



PLANNING BOARD MEMO • MAJOR SUBDIVISION & SITE PLAN • FINAL PLAN REVIEW

DATE: October 23, 2024

TO: Windham Planning Board
FROM: Evan O'Connor, Town Planner
Cc: Kylie Mason, IRA, Sebago Technics, Inc.; Agent
Tyler Norod, Westbrook Development Corp.; Applicant
Jon Smith, Great Fall Construction; Applicant
Steve Puleo, Planning Director

RE: #24-25 – Major Subdivision & Site Plan – Andrew School Redevelopment – 55 High Street – Final Plan Review – Westbrook Development Corp., Great Falls Construction

Planning Board Meeting: October 28, 2024

Overview –

The application is a major subdivision & Site Plan consisting of eighteen affordable apartments for senior housing, This project also includes associated parking areas, internal vehicular drive aisles, pedestrian pathways, a centralized open green space, and stormwater treatment area.

Tax Map: 37; Lot: 24; Zone: Village Commercial (VC) zoning district and located in the Upper Presumpscot River watershed.

A Development Review Team meeting was held on August 29, 2024; and a sitewalk was held with the Planning Board on October 5, 2024. Comments received during the meeting are reflected in the memo below.

Figure 1: Aerial View of the subject parcel 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:

MOTION: [I move] the Major Subdivision & Site Plan application for project #24-25 Andrew School Redevelopment 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](#) 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.

~~a) [§120-910C\(3\)\(a\)](#): High Intensity Soils Mapping. Approved.~~

The Planning Director waived the requirement to submit a high-intensity soil survey by a certified soil scientist, per [§120-910C\(3\)\(a\)](#), for a medium-intensity soil survey.

~~b) [§120-910C\(3\)\(c\)](#): Hydrogeologic Assessment. Approved~~

The Planning Director waived the submission of a hydrogeologic assessment because the site is connected to public water.

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.

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. Per [§120-908B\(2\)](#). The Board is not required to use any criteria in making its determination on the granting of a waiver of the submission requirements. Per [§120-908C](#). 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\(2\)](#).

3. Public Hearing: The Planning Board will hold a public hearing on October 28, 2024
4. Site Walk: The Planning Board held a site walk on October 5th, 2024.

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

MOTION: [I move] the Major Subdivision & Site Plan application for the #24-25 Andrew School Redevelopment development identified on Tax Map: 37; Lot: 24; Zone: Village Commercial (VC) zoning district and located in the Upper 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 Andrew School Redevelopment project is classified as a Major Subdivision & Site Plan, which the Planning Board is authorized to review act on by [§120-805A\(2\)\(a\)](#) & [§120-905A\(2\)](#) of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted a copy of a Purchase and Sales agreement between the Town of Windham and Westbrook Development Corporation and Great falls Builders, INC., Dated October 23, 2024.

ARTICLE 3 DEFINITIONS

Dwelling, Multifamily: “A building containing three or more dwelling units. A multifamily dwelling may 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, Tax Map: 37; Lot: 24.
- The property is located in Village Commercial (VC) zoning district.
- Multifamily dwellings are a permitted use found in [§ 120-415B](#).

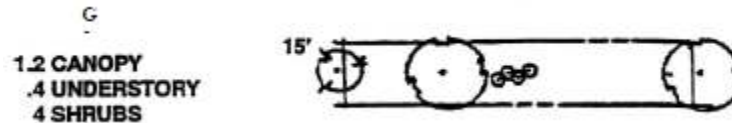
ARTICLE 5 PERFORMANCE STANDARDS

§ 120-501.1 – Affordable housing development

- Affordability for all 18 units is guaranteed for at least 30 years, with rental units limited to households earning 80% or below the local AMI. The developer will record deed restrictions at the Cumberland County Registry of Deeds to ensure enforceability.

§120-511 – Buffer yards

C(3)(b) Commercial Districts (C-1, C-2, C-3, C-4, VC and WC Districts): use Buffer Yard G.



§120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS

§120–812A – Utilization of the Site

- The subject parcel is approximately 2.4 acres (104,544 SF) in size.
- The site is currently utilized for overflow parking by neighbors. The site currently is an open area with paved and graveled portions, with a building to be demolished.
- The site provides 258.86 feet of frontage along High Street.

§120–812B – Vehicular Traffic

- (1) The site is located on the easterly side of High Street.
- The access drive, named Academy Street, approved by the Addressing Officer, provides the primary entry to the site.
- (2) The Site’s layout includes two (2) turnaround areas designed to provide adequate emergency vehicular turnaround and maneuvering. Additionally, the proposed access driveway will be designed to meet the private road standards.

§120–812C – Parking and Loading

- (1) The applicant has designed a parking layout that accommodates a total of 27 spaces with six (6) ADA spaces. The applicant will provide a 1.5 to 1 ratio of parking to dwelling units.
- (2) The applicant states that the proposed number of parking spaces is adequate to provide parking and will meet the parking needs of an Affordable Senior Housing development.

§120–812D – Pedestrian Traffic

The applicant is proposing to provide a network of sidewalks that provide both internal connectivity and link externally to a sidewalk to be installed on the west side of High Street. Please see the plan information submitted for specific locations and details of the proposed layout.

§120–812E – Stormwater Management

(1) A Stormwater Management Report has been prepared for this proposed project.

- (f) Major site plans, regardless of size, shall comply with Sections 4C(2) and 4C(3) of the General Standards of the MDEP Chapter 500 Stormwater Management Law.
- The site is located in the Town’s Urbanize Area and regulated by the MS4 ([Municipal Separate Storm Sewer System](#)).
 - Prior to receiving authorization to connect the private stormwater management system with the Town’s stormwater collection system, the applicant shall provide a written approval from the Town Engineer to the Town Planner.
 - The stormwater management system will direct runoff to the Town's MS4. The system complies with the Maine DEP Chapter 500 standards and the project has filed for a Stormwater Permit by Rule. The final plan includes a detailed drainage system.
 - The site currently has limited stormwater infrastructure. The proposed stormwater management system includes a closed subsurface sand filter to treat runoff before discharge into the Town's MS4. This system is designed to comply with Maine DEP Chapter 500 standards.

§120–812F – Erosion Control

(2) An Erosion & Sedimentation Control Plan has been developed for this project that meets the Basic Standards per Section 4(A) of the MeDEP Chapter 500 Stormwater Rules.

- Erosion control mix berms will be installed along slopes to stabilize disturbed areas and prevent sediment from entering the drainage system. This method complies with Maine DEP’s Best Management Practices (BMPs).
- Non-woven and woven geotextile fabric will be used to stabilize slopes and wrap the subsurface sand filter system. This fabric helps prevent erosion in areas where stormwater flow is concentrated.

§120–812G – Water Supply Provisions

(1) This proposed residential development will connect to existing public water infrastructure that is available along High Street.

- The applicant has provided the Ability to Serve request correspondence with the Portland Water District (PWD).
- The anticipated water demand for the 18-unit development is 2,160 gallons per day (gpd), calculated based on Maine Subsurface Wastewater Disposal Rules, which assign a usage of 120 gpd per unit. The PWD has reviewed the project’s design and confirmed there is sufficient water capacity to meet the demands of this development.

§120–812H – Sewage Disposal Provisions

- This proposed residential development will connect to existing public sewer infrastructure that is available along High Street.
- The applicant has provided the Ability to Serve request correspondence with the Portland Water District (PWD).

- The internal sewer system is designed to be gravity-fed, with no pumps required. The PWD has confirmed the capacity of the sewer system to handle the projected flow.

§120-812I – Utilities

- This proposed development includes utility connections for electrical, water, and sewer services. There is also natural gas service available in High Street. The applicant has not determined whether it will require connection to natural gas for any of its HVAC systems and reserves the right to do so as necessary in the future as construction plans are further refined. All proposed utilities are located underground, including the electrical service which is accomplished from connecting to the existing overhead lines along High Street, then drawn underground near the site's frontage.

§120-812J – Groundwater Impacts

- 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 scale of this development is not anticipated to adversely impact the overall quality or quantity of available water supply.

§120-812K – Water Quality Protection

- This project will utilize available public water supply from the existing connection along High Street and will incorporate a stormwater management system to provide treatment of runoff. Collection is in a closed subsurface sand filter and discharged to Town's MS4.

§120-812L – Hazardous, Special and Radioactive Materials

- (1) There is no Anticipated storage or usage of Hazardous, Special and Radioactive Materials in the proposed scope of this project.

§120-812M – Shoreland Relationship

- The site is not in a shoreland zoning district.

§120-812N – Technical and Financial Capacity

- (1) The Applicants have provided two bank letters, from Kennebunk Savings Bank, and Gorham Savings Bank, showing sufficient financial resources to construct, operate, and maintain all aspect of the proposed development.
- (2) The applicant has hired Sebago Technics, Inc. for site planning, permitting, and engineering services for the conversion of the building and site.

§120-812O – Solid Waste Management

- All waste will be transported to a licensed disposal facility.

§120-812P – Historical and Archaeological Resources

- According to the National Register of Historic Places, the Town's Comprehensive Plan, and available local historical archives, there are no portions of the subject property or

surrounding properties that are of significant historical or archaeological significance. A review request letter, dated September 13, 2024, was sent to the Maine Historic Preservation Commission (MHPC), seeking their respected consultation. No response has been recorded from MHPC at the time of this submission.

§120-812Q – Floodplain Management

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

§120-812R – Exterior Lighting

- (1) The applicant has provided a lighting plan that meets Town standards for residential developments and ensures safety while minimizing light pollution.
- (2) The applicant shall connect all light poles and other exterior light fixtures underground.

§120-812S – Noise

- (1) The proposed development is not anticipated to generate an unreasonable amount of noise detectable at property lines.
- (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 states that the project does not contain any exposed storage areas, machinery, or areas used for the storage or collection of automobile parts.
- Trash totes/bins will be stored within a shed-like structure attached to each building. Above ground utilities will also be screened, which are detailed on the Landscape Plan.

§120-814 Multifamily development standards.

§120-814A – Building Architecture.

- (1) Architectural variety
 - (a) The building has a variety of techniques to visually break up the façade.
 - The building facades will feature a combination of brick, wood siding, and metal accents to complement the architectural style of the Village Commercial district. The colors selected include a muted earth-tone palette of light gray and beige for the siding and trim, with charcoal accents for the metal railings and window frames. These materials are intended to blend with the surrounding residential and commercial structures
- (2) Facade.
 - (a) The primary façade facing High Street meets the 25% fenestration requirement, ensuring adequate window and door coverage.
- (3) Orientation.
 - (a) The building entrances will be oriented to face the internal private drives.
 - (b) The facades of the 4-Unit buildings facing High Street have porches which create a front-facing orientation.

§120-814B - Site Design.

- (1) Parking.
 - (a) The development provides 27 parking spaces, meeting the required ratio of 1.5 spaces per dwelling unit for multifamily developments. This includes 6 ADA-compliant spaces distributed throughout the site. The parking areas are located directly off the internal private drive (Academy Street).
- (2) Screening.
 - (a) Evergreen trees used along the northern and southern boundaries to create privacy screens, particularly for adjacent residential properties. Trash enclosures and utility areas will be hidden from view by shrubs and fencing.
- (3) Bicycle/pedestrian.
 - (a) Internal traffic flow internal walkways.
 - (c) Bicycle parking/racks.
 - [1] A total of (5) bike racks, located in two (2) areas, provide parking for ten (10) bicycles.
- (4) Recreation and open space.
 - (a) The proposed development offers an area designated for open space within the central portion of the site.
 - The development includes a total building footprint of 13,200 square feet, spread across four buildings. Each building's façade covers approximately 3,300 square feet, with 1,500 square feet allocated for recreational and open space.
- (5) Landscape/lighting.
 - (a) Landscaping.
 - [1] The project incorporates a comprehensive landscape plan that includes evergreen and deciduous trees, shrubs, and ornamental grasses. The landscape plan includes a mix of native species such as red maple and eastern white pine. Each tree will be planted at a minimum height of 8 feet to provide immediate impact and privacy screening.

§120-911 - SUBDIVISION PERFORMANCE STANDARDS

§120-911A – Basic Subdivision layout

- (2) The proposed site will utilize subsurface utilities (water, sewer, electrical) that are located along High Street, as indicated on the Grading & Utility Plan. Proposed locations of monuments are also shown within the Plan Set. Each dwelling unit has direct access to the internal private drive (Academy Street). The project also includes two turnaround areas to facilitate emergency vehicle access

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

- (3) The applicants have shown connection with the public water system on the provided subdivision plan.

§120-911C - Erosion Control and sedimentation control

- (1) The applicants have 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.

- (3) The applicant or developer shall consider the topsoil as part of the subdivision is not to be removed from the site.

§120-911D – Sewage disposal

- This proposed residential development will connect to existing public sewer infrastructure that is available along High Street.
- The applicant has provided the Ability to Serve request correspondence with the Portland Water District (PWD).
- The internal sewer system is designed to be gravity-fed, with no pumps required. The PWD has confirmed the capacity of the sewer system to handle the projected flow.

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

- (1) The applicants are developing the access driveway and dwelling units in the cleared area remaining from the previous site use, preservation the natural beauty and aesthetics.
- (a) The applicant has provided note 11 on sheet C-101 of the subdivision plan 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. Tree removal is limited to the rear of the site for stormwater infrastructure. A buffer of evergreen trees will be planted to the south to screen neighboring properties.
- (b) The applicant has included a landscape plan with the application.

§120-911F – Conformance with Land Use Ordinances

Comprehensive Plan:

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

Subdivision Ordinance

- The applicants have provided a landscaping plan.
- Standard notes, the standard conditions of approval, and approved waivers must be shown on the plans.

§120-911G – Financial and Technical Capacity

- (1) The applicant has provided evidence of financial and estimated cost of development.
- (1) The applicant has provided evidence of technical capacity. The applicants have contracted Sebago Technics, Inc. to manage the permitting and design of the development.

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

- (1) The applicant has provided evidence that the subdivision shall not increase any contaminant concentration in the groundwater and shall meet the State primary drink water standards. A hydrogeological evaluation shall be required to demonstrate nitrates as nitrogen meet the maximum contaminant level.
- (2) 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 scale of this development is not anticipated to adversely impact the overall quality or quantity of available water supply.

§120-911I – Floodplain Management

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

§120-911J – Stormwater

- The project will require a Chapter 500 Stormwater Management Law permit for MeDEP.
- A Stormwater Permit by Rule with Maine DEP will be required. The Applicant has submitted documentation that a Notice of Intent for this permit has been filed with DEP

§120-911K – Conservation Subdivision

- (1) The development is in the VC district and therefore is not required to meet the conservation subdivision ordinance.

§120-911L – Compliance with Timber Harvesting Rules

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

§120-911M – Traffic Conditions and Street

- A Traffic Memorandum was submitted by the Applicant that concludes that proposed traffic levels are below the threshold for requiring a traffic Management Plan (TMP) from (6 peak hour trips) Maine DOT or a Traffic Impact Analysis under the Town's Subdivision ordinance (58 trips/day). This appears to be appropriate for the scale of the development.
- Location of the access drive, Academy Street, entrance onto High Street has been modified to line up to an intersection with Androscoggin Street.

SUBDIVISION & SITE PLAN CONCLUSIONS

1. The plan for development **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 site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.

5. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
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 / site plan **will** provide adequate sewage waste disposal.
8. The proposed subdivision / site plan **conforms** to a duly adopted site plan 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 site plan / subdivision **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
11. The proposed subdivision / site plan **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 not** interfere with or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonably 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. **Not Applicable:** 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. **Not Applicable:** 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.
17. **Not Applicable:** 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.
18. **Not Applicable:** 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.
19. **Not Applicable:** 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.

CONDITIONS OF APPROVAL (REQUIRED)

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated October 10, 2024 as amended October 28, 2024, 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. Per [§120-912G](#), No subdivision plan shall be released for recording at the Registry of Deeds until the required performance guarantee has been posted. If an approved plan is not

recorded in the Registry of Deeds within three years of the original approval, it shall become null and void.

3. In accordance with [§120-815C\(1\)\(b\)](#) and [§120-914B\(5\)](#) the Land Use Ordinance, the Construction of improvements covered by any site plan approval and any subdivision plan shall be completed within two years of the date upon which the performance guarantee is accepted by the Town Manager. 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 the site or to complete the improvements as shown on the approved plan. 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.
4. Approval is subject to the requirements of the [Post-Construction Stormwater Ordinance, Chapter 201](#). Any person owning, operating, leasing, or having control over stormwater management facilities required by the post-construction stormwater management plan must annually engage the services of a qualified third-party inspector who must certify compliance with the post-construction stormwater management plan on or by June 1st of each year.
5. [Recreation Impact Fee](#) (\$600 x 4 = \$2,400), [Open Space Impact Fee](#) (\$450 x 18 = \$8,100), [Public Safety Impact Fee](#) (\$1,008 x 4 = \$4,032); and [Municipal Office Impact Fee](#) (\$333 x 4 = \$1,332). All fees (\$2,400 + \$8,100 + \$4,032 + \$1,332 = \$15,864) will be determined and collected for any building, or any other permits necessary for the development, [§120-1201C \(MASTER FEE SCHEDULE\)](#)
6. Prior to receiving authorization to connect the private stormwater management system with the Town's stormwater collection system, the applicant shall provide a written approval from the Town Engineer to the Town Planner.
7. The applicant, when offering all infrastructure located within the Right-of-Way (ROW), including water, sewer, and stormwater management systems, to the Town of Windham. This transfer will occur at the applicant's expense. A performance guarantee will be posted to ensure the proper installation and transfer of this infrastructure,