

PLANNING BOARD MEMO • MAJOR SUBDIVISION • PRELIMINARY PLAN REVIEW

DATE: November 20, 2025

TO: Windham Planning Board
FROM: Amanda Lessard, Senior Planner/Project Manager
Cc: Steve Puleo, Planning Director
Steve Roberge P.E., SJR Engineering
Laurie Bachelder, Meredith Way, LLC

RE: #25-16 – Meredith Woods Subdivision – Major Subdivision – Preliminary Plan Review –
Meredith Drive – Meredith Way, LLC
Planning Board Meeting: November 24, 2025

Overview:

The application is to develop a 5-lot conservation subdivision with a paved minor private road 810 feet in length. Lots will range in size from 30,047 SF to 32,227 SF, with the remaining 16.86 acres as open space. Lots will be served by private subsurface wastewater disposal systems, public water and underground utilities. Subject property is identified as Tax Map: 6; Lot: 38-E02; Zone: Farm (F) and Stream Protection (SP) in the Black Brook watershed.

This subdivision is an amendment of Lot 2 in the Lampron Subdivision approved by the Planning Board on August 26, 2024 and the development of the “Possible Future Road Extension” shown on the Mystic Woods Subdivision approved by the Planning Board on January 25, 2016.

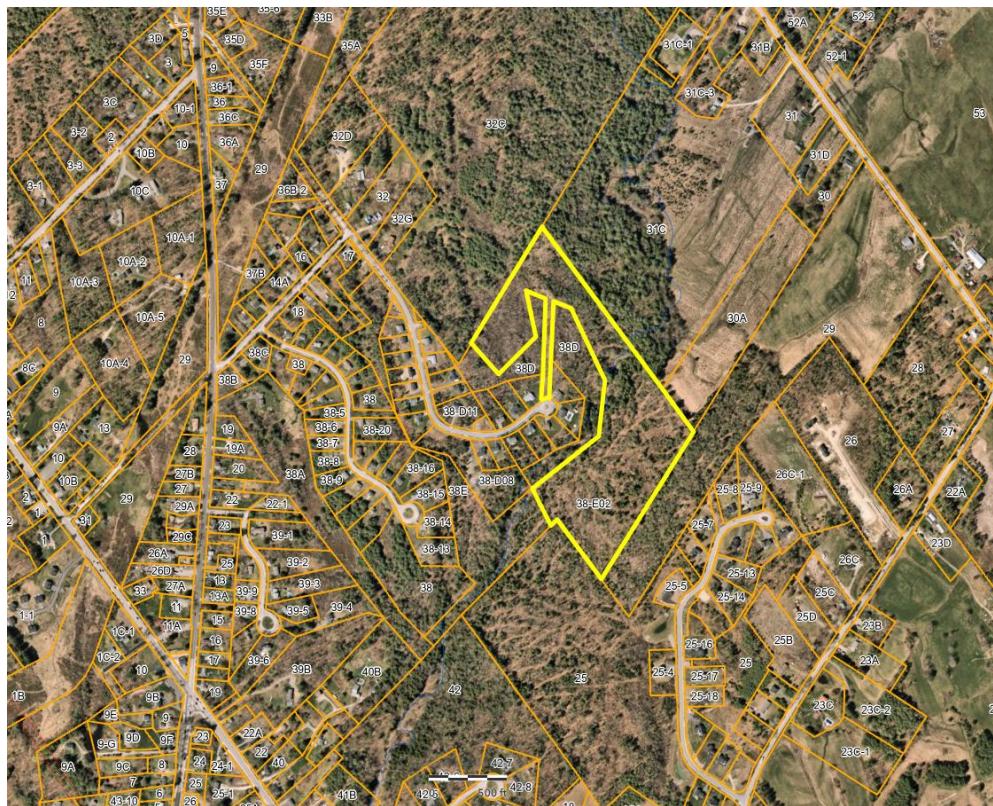


Figure 1: Aerial View of the subject parcel(s) relative to surrounding properties and street network

Review History:

A Development Review Team meeting was held on July 2, 2025. The Planning Board reviewed the sketch plan on July 14, 2025 and held a site walk on August 18, 2025.

The Planning Board held a public hearing on the preliminary plan submission on September 8, 2025. No members of the public commented on the application. The Board found the preliminary plan application complete and postponed the application to the next meeting as the applicant had not provided a response to staff comments related to the stormwater management plan. The applicant has submitted a final subdivision application that includes a response to staff comments on the preliminary plan which includes a request for a waiver from the stormwater treatment standard. The Town's consulting engineer has reviewed the stormwater management plan to approve the Town's delegated authority to approve the DEP Stormwater PBR.

As of the date of the memo staff finds the final plan application incomplete. The applicant must provide an "Ability to Serve" letter from the Portland Water District. The proposed motions in the memo are only related to the preliminary subdivision.

SUBDIVISION 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:

The Planning Board found the preliminary subdivision plan application complete on September 8, 2025.

2. Waivers:

Limitation of Waivers. The granting of a submission requirement waiver or site waiver may not conflict with, nor negate, any State Statutory requirements for the subdivision of land.

SUBMISSION REQUIREMENTS

The Planning Director, or designee, may waive any of the submission requirements of §120-910 based upon a written request by the applicant that includes the reasons for which a waiver is sought. 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 or that the information relates to a standard that is not applicable to the application. Per §120-908B(1) the Planning Director is not required to use any criteria in making its determination on the granting of a waiver of the submission requirements.

a) **§120-910C(3)(a) High Intensity Soil Survey**

The Planning Director has waived the High Intensity Soil Survey submission requirement

PERFORMANCE STANDARDS

Per §120-908C the Planning Board may waive the requirements of §120-911 Performance and Design Standards when the applicant demonstrates that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met, and the public nullifying the intent and purpose of the land use ordinance. In granting site waivers, the Planning Board shall utilize the criteria in §120-908C(2).

a) **§120-911J(4) – Stormwater Management DEP Chapter 500 General Standards**

DEP Chapter 500 requires stormwater buffers to be located on land that the developer/development is in control (fee ownership or easement). No adjacent land area was set aside to accommodate stormwater quality/quantity for the development of the road in the future ROW shown on the Mystic Woods Subdivision. The applicant is proposing to allow a portion of the Monty Way road runoff to enter into the adjacent wooded open space for treatment purposes. The Open Space is prevented from development by the Land Use Ordinance and the Mystic Woods Homeowners' Association.

The staff support this waiver since the stormwater flow from along the majority of road will be attenuated by level spreaders and discharged to a wooded area that is not currently or in the foreseeable future able to be developed.

MOTION: [I] move to approve the waiver request of **§120-911J(4) Stormwater Management DEP Chapter 500 General Standards**, for the stormwater treatment of a portion of development of the road through the Mystic Woods Subdivision.

3. Public Hearing: A public hearing was held at the September 8, 2025 Planning Board meeting.
4. Site Walk: The Planning Board held a site walk on August 18, 2025.

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

MOTION: [I move] the Major Subdivision preliminary application for project #25-16 Meredith Woods Subdivision development identified on Tax Map: 6; Lot: 38-E02; Zone: Farm (F) and Stream Protection (SP) in the Black Brook watershed is to be **(approved with conditions/denied)** with the following Findings of Fact, Conclusions, and Conditions of Approval.

FINDINGS OF FACT

Jurisdiction: The Meredith Woods Subdivision project is classified as a Major Subdivision, which the Planning Board is authorized to review and act on by §120-903 of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted a copy of a Warranty Deed between Darryl Jon Hawkes and Meredith Way, LLC dated February 28, 2025, and recorded on March 3, 2025, at the Cumberland County Registry of Deeds in Book 41309 and Page 342.

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: 6; Lot: 38-E02; is located in Farm (F) zoning district and Stream Protection (SP) shoreland zoning district governed by the provisions of [Chapter 185](#), Shoreland Zoning.
- The applicant's sketch plan shows a 5-lot subdivision with lots ranging in size from 30,047 SF to 32,227 SF, exceeding the minimum lot size for conservation subdivisions lots connected to public water in the Farm (F) zoning district, per [§120-406E\(1\)\(b\)](#).

ARTICLE 5 PERFORMANCE STANDARDS

§120-511 – Buffer yards

[C\(3\)\(f\)](#) Buffers along streets. Farm and Farm Residential Districts: agriculture and forestry uses and lots created as part of a residential subdivision approved after July 9, 2020 are not subject to this standard.

§120-541 – Net residential area of acreage

- [B.](#) The net residential area or acreage of a lot proposed for subdivision, as defined, shall be calculated by subtracting the eight (8) items listed in the subsection from the gross acreage of a lot and dividing the resulting net residential area of the parcel by the net residential density standard of the appropriate zoning district (see [Article 4](#), Zoning Districts).

§120-911 - SUBDIVISION PERFORMANCE STANDARDS

§120-911A – Basic Subdivision layout

[\(1\)](#) The property has 23.64 acres (Lot 2) or 1,029,952 SF and 31,434 (R/W) exceeding the minimum lot size in the Farm (F) zoning district, per [§120-406E\(1\)](#).

[\(a\)](#) The applicant provided a net residential density calculation by deducting 51,046 SF of road R/W, 67,649 SF of steep slopes, 40,146 SF within the 100-year floodplain and 131,120 SF of wetlands for the net area of 771,415 SF. The net residential density is 60,000 SF, equaling 12.9 dwelling units.

[\(b\)](#) The five (5) proposed single-family lots side lot lines are perpendicular to the proposed roadway.

[\(e\)](#) The E-911 Addressing Officer has assigned lot numbers and a street name, Monty Way, which are shown on the plan.

[\(2\)](#) The plans show where the proposed utilities will be located and shall be installed underground.

[\(3\)](#) The plans show the location of the proposed subdivision monuments.

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

(3) The applicants have shown connection with the public water system on the provided subdivision plan, from the end of the water main in Meredith Drive, extending the main to serve the lots on Monty Way. A new fire hydrant is proposed to be installed at the end of Monty Way, which is less than 1,000 feet from all homes in the subdivision. At the Development Review Team meeting, the Fire Chief requested a hydrant located at Lot 1 or 5.

- ***For the final plan review, the applicant shall provide an “Ability to Serve” letter from the Portland Water District.***

§120-911C - Erosion Control and sedimentation control

- The applicant provided a report of the wetlands depicted on the Meredith Woods Subdivision dated July 22, 2025 prepared by licensed site evaluator and geologist Mark Censi with a finding that the wetland locations and totals from that plan are accurate and unchanged. No wetlands are proposed to be altered for the development.
 - (1) The applicant has provided a soil erosion and sediment control plan showing the use of erosion and sediment control best management practices (BMPs) at the construction site consistent with the minimum standards outlined in the Maine DEP Stormwater Rule Chapter 500 Appendix A – Erosion and Sediment Control, Appendix B – Inspections and Maintenance, Appendix C – Housekeeping. Erosion and Sedimentation Control. BMPs shall be designed, installed, and maintained in accordance with the standards contained in the latest revisions of the following Maine DEP documents.
 - (2) The plan was developed by Maine licensed professional civil engineer stating that the plan will prevent soil erosion and sedimentation from entering water bodies, wetlands, and adjacent properties.
 - (3) 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.

§120-911D – Sewage disposal

- (2) The applicant provided a preliminary soils and wastewater disposal investigation dated July 21, 2025 prepared by licensed site evaluator Mark Censi with a finding that a suitable site for first-time single-family home wastewater disposal was found and located on each of the five lots. Test pit locations are shown on the plan.

§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 Meredith Drive. Excepting for the development of the road R/W, the development is over 600 feet from existing development, preserving the natural beauty and aesthetics of the Mystic Woods Subdivision open space.
 - (a) The preliminary plan includes a note prohibiting the clearing of trees where tree cover is depicted on the plan for at least five years. Mandatory buffer for stormwater or other reasons shown on the plan shall not be cleared of vegetation

unless the Planning Board grants an amendment to the subdivision or maintenance that does not alter the purpose for which the buffer was required.

(b) The applicant 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. The Plan and Profile Monty Way Sheet 3 revised August 31, 2025 shows a row of arborvitae along Monty Way adjacent to the two existing lots on Meredith Drive, 2 street trees on each new lot, and comments that if available trees are located in the correct position and grade in the ROW through the Mystic Woods subdivision, the Owner would like to keep them, but these would be a rare circumstance.

(2) The final plan identifies areas of open space and the condominium association documents identifies that the association is responsible for the common areas that includes the open space.

§120-911F – Conformance with Land Use Ordinances

Comprehensive Plan:

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

Land Use Ordinance, Chapter 120:

- There is a net residential density in the Farm zoning district of 60,000 SF.

Subdivision Ordinance, Chapter 120 Article 9:

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

Growth Management, Chapter 101:

- Growth permits are required for the creation of each new single-family dwelling. Growth permits for dwelling units to be located in a proposed subdivision, may be applied for after the project receives preliminary subdivision approval from the Planning Board pursuant to Article 9 of Chapter 120, Land Use.

§120-911G – Financial and Technical Capacity

(1) The applicant provided a cost estimate for the construction of the subdivision infrastructure and a letter from Camden Savings Bank has a deposit relationship with the applicant, but it does not constitute a commitment to finance the development.

(1) The applicant has provided evidence of technical capacity. The applicants have contracted SJR Engineering, Inc. to manage the permitting and design of the development.

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

(1) The lots in the subdivision will have individual private septic systems designed to comply with the Maine subsurface wastewater disposal rules and shall not increase any

contaminant concentration is the groundwater and shall meet the State's drinking water standards.

(2) The subdivision is proposed to be served by public water and shall not result in water table drawdowns beyond the subdivision boundaries.

§120-911I – Floodplain Management

- The subject property is within a mapped FEMA Floodplain boundary. The mapped floodplain is located adjacent to Black Brook and is in the designated open space. No development is proposed within the floodplain.

§120-911J – Stormwater

(1) Stormwater management for subdivisions shall incorporate appropriate treatment measures for water quantity and quality to meet the requirements specified below for development of the lots as well as the infrastructure to support the project. Each application shall include, for each lot, maximum developed area, disturbed area, and impervious area, as those terms are defined in DEP Chapter 500, Stormwater Management.

- The Stormwater Management Plan included with the preliminary plan submission proposes to manage stormwater runoff from the road through the open space via level lip berms and within the road R/W to a soil filter on Lot 5. The soil filter basins will return stormwater runoff to pre-development levels while also treating water quality. Buildings will have roofline drip edges. The plan also included a stormwater maintenance and inspection plan.
- The development will require a Permit-by-Rule (PBR) issued under Chapter 500 of the Stormwater Management Law and a Maine Construction General Permit (MCGP) from Maine DEP.
- The Town has delegated DEP Stormwater Capacity. A Stormwater Permit by Rule application was reviewed by Gorrell-Palmer on November 7, 2025 and found to meet the standards of MaineDEP's Chapter 500.
- The responsibility of maintaining the stormwater management system will be assigned to the future Homeowner's Association, as per §120-911N.
- The Town Engineer reviewed the preliminary and final plan submission and the applicant's October 19, 2025 response and provided the following comments:
 - A table on the Subdivision Plan listing the developed and impervious areas on each lot and the response from the applicant clarifies the Stormwater Quantity/Quality treatment on the 75/50% linear portion of the project vs. 95/80% treatment on the rest of the project.
 - The response includes an updated HydroCAD analysis that shows that the post-construction stormwater peaks flows are less than preconstruction stormwater flows at all Design Points except for the 2-yr storm at Design Point for the 2-yr storm, but considering the flow is only 0.08 CFS (4%) higher than predevelopment, and it flows into a wetland, I consider this de-minimis.
 - Sheet 3 and the proposed Condition Watershed Plan (WS-2) have notes indicating "100' flow path Forested Buffer", but the plans don't clearly outline the buffer area

that needs to be preserved as *Forested Buffer*. the plan submitted as part of the response package still doesn't define the required buffer dimensions on the plan to meet the Ch. 500 Buffer BMP requirements. I agree that in practical terms the forested area acts as a buffer that will adequately treat stormwater dispersed by the level spreaders, but in order to meet the Maine DEP Ch. 500 Buffer BMP requirements, the area must be deed restricted to be dedicated to stormwater treatment. I see that you have submitted a waiver request from the Ch. 500 General Standards for treatment referenced in Town Ordinance 120-911J(4). I support this waiver request since the stormwater flow from along the majority road will be attenuated by level spreaders and discharged to a wooded area that is not currently or in the foreseeable future able to be developed.

§120-911K – Conservation Subdivision

(1) The applicant is proposing to develop the conservation subdivision to set aside a significant portion of the site as open space by grouping the dwelling units closer with access to a minor private road with 50-foot rights-of-way (ROW). The applicant is proposing to reduce the lot size to approximately +30,000 SF with 100-feet of street frontage (50 feet on the cul-de-sac).

- Per [§120-911K\(3\)\(a\)\[2\]](#), the applicant has provided the site analysis plan as a base for an existing resource inventory of the primary conservation resource element on the site. The sketch plan shows the primary conservation resource as the wetlands, and floodplain and steep slopes and wetland adjacent to Black Brook. The applicant has preserved the highest-value natural resource.
- No secondary conservation resource are shown on the site analysis plan, per [§120-911K\(6\)\(c\)\[2\]](#).
- The plan shows 100-foot building setbacks from primary conservation areas and 50-feet from secondary conservation areas, per [§120-911K\(3\)\(c\)](#).
- The applicant is providing 854,998 SF, of total open space on the 25.45-acre site.
- The applicant proposes to most of the reserved open space adjacent to Black Brook (734,575 SF), per [§120-911K\(3\)\(d\)](#).
- The applicant is also providing a smaller open space area (120,423 SF) that includes wetlands adjacent to the Mystic Woods opens space. The size of this area exceeds 10,000 square feet in area per [§120-911K\(3\)\(b\)\[4\]](#).
- Per [§120-911K\(3\)\(c\)\[3\]](#) the 50 foot buffer from the external perimeter of the property line is not part of the open space as the area is not a primary or secondary conservation area delineated in accordance with [§120-911K\(3\)\(a\)](#). A notes is on the plan requiring that the buffers shall be permanently marked prior to the start of construction. The applicant should also provide a draft of deed restrictions for buffer areas. See Condition of Approval #5.
- The use of the open space shall not be for commercial or private clubs, but to be used by the homeowner's association.
- *For the final plan review*, a trail system to be created within the open space shall be shown on the plan, per [§120-911K\(3\)\(e\)](#).

§120-911L – Compliance with Timber Harvesting Rules

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

§120-911M – Traffic Conditions and Street

- The Applicant submitted a traffic assessment that indicates that the subdivision will generate 5 trips in the PM peak hour and 50 trips during a typical weekday. Since the expected traffic does not exceed 140 trips per day, a traffic impact analysis per § 120-910C(3)(e) is not required.
- In accordance with § 120-911M(5)(b)[7], subdivisions with 31 or more units shall have a minimum of 2 connections of the subdivision street with an existing public street. The applicant proposes 5 units, which in addition to the Lampron Subdivision (2) and Mystic Woods Subdivision (23), totals 30 units and does not require an additional connection to an existing public street.
- The applicant is proposing to exceed the Town's "Minor Private Road" standards found in Appendix B.
 - The proposed plan is to build a 810-foot private road with a 50-foot-wide R/W and cul-de-sac at the end. The private road note of §120-911M(5)(a)[5][e] is shown on the plan.
 - The town's road standards call for a 9-foot-wide gravel road with 2-foot graveled shoulders on each side of it. The applicant also proposes the addition of a hot bituminous pavement surface.
 - The applicant will be required to obtain a street opening permit from the Department of Public Works. Meredith Drive was paved in November 2022 and is under moratorium and will require additional restoration for street openings.
 - The homeowner's association will maintain the R/W road once the subdivision is completed.
- The sketch plan shows a right-of-way easement equal to the abutting property to provide continuation of the road where future development is possible, per §120-911M(5)(b)[5][c].
- At the Development Review Team meeting, staff discussed the condition of Barnes Road and that the schedule for the Town to overlay the roadway may be delayed until this development is completed. The developers of the Mystic Woods Subdivision and Valley View Subdivision (Twoey Drive) provided cash contributions to the Town in 2017 towards the cost to overlay Barnes Road. At the July 14, 2024 Planning Board meeting the Board did not find that this development requires any offsite improvements to Barnes Road.

§120-911N – Maintenance of common elements.

- The applicant provided draft homeowners association declaration of covenants, bylaws, and articles of incorporation of the Monty Way Association that have been reviewed and revised by the Town Attorney.

CONCLUSIONS

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/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 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. 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 **does not have** a lot-depth to shore frontage ratio greater than 5 to 1.
17. **NOT APPLICABLE:** 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.
18. **NOT APPLICABLE:** For any proposed subdivision that crosses municipal boundaries, the proposed subdivision **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.
19. **NOT APPLICABLE:** The timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to [Title 12, §8869, sub§14](#).

CONDITIONS OF APPROVAL

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated June 23, 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](#) 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 Manager's discretion, use the performance guarantee to either reclaim and stabilize or to complete the improvements as shown on the approved plan.
3. In accordance with [§120-911N\(5\)](#) of the Land Use Ordinance, the homeowners' association documents shall be recorded in the Cumberland County Registry of Deeds within 90 days of the date that the subdivision plan is recorded in the Cumberland County Registry of Deeds. Evidence of such recording shall be provided to the Planning Department. No lots shall be sold in the subdivision prior to recording and all deeds shall reference the declaration establishing the homeowners' association.
4. 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](#).
5. Before issuing building permits the applicant or builder must have the town engineer verify that the 50-foot conservation subdivision exterior boundary buffer line is pinned, staked, or fenced in the field.