



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Final

### Planning Board

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Monday, February 24, 2025

6:30 PM

Council Chambers

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#### 1. Call To Order - Chair's Opening Remarks

#### 2. Roll Call and Declaration of Quorum

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

*Planning Director Steve Puleo was also present.*

#### 3. [PB 25-002](#) Approval of Minutes - The Meeting of February 10, 2025

**Attachments:** [Minutes 2-10-2025 - draft](#)

*Evert Krikken made a motion to approve the minutes from February 10, 2025.*

*Seconded by Shonn Moulton.*

*Vote: All in favor.*

### **Continuing Business**

4. [PB 24-121](#) #24-26 - Minor Subdivision - After-the-Fact Subdivision - Monique Drive - Final Plan Review - Robert Cloutier
- 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:** [24-26 MNR SUB FP PB MEMO MoniqueDrive 022025](#)  
[24-26 APPL MoniqueDrive 2025-02-18](#)  
[Draft Boundary Line & Maintenance Agreement 2025-02-18](#)  
[24-26 REV PLANS MoniqueDrive 2025-02-18](#)  
[APPL AHunter ROWwAbutter 011625.pdf](#)  
[Existing Road Maintenance Agreement bk21296 pg175.pdf](#)  
[PUBLIC COMMENTS Langerman.013125](#)  
[Public Comments Langerman 021825](#)  
[Public Comments Langerman 021925](#)

Aaron Hunter, from Sebago Technics, was present representing the application. He detailed their changes since the last meeting:

- The access easement had been added to the Langerman property.
- Proposed and existing well and septic locations were shown on the plan.
- They had a draft boundary line and maintenance agreement.
- Lot 3 had an access easement.
- The road maintenance agreement contained revised responsibilities.
- They withdrew their waiver request for the minor private street design standards.

Steve Puleo explained:

- The right-of-way had been expanded to meet the required standard.
- A paved turn-around would be constructed.

*Public Comment*

Brian Langerman, Lisa Drive – He was adamantly opposed to the waiver, and had entered into agreements that made it satisfactory. He supported withdrawal of the waiver request and adopting agreements so they were incorporated into the approval, and so he would not lose rights to the 880 square feet of his property that he was adding to the right-of-way.

There was no more public comment. Public comment was closed.

*Board Comment*

- Was the Zajac property being impacted at all?
  - The road maintenance agreement could exist without all of the signatures.
  - Technically, the Board had to consider the waiver request until the easement was signed.
  - If the agreement wasn't signed, the application would have to return to the Board.
- Evert Krikken made a motion to remove the waiver request of §120-911M(5)(b)[8], not to modify the existing and proposed right-of-way widths and construction elements the existing minor private streets, Lisa and Jules Drives, serving Lot 3 of the After-the-Fact Moniques Drive Subdivision.

Seconded by Christian Etheridge.

Vote: All in favor.

Evert Krikken made a motion the After-the Fact Minor Subdivision application for project #24-26 Monique Drive Subdivision 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 Shonn Moulton.*

*Vote: All in favor.*

*Evert Krikken made a motion that the After-the Fact Minor Subdivision application for project #24-26 Monique Drive Subdivision project identified on Tax Map: 11; Lot: 49D, 49D-4, 49D-5; Zone: Village Residential (VR) and located in the Presumpscot River via Otter Brook watershed is to be approved with conditions with the following Findings of Fact, Conclusions, and Conditions of Approval.*

#### **FINDINGS OF FACT**

*Jurisdiction: The Monique Drive Subdivision project is classified as a Minor Subdivision, which the Planning Board is authorized to review and act on by §120-905A(1) of the Town of Windham Land Use Ordinance.*

*Title, Right, or Interest: The applicant has submitted a copy of the Warranty Deed from George L. Chamard and Jennifer Chamard to Robert R. Cloutier and Monique A. Cloutier dated October 25, 1999, and recorded on October 26, 1999, at the Cumberland County Registry of Deeds in Book 15127 and Page 250 (Lot 2). A copy of a Warranty Deed between Lisa Cloutier and Laurea Torrey Everett and Travis Joel dated July 17, 2018 and recorded on July 31, 2018, at the Cumberland County Registry of Deeds in Book 35031 and Page 198 (Lot 1). The applicant also has submitted a copy of a Warranty Deed (Corrective) between Robert R. Cloutier and Cathleen Manchester and Ruth Summers, dated April 4, 2022 and recorded on June 1, 2022, at the Cumberland County Registry of Deeds in Book 39463 and Page 84 (Lot 3)*

#### **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: 11; Lot: 49D, 49D-4, 49D-5.*
- The property is located in Village Residential (VR) zoning district.*

#### **§120-911 - SUBDIVISION PERFORMANCE STANDARDS**

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

- (1) The property has a total size of 32.83 acres (1,430,237 SF).*
- (a) The calculations of density have not been provided.*
- (2) The applicant identified where the existing utilities are located see sheet 3 of 5.*

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

- (3) The applicant has not shown the private drinking well locations on the subdivision recording plan.*
  - Per §120-911B(3)(a)(3), “[W]ells shall not be constructed within 100 feet of the traveled way of any street if located downhill from the street, or within 50 feet of the traveled way of any street if located uphill of the street. This restriction shall be included as a deed restriction to the affected lots.”*

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

- The applicant is not proposing any site work or preparation. The future property owners or builders will be required to receive a Soil and Erosion Control permit at the time*

*of applying for a building permit.*

*§120-911D – Sewage disposal*

*(2) The proposed lots will be serviced by a subsurface sewage disposal system and test pits have been provided to identify areas of acceptable soils on the lots for individual systems.*

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

*(1) The three (3) existing lots will consist of the eventual construction of one (1) single family homes.*

*§120-911F – Conformance with Land Use Ordinances*

*Comprehensive Plan:*

- The plan does meet the goals of the 2017 Comprehensive Plan.*

*Subdivision Ordinance:*

- Standard notes, the standard conditions of approval, and approved waivers must be shown on the plans.*
- The applicant has not provided a digital transfer of the subdivision plan data must be submitted for inclusion with the Town's GIS.*

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

*(1) The applicant has estimated the cost of development between \$10,000 and \$15,000 and has provided a Business Access Line of Credit statement from M&T Bank April 7, 2024, with available credit of \$800,000.*

*(2) The applicant has provided technical capacity with development experience as custom house builder in Windham and other communities in southern Maine. The applicant's project team is comprised of Sebago Technics, a multi-disciplinary engineering firm with 40 years of experience. They offer a wide range of services, including land development design, landscape architecture, planning, engineering, permitting, land surveying, traffic analysis, environmental consulting, construction management, and soil science.*

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

*(2) The applicant does not anticipate the development will result in contamination of groundwater table from three additional single-family homes.*

*§120-911I – Floodplain Management*

- The plan shall meet the requirements of Chapter 82, Floodplain Management.*

*§120-911J – Stormwater*

- The applicant is not proposing any site work or preparation. The future property owners or builders will be required to receive a Soil and Erosion Control permit from the Code Department and will address the stormwater needs at the time of applying for a building permit.*
- MeDEP does not require the construction of a single-family home to apply for a Stormwater Management permit.*

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

- The applicant is requesting a waiver for §120-911-M(5)(a)[1]: Street Design and Construction Standards for Minor Private Street.*
- The applicant stated that traffic increase for the after-the-fact subdivision request will be minor and will not adversely impacts the private streets.*
- Access to Lot 3, identified as Lot 49 D-5 on Tax Map 11, will be provided through Lisa Drive and Jules Drive by easements retained on Lot 49 B and Lot 49 D as depicted*

on the enclosed Plan of a private streets. Lisa and Jules Drives are paved streets exceeding the minor private street requirement of gravel. The travel way varies in width from approximately 17 feet to 20 feet.

- An easement is proposed on Lot 3 as the existing road encroaches on the property and for the construction of a hammerhead turnaround to meet local access and frontage requirements.
- Lots 1 and 2 exist via the Monique Drive right of way and an access easement extending from the southwesterly side of Monique Drive ROW and the fee of the ROW is retained across the applicant's land as shown on the Minor Subdivision Plan in order to avoid impacts to natural resources. Monique Drive is an existing gravel road with a paved entrance apron that is approximately 18 feet in width or greater.

§120-911N – Maintenance of common elements.

- The applicant's request for "After-the-Fact" minor subdivision approval does not include the construction of a street for road frontage, or a stormwater management system, which require the formation of a Homeowners Association.
- The applicant has provided an existing Road Maintenance Agreement for Lot 3 to access and contribute to the maintenance of Lisa and Jules Drives as recorded in Cumberland County Registry of Deeds Book 21296, Page 175.
- Lots 1 and 2 are legal lots of records that are accessed by Moniques Drive and were permitted Code Enforcement Department. The applicant provided a Road Maintenance Agreement for Moniques Drive, which is recorded in Cumberland County Registry of Deeds Book 27596, Page 91.
- The applicant has provided a draft Boundary Line Agreement & Maintenance Agreement that proposes cost sharing responsibilities for all users of the road.

#### CONCLUSIONS (Final Plan Review)

1. The development plan 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 subdivision has sufficient water available for the reasonably foreseeable needs of the site plan.
5. 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.
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 subdivision will provide adequate sewage waste disposal.
8. The proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan.
9. The developer has the adequate financial capacity to meet the standards of this section.
10. The proposed subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
11. The proposed subdivision 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/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 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 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 will 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, §8869, sub§14.*

#### **APPROVED WAIVERS:**

*The approved waiver of §120-911M(5)(a)[1] to allow the existing pavement width of 17-feet, of the existing minor private street, Jules Drive, which provide street frontage for Lot 3 of the After-the-Fact Monique Drive Subdivision.*

*The Board approved the waiver request at the January 13, 2025 meeting by a vote of 6-0 (Yost absent)*

#### **CONDITIONS OF APPROVAL:**

*1. Approval is dependent upon and limited to the proposals and plans contained in the application dated September 3, 2024, December 23, 2024, and as amended February 24, 2025 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 §120-913 of the Land Use Ordinance.*

*2. In accordance with §120-914B(5) 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 Manger's discretion, use the performance guarantee to either reclaim and stabilize or to complete the improvements as shown on the approved plan.*

*3. Prior to issuance of a building permit on, the 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 of Lot 3 (Tax Map:11 Lot: 49-D05), §120-1201C.*

*4. Prior to issuance of a building permit on Lot 3 (Tax Map:11 Lot: 49-D05), the applicant shall provide to the Planning Director a recorded Access Easement Exhibit A "Right of Way" pullout location on Lot 3.*

5. Prior to release of the signed recording plan, the applicant shall provide to the Planning Director a Road Maintenance Agreement reviewed by the property owners on Lisa Drive and Jules Drive, and be reviewed and approved by the Town Attorney, at the applicant's expense, and recorded in the Cumberland County Registry of Deeds, as well as Boundary Line agreement between the applicant and Mr. Langerman.

Seconded by Shonn Moulton.

Vote: All in favor.

## **New Business**

5. [PB 25-001](#) 25-04 - Major Subdivision - Highland Cliff Conservation Subdivision - Highland Cliff Road - Sketch Plan Review - Kurt Christensen Custom Homes, Inc
- The application is to develop a 10-lot conservation subdivision with a minor private road 1,292 feet in length. Lots will range in size from 31,190 SF to 51,080 SF, with the remaining 15.14 acres as open space. Lots will be served by private subsurface wastewater disposal systems, drilled wells and underground utilities. Subject property is identified as Tax Map: 7; Lot: 44; Zone: Farm (F) and Stream Protection (SP) in the Colley Wright Brook watershed.

**Attachments:** [25-04 MJR SUB SKP PB MEMO HighlandCliffConserveSub\\_022025](#)  
[25-04 MJR SUB SKP APP HighlandCliffConserveSub\\_013025\\_opt](#)  
[25-04 MJR SUB SKP PLAN HighlandCliffConserveSub\\_013025](#)

Andy Morrill from BH2M was present representing the application. He explained the lot had Colley Wright Brook in the western portion and also wetlands.

- They proposed no impact to the primary wetlands.
- A wetland ran along the eastern side of the proposed road. They planned four crossings to it.

Steve Puleo explained:

- Resources needed to be classified
- The site drained to Colley Wright Brook.
- There was a question regarding setbacks to the wetland.
- They had submitted a waiver request for the requirement of a hammer-head turn around every 1,000 linear feet on a road without public water.
  - o The road was approximately 1,300 feet.
  - o The houses would be sprinkled, so the Deputy Fire Chief was comfortable with the request.

Board Comment

- Was DEP ok with the wetland impacts?
- What was the buildable footage on each lot?
- Had the open space calculation been simplified yet?
- Would there be recreational area in the open space?
- They should consider a bus shelter at the end of the road.

## **6. Adjournment**

*Christian Etheridge made a motion to adjourn.*

*Seconded by Shonn Moulton.*

*Vote: All in favor.*