Comments

<u>Comment #1</u> – During review of the preliminary plan, the Planning Board requested that the final plan submission include a blasting plan that includes proposed notification to abutters and the Town.

Response #1 – A blasting plan has been prepared for this project and is attached.

<u>Comment #2</u> – The Boundary Survey should be updated to reflect the transfer to the abutter as Plan Notes 4 and 7 are no longer current references.

<u>Response #2</u> – Attached is an updated Boundary Survey reflecting the conveyance. The parcel areas have been updated on the Subdivision Plan to coincide with the parcel area shown on the updated Boundary Survey.

<u>Comment #3</u> – The final plan submission notes that the Preliminary Subdivision Application dated April 21 and response dated May 30 contained much of the required information for Major Site Plan review, so was not included with this application. The submission should include the final site plan submission items that were not fully reviewed or approved by the Board as part of the Preliminary Subdivision Application so that there is no need to reference the May 12, 2025 and June 9, 2025 Planning Board agenda for details on site landscaping, multifamily development standards and building architectural plans.

<u>Response #3</u> – A narrative is attached that contains the information relevant to Major Site Plan review of the project that was submitted with the Preliminary Subdivision application. Some narrative sections have been updated to reflect plan revisions and responses to review comments received.

<u>Comment #4A</u> – In the May 30 response to staff comments on the building orientation required by Section 120-814A(3)(a) and the street facing facades 25% minimum fenestration required by Section 120-814A(2)(d),

Response # 13 stated that, "The building plans for Units 1 and 15 are being designed with a wrap-around front porch element so that the main entrance is on Dolly Farm Road but the porch element wraps around the side of the building to create the look of a front entrance facing River Road. We are also adding additional windows to the west side of Units 1 and 15 to meet the fenestration requirement. Updated building plans will be provided with the Final Site Plan Application." The final plan submission does not include updated building architectural plans and the wrap around porch detail is not shown on the final site plan.

Response #4A — Attached is an elevation drawing of Units 1 and 15 depicting the sides of the buildings that will face River Road. We have added windows to meet the 25% fenestration requirement, and calculations will be provided when buildings permits are applied for so that the fenestration area can be confirmed. The wrap-around porch that was contemplated during preliminary plan review is not proposed to be built on these buildings because the proposed porch that extends all the way to the corner of the building closest to River Road will provide sufficient architectural detail to create the appearance of an entry that is accessible from the street side of the building. We have discussed this approach with the Planning Board on several other similar projects and the consensus has been to align the front of the units to the access drives.

<u>Comment #4B</u> – As noted in the June 5, 2025 staff memo to the Planning Board, the proposed sidewalk from Dolley Farm Road to the connection at the proposed sidewalk along River Road is located within the side yard setback and impacts the buffer to the existing residential abutter. Provide additional screening or relocate the sidewalk to provide an adequate buffer required by Section 120-814B(2)(b).

Response #4B — Attached is a photograph sheet showing the location where the proposed sidewalk will cross into the development parcel from the Right-of-Way. The stake with the blue flagging is the property corner. The sidewalk will cross through an area between an existing utility pole with guy wire and two very large trees that are on the property line between the development parcel and 469 River Road. The existing large trees on the property line provide sufficient buffering to the existing two-family structure on the adjacent lot, and I met with the owner of 469 River Road to review the location of the sidewalk and she was agreeable to the proposed location and to the buffer planting that is proposed to be retained and supplemented in this area.

<u>Comment #4C</u> – Section 120-814B(4)(b) requires 15% of the total lot area (inclusive of required setback areas) be designated, and permanently reserved, as usable common open space. The preliminary plan submission notes that 43,400 sf will be maintained as open lawn to be utilized by the residents for recreation and approximately 24 acres of the entire 34-acre parcel will be left as woodland. The plan should note the required amount of open space and which areas are to be permanently reserved as usable common open space.

Response #4C – The total lot area is 30.8 acres which requires a minimum of 4.6 acres of open space to meet the 15% requirement. We have added hatching to the Site Plan to show 3.7 acres of land that will be dedicated and permanently reserved as common open space available to all residents of the condominium. An additional 2.6 acres of lawn space will be created between the units and in the immediate back yards of the units to function as permanent open space for the benefit of the residents, with each unit owner having use rights to approximately equal amounts of yard area within their Limited Common Elements. The remaining wooded portion of the parcel will be reserved for future development, subject to review and approval by the Planning Board, and will be available as open space until such time that any future development is proposed. We have added Note 14 to the Site Plan and Note 15 to the Subdivision Plan to state the restrictions of these open space areas.

<u>Comment #4D</u> – The site plan designates, within the common open space, the proposed constructed amenities for passive use or active areas required by section 120-814B(4)(c).

- Provide an example of the type of constructed playground facility and picnic pavilion that is proposed. These are a required element that shall be included in the performance guarantee for the development.
- ii. The plan should note the required amount of contiguous area required and the size of the area provided.
- iii. The purpose of the dashed line behind the playground area is unclear.
- iv. Is Septic Field C designed to additionally be used as a play area?

Response #4D – The following is a response to the comments listed above:

- i. Attached are photo sheets showing examples of the playground facility, swing set and picnic pavilion that are proposed to be built withing the "Playground Area".
- ii. Note 15 was added to the Site Plan indicating that the playground, swing set and picnic pavilion area must be a minimum of 4,100 sf. The dot-hatched area inside of the dashed lines shown on the plans is approximately 6,600 sf in area.
- iii. The dashed line behind the playground area has been deleted. It was intended to show the top of the embankment where the flat lawn area would be built over the leach field, but since the lawn area extends beyond the dashed line it is not necessary to sow on the plan.
- iv. The level lawn area over Septic Field C is not part of the 4,100 sf constructed amenity area, although we intend to maintain this area as lawn adjacent to the playground facility for recreation use.

Comment #5 - Change Town of Standish to Windham in Note 4 on the Grading and Utility Plan.

Response #5 – Note 4 was revised as requested.

Comment #6 - Recommended Conditions of Approval.

Response #6 – The recommended Conditions of Approval have been added to the Subdivision Plan.

Town Engineer Comments

<u>Comment #7</u> – I am satisfied with the response to my comment in May concerning the greater peak flow in the developed condition at SP-2 for the 2-year storm. If the 10-year or 25-year storm were exceeding predevelopment flow it would be more of a concern considering the intensity of recent storms. The Planning Board may waive the flooding standard in accordance with Section 120-812E(1)(a)(1). Submit a Waiver Request Form.

Response #7 – Attached is a waiver request for Section 120-812E(1)(a)(1).

<u>Comment #8</u> – I noticed that for SP-3, which takes the largest flow from the development, the modeled post-development peak flow from the 25-year storm is only equal to the predevelopment flow. This is the flow coming out of vegetated soil filter basins 1 and 2 and flows to Newhall Road, where presumably it enters a culvert that goes under the road. Again, based on recent intense storms I am a bit concerned about potential flooding at Newhall Road when the modeling shows equal pre- and post-development flows. I think at least I would want to look at the size/condition of the culvert under Newhall Road.

Response #8 – The existing culvert running under Newhall Road is a 12" diameter Corrugated Metal Pipe. I inspected the pipe and there was no evidence of significant rust deterioration or scour at the

pipe outlet. I had a phone conversation with Town Engineer Mark Arienti, who also visited the site to inspect the culvert, and we agreed that the existing culvert did not need to be addressed with this application and appeared to be functioning appropriately.

Town Attorney Comments

<u>Comment #9</u> – See attached redlines to the declaration and bylaws for Dolley Farm. The declaration should not refer to this as a phased project, as it's not being presented to the Planning Board as such. I would prefer approval to be delayed until the documents are finalized.

<u>Response #9</u> – In general we are agreeable to all of the suggested edits provided by the Town Attorney. We will provide the Town with a cleaned-up version of the condo documents in a separate email so that they can be forwarded to the Town Attorney for a follow-up review.

Please find the attached revised design plans and supporting documentation for review. If you have any further comments, please don't hesitate to contact us.

Sincerely,

DM Roma Consulting Engineers

Dustin M. Roma, P.E.

Dustin Roma

President

Cc: 25 River Road, LLC

Enc.

From: Johnstone, Roger H
To: dustin@dmroma.com

Subject: Dolley Farm Subdivision, Windham Date: Thursday, August 7, 2025 2:07:58 PM

Attachments: <u>image001.png</u>

Hi Dustin,

As we discussed the other day, our Engineering Unit has completed its technical review of the stormwater application for the proposed Dolley Farm Subdivision in Windham and found it to meet the applicable standards. The license is delayed due to our significant backlog of licenses waiting to be to be written and finally issued, but I will get to this as soon as possible. We appreciate your and your client's patience as we continue to work through our backlog.

~Roger



Roger Johnstone

Environmental Licensing Specialist
Bureau of Land Resources
Maine Department of Environmental
Protection
roger.h.johnstone@maine.gov (207) 5571173

www.maine.gov/dep

Note: The Land Bureau has transferred to a new all-encompassing application submittal and processing database. This system is known as the Maine Enterprise Licensing System (MELS). All applications for permits under NRPA, NRPA PBR, Stormwater, Stormwater PBR, MCGP, and Site Location of Development must be submitted through MELS. Your patience as Department staff learns this new system is appreciated. Please check the Department's website for more information about MELS.

BLASTING PLAN DOLLEY FARM SUBDIVISION, WINDHAM APPLICANT/OWNER – 25 RIVER ROAD LLC

1.0 INTRODUCTION

25 River Road, LLC is the owner of a 30-acre parcel of land in the Town of Windham that they are proposing to develop into a 42-unit residential neighborhood that is called Dolley Farm Subdivision. The project will require the construction of approximately 1,600 linear feet of roadway with underground utilities and stormwater ponds. Based on the results of test pits conducted by the landowner, blasting may be required in some areas of the proposed project to break up bedrock for development of the roadways, installation of building foundations, installation of utilities and/or construction of the stormwater ponds. Any and all blasting will be performed by properly licensed and trained professionals who will handle, transport, store, and use all explosive materials according to the provisions for safety, notification, planning and documentation set out in this Blasting Plan and in accordance with all local, state and federal regulations. Blasted bedrock, to the greatest feasible extent, will be broken down into a well-graded mixture according to specifications from the Maine Department of Transportation and used on-site as riprap stabilization, level spreaders and embankment fills.

2.0 PERMIT REQUIRED FROM THE TOWN OF WINDHAM

The person responsible for a blast shall notify the Code Enforcement Officer indicating intent to perform blasting, and obtain any permits that are required from the Town of Windham Code Enforcement Office prior to initiating work associated with a blast.

3.0 PRE-BLAST SURVEYS AND NOTIFICATIONS

Pre-blast surveys will be offered to all property owners with structures or wells located within a 500 ft radius of the proposed blast site. Landowners within that range who desire a survey will be appropriately notified. The results of those surveys will be documented via video, still photographs, and appropriate narration or written reports.

The Town of Windham Code Enforcement Officer shall be notified that a blast is planned at least 24 hours prior to the planned detonation and shall give the time (within 2 hours), location where the blasting is to be done, the amount of explosives to be used and the name and business address of the person responsible for the blasting operation. Additional notification shall be given at least one hour prior to the planned detonation to Windham dispatch. The notification may be given orally over the telephone; however, the burden of proof as to whether the notification was in fact received rests with the person responsible for the blasting operation.

The person responsible for a blast shall notify the Code Enforcement Officer in the event of any misfires and the proposed corrective action.

Prior to any blast, the person responsible for the blast shall inform all property owners who have requested in writing to be so informed of the impending blast. Such notification shall be given by telephone at least 24 hours prior to the blast stating the time of the blast. The burden of proof as to whether the notification was in fact received rests with the person responsible for the blasting operation.

Blasting operations immediately adjacent to overhead power lines, towers, communications lines, utility services or other structures will not be carried on until the operators and/or owners have been notified and measures for safe control have been taken.

4.0 HOURS OF DETONATION

Hours of detonation shall be limited to daylight hours, no earlier than 8:00 a.m. or later than 6:00 p.m., Monday through Friday inclusive, except in case of any misfires, excluding the following legal holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas.

5.0 BLAST MONITORING

All blasts will be monitored by a representative who is properly trained in seismic monitoring equipment. There will be at least one seismograph in use at all times and monitoring equipment will be placed at the structure with closest proximity to the blast site. Ground vibration at offsite structures may not exceed the limits shown in Figure B-1 of Appendix B, U.S. Bureau of Mines report of Investigations 8507. Air overpressure offsite may not exceed the limits provided at Maine Department of Environmental Protection Rules Chaper 375.10(C)(4)(C) and 38 MRS §490-Z(14)(H). Access to the blasting area will be regulated to prevent unauthorized entry before each blast and following the blast until it is determined that no unusual circumstances exist following the blast.

6.0 DRILLING AND LOADING

All drill holes will be sufficiently large to freely allow for the insertion of the explosives. Drilling and loading operations will not be carried on in the same area. The loading or loaded area will be kept free of any equipment, operations or persons not essential to loading. No vehicle traffic will be permitted over loaded holes. No holes will be loaded except those to be fired in the next round of blasting. After loading, all remaining explosive materials and detonators will be immediately returned to an authorized magazine. No explosive materials or loaded holes will be left unattended at the blast site at any time. Cartridges will be primed only in the number required for a single round of blasting.

7.0 FIRING

Prior to firing of a shot, all persons in the danger area will be warned of the blast and ordered to a safe distance from the area. Blasts will not be fired until it is certain that every person has retreated to a safe distance and no one remains in a dangerous location.

Blasting machines will be tested prior to use and periodically thereafter as prescribed by the manufacturer. Blasting machines will be operated, maintained, and inspected as prescribed by the manufacturer.

All loading and firing will be directed and supervised by one designated person who is licensed to handle explosives. The contractor or its subcontractor will use sufficient stemming, matting, or natural protective cover to prevent fly rock from leaving property owned or under control of the permittee or operator or from entering protected natural resources or natural buffer strips. Crushed rock or other suitable material will be used for stemming when available. Native gravel, drill cuttings, or other material may be used for stemming if no other suitable material is available.

8.0 SECURITY AND WARNING WHISTLES

Warning and "all clear" signals will be sounded within an audible range of one-half mile from the blasting operation. All applicable persons within the permit area will be notified through appropriate instructions and posted signs.

All blasting operations will use the following safety signals:

- (1) WARNING SIGNAL a one-minute series of long audible signals 5 minutes prior to blast signal.
- (2) BLAST SIGNAL a series of short audible signals 1 minute prior to the shot.
- (3) ALL CLEAR SIGNAL a prolongated audible signal following the inspection of blast area.

9.0 POST-BLASTING

Following blasting operations, no explosive materials will be abandoned. A record of each blast, including seismographic data, will be kept for at least one year from the date of the last blast by the general contractor, its subcontractor (if appropriate) and the Applicant, and will be available for inspection during normal business hours. The blast record must be generally consistent with the requirements of 38 MRS §490-Z(14)(L) and will contain, at a minimum, the following data:

- Name of blasting contractor or company
- Location, date and time of blast
- Name, signature and social security number of blaster
- Type of material blasted
- Number and spacing of holes and depth of burden or stemming

- Diameter and depth of holes
- Type of explosives used
- Total amount of explosives used
- Maximum amount of explosives used per delay period of 8 milliseconds or greater
- Maximum number of holes per delay period of 8 milliseconds or greater
- Method of firing and type of circuit
- Direction and distance in feet to the nearest structure (both owned and not owned by the project developer)
- Weather conditions, including such factors as wind direction and cloud cover
- Height or length of stemming
- Amount of mats or other forms of protection used
- Type of detonators used and delay periods used
- The exact location of each seismograph and the distance of each seismograph from the blast
- Seismographic readings
- Name and signature of the person operating each seismograph
- Name of the person and the firm analyzing the seismographic data

At the completion of blasting, a post-blast survey will be conducted of the same facilities (structures, foundations, water supply wells, utilities, etc.) as documented during the pre-blast survey. Findings inconsistent with those reported during the pre-blast survey will immediately be provided to the contractor/subcontractor/applicant and will be documented in writing and photographs. Depending on the nature and source of the inconsistency, specific corrective actions will be developed in consultation with the affected party, and will set forth the method, procedures, and timing of implementation.

The following narrative sections that were included in the Preliminary Subdivision Plan application for Dolley Farm Subdivision are submitted for review under the Major Site Plan Review Standards:

Site Lighting

Each dwelling will include the installation of exterior lighting that is mounted to the building to provide illumination of the sidewalks and driveways so that on-street lighting will not be required for the internal access way. Pole-mounted cobra-head style light fixtures will be mounted on the utility poles at each driveway intersection with River Road as indicated on the plans.

Site Landscaping

The individual buildings will be landscaped with ornamental grasses, shrubs and perennials between the front entry porches adjacent to the foundations. Landscaping preference will be left to the individual unit owners to determine the amount of landscaping that is desired. Street trees are proposed to be installed on both sides of the street as indicated on the Site and Landscaping Plan. The existing mature trees that exist along the River Road frontage will be preserved except for the road entrance locations, and the treeline will also be preserved that runs along the northern property line adjacent to the existing dwelling at 477 River Road. The tree buffer area along the southern property line adjacent to the existing two-family dwelling at 469 River Road will be enhanced with two staggered rows of evergreen trees.

Multifamily Development Standards

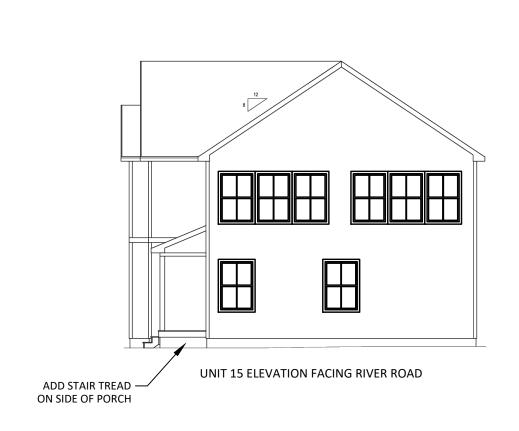
The project has been designed to meet the following Multifamily development standards outlined in Section 120-814 of the Windham Land Use Code:

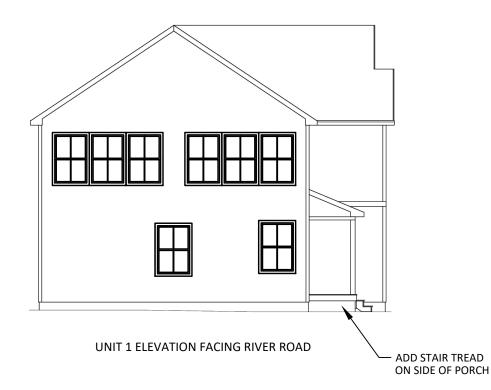
A. Building Architecture

- 1. Architectural Variety We anticipate using at least 3 different colors for exterior siding of the units to provide variety of color between adjacent buildings. Siding materials will be a variety of clapboard, shake, board & batten style to create accent features. We have proposed 2 different building styles, and have generally alternated between the two styles throughout the project.
- 2. Façade The buildings have been designed with gables, covered porches and roofline articulation to provide visual interest. The façade of the sides of Units 1 and 15 that are facing River Road will include a minimum 25% area of fenestration as shown on the attached building elevation plans. The final drawings that are submitted for building permit will include a calculation to demonstrate compliance with the minimum 25% fenestration requirement.
- 3. Orientation River Road is a busy roadway, so we have oriented the buildings to face the new Access Driveway. The front porches of Units 1 and 15 extend all the way to the street-facing side of the building, and we will provide stairs on the street-facing end of the porch to create an entrance that faces the street.

B. Site Design

- 1. Parking Each dwelling will have an attached garage and two vehicle parking spaces constructed as 90-degree driveway parking. The parking areas are designed as to not conflict with snow storage.
- 2. Screening There are no service areas, utility areas, trash dumpsters or significant mechanical equipment associated with this project development. Each unit will have an attached garage to store individual trash toters. The existing tree line will be maintained along the northern property line to provide screening to the existing residential abutters at 477 & 479 River Road. The southern property line will be supplemented with additional evergreen tree screening to provide buffering between Units 15-18 and the adjacent building at 469 River Road.
- 3. Bicycle/Pedestrian Sidewalks will be constructed throughout the new roadways to provide pedestrian access to River Road and for internal pedestrian movement. Bicycle parking for each unit will be available in the attached garage that will be part of each unit.
- 4. Recreation and Open Space The total lot area is 30.8 acres which requires a minimum of 4.6 acres of open space to meet the 15% requirement. The Site Plan includes hatching to show 3.7 acres of land that will be dedicated and permanently reserved as common open space available to all residents of the condominium. An additional 2.6 acres of lawn space will be created between the units and in the immediate back yards of the units to function as permanent open space for the benefit of the residents, with each unit owner having use rights to approximately equal amounts of yard area within their Limited Common Elements. The remaining wooded portion of the parcel will be reserved for future development, subject to review and approval by the Planning Board, and will be available as open space until such time that any future development is proposed. Note 14 on the Site Plan and Note 15 on the Subdivision Plan state the restrictions of these open space areas. The 42 units require a minimum of 4,100 square feet of contiguous area within the Open Space with constructed amenities for passive and/or active use. We are proposing to build a playground structure, swing set and picnic pavilion within an area that is at least 4,100 square feet in the location shown on the Site Plan. Photographs showing structures similar to those that will be built are attached.
- 5. Landscape/Lighting Each condominium unit owner will be responsible for determining the amount of landscaping that they wish to plant and maintain around the perimeter of their unit and within the Limited Common Area of each unit. Street trees are proposed to be planted on both sides of the street. Evergreen tree buffering will be planted along the southern property line adjacent to the building at 469 River Road. The existing mature trees along River Road will be preserved except for the driveway entrances. Cobra head lighting will be installed on the light poles at both project entrances.
- 6. Access Drive Standards The project has been designed with service from a new Access Drive that will be built to the Major Private Road standard. The Planning Board indicated that the proposed driveway spacing was acceptable when it voted to grant Preliminary Subdivision Approval. A note requiring Dolley Farm Road and Thayer Drive to remain private access drives appears on the Subdivision Plan and Site Plan.





UNIT 1 AND 15 ELEVATIONS FACING RIVER ROAD

DOLLEY FARM SUBDIVISION WINDHAM, MAINE

CONSULTING ENGINEERS
P.O. BOX 1116

DATE: 8-11-2025 JOB NUMBER: 24047 P.O. BOX 1116 WINDHAM, ME 04062 (207) 591-5055

DM ROMA





Area where Sidewalk will connect between private property and ROW



Area where Sidewalk will connect between private property and ROW





Picnic Pavillion – Similar to be built



Swingset – Similar to be built





Children's Playground – similar to be built

TOWN OF WINDHAM SITE PLAN APPLICATION

Performance Standards Waiver Request Form (Section 808 – Site Plan Review, Waivers)

For each waiver request from the Submission Requirements found in Section 811 and Performance Standards detailed in Section 812 of the Town of Windham Land Use Ordinance, please submit a separate copy of this form for all waivers.

Project Name:	Dolley Farm Subdivision
Tax Map: 5	
Lot(s): 25	

Waivers are requested from the following Performance and Design Standards (Add forms as necessary):

Ordinance Section	Standard	Mark which waiver this form is for
120-812E(1)(a)(1)	Stormwater Flooding Standard	X

a. Describe how a waiver from the standard indicated above will improve the ability of the project to take the property's predevelopment natural features into consideration. Natural features include, but are not limited to, topography, location of water bodies, location of unique or valuable natural resources, relation to abutting properties or land uses. Attach a separate sheet if necessary.

An insignificant increase in the 2-year storm peak flows are predicted in the stormwater model for the project at Study Point SP-2, which is where the site drains along River Road to the south. The increased flows will be collected and conveyed through the new closed drainage system that will be installed on River Road. The larger storms associated with the 10-year and 25-year recurrence frequency will be maintained or reduced in the post-developed condition, so flooding will not be a concern.

(continues next page)

Ordinance Section: 120-812E(1)(a)(1)

b. Will the waiver have an impact on any of the following criteria?

	Yes	No
Water or air pollution		X
Light pollution or glare		X
Water supply		X
Soil erosion		X
Traffic congestion or safety		X
Pedestrian safety or access		X
Supply of parking		X
Sewage disposal capacity		X
Solid waste disposal capacity		X
Scenic or natural beauty, aesthetics, historic sites, or rare or irreplaceable natural areas		X
Flooding or drainage issues on abutting properties		×
The Town's ability to provide the subdivision with public safety services (if subdivision)		X

If granting the waiver will result in an impact on any of the criteria above, please provide more detail below.