



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Draft

### Planning Board

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Monday, July 1, 2024

6:30 PM

Council Chambers

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#### Special Meeting

##### 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: Anne Daigle, Evert Krikken, Kathleen Brown and Rick Yost.*

*Planning Director, Steve Puleo, was also present, with Planning Intern, Jasmine Lopez.*

##### 3. [PB 24-060](#) Meeting of June 24, 2024

**Attachments:** [Minutes 6-24-2024 - draft.pdf](#)

*Evert Krikken made a motion to approve the minutes of the June 24, 2024 meeting.*

*Seconded by Anne Daigle.*

*Vote: All in favor.*

#### Public Hearing and Continuing Business

##### 4. [PB 24-055](#) #23-18 - Major Subdivision and Site Plan - Windham Village Apartments - 770 Roosevelt Trail - Final Plan Review - Windham Village Apartments, LLC

The application is for the development of a portion of Shaw's property with 14 buildings, 172 two-bedroom multifamily units, supporting utilities, parking areas, private drives, drainage and stormwater infrastructure, and an outdoor amenity. The property in question is identified on Tax Map: 70; Lots: 1A; Zone: Commercial I (C-1) district in the Presumpscot River watershed.

Attachments: [23-18 MJR SUB-SP FP APPL WindhamVillageApartments 060324.pdf](#)  
[23-18 MJR SUB-SP FP PLANS WindhamVillageApartments 060324.pdf](#)  
[23-18 MJR SUB-SP FP PB MEMO WindhamVillageApartments 061324.pdf](#)  
[23-18 MJR SUB-SP FP SR&C WindhamVillageApartments 061324.pdf](#)  
[Public\\_Comment\\_Dunlop\\_042324.pdf](#)  
[ApplicantsEngineer Response to JeffDunlop 061924.pdf](#)  
[2024-143 WI - Basin Road - 6-18-24 signed.pdf](#)  
[Traffic Peer Review WindhamVillageApartments 061724](#)  
[Applicant Response to Traffic Impact Fee 053024](#)  
[TE Comments 061824.pdf](#)  
[23-18 FP Assessor Comments WindhamVillageApartments 06132024](#)

*Lonnie Graver was present representing the application, along with Drew Gagnon, from Gorill Plamer and Randy Dutton, Traffic Engineer. Mr. Gagnon explained that they proposed:*

- 172 residential one and two bedroom units in multiple buildings. One building would also contain a community center and working space.
- 342 parking spaces
- Just under 60,000 square feet of amenity space
- Sidewalk connections throughout the site
- A covered bus shelter
- Bicycle storage and racks
- They requested a waiver for a 30 percent reduction of the requirement for oversized parking, to save on impervious area.
- The project would be served by public water and sewer, natural gas, and underground electric.
- They had received the site law permit.
- No permits were required from MDOT.

*Steve Puleo reviewed:*

- The access drive was not yet named.
- Buildings would be sprinklered. The Fire Department was comfortable with the layout.
- The proposed open space met requirements; additional passive open space had been provided.
- The landscaping plan was submitted.
- They requested a waiver from the requirement for 103 oversized parking spaces down to 73.
- The Ability to Serve letter from Portland Water District had not yet been submitted.

*Evert Krikken made a motion to approve the waiver request for a reduction to oversized parking.*

*Seconded by Kathleen Brown.*

*Board Comment*

- What would the applicant do if the waiver was not approved?
- What would the total parking be if they had the proper number of large spaces?
- When would they finish construction of the parking lot?

- *If they submitted a plan with the correct number of parking spaces, and the town changed the requirement before construction was complete, could the applicant have the reduced spaces?*
- *The requirement for 30 percent oversized spaces seemed arbitrary.*

*Vote: 1 in favor. Anne Daigle, Marge Govoni, Evert Krikken, and Kathleen Brown opposed.*

#### *Public Comment*

*There was no public comment. Public Comment was closed.*

#### *Board Comment*

- *What was the impact of the traffic on the intersections?*
- *What were modifications for the second entrance to the project?*
- *What specific amenities were planned?*

*Evert Krikken made a motion that the preliminary plan review for the #24-18 Windham Village Subdivision development identified on Tax Map: 18A; Lot: 48-1; Zone: Commercial II (C-2 zoning district and located in the Presumpscot River watershed is to be approved with conditions with the following Findings of Fact, Conclusions, and Conditions of Approval.*

#### **FINDINGS OF FACT**

1. *Jurisdiction: Windham Village Apartments project is classified as a Major Subdivision and Site Plan, which the Planning Board is authorized to review and act on by §120-802A(6) and §120-905A of the Town of Windham Land Use Ordinance.*
2. *Title, Right or Interest: The applicant has submitted a copy of purchase and sale agreement dated July 11, 2022, and amended October 18, 2023, with a closing date not later than July 1, 2024, with B33 WINDHAM II, LLC.*

#### **ARTICLE 3 DEFINITIONS**

*Major Subdivision: "Any subdivision containing five or more lots or dwelling units."*

#### **ARTICLE 4 ZONING DISTRICTS**

- *As shown on the Town of Windham Land Use Map approved by the Town Council, date August 15, 2023, Tax Map 70, Lot 1A is located in the Commercial I (C-1) District.*
- *The detached multifamily dwelling residences are permitted use in the C-1 District §120-410B.*

#### **ARTICLE 8 SITE PLAN REVIEW**

##### **§120- 812 - MAJOR SITE PLAN PERFORMANCE STANDARDS**

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

- *The applicant states that the proposed site has no known environmentally sensitive areas. Natural drainage was preserved in the final plan and sand and gravel aquifer maps were provided.*

###### *§120-812B - Vehicular Traffic*

- *The applicant received a complete traffic study showing an anticipated trip generation*

of 81 in the AP and 98 in the PM peak hour of the generator. The Development Review Team confirmed that per MaineDOT requirements, a permit is not needed.

- The applicant shows two access points on the site.

#### §120-812C - Parking and Loading

- The proposed development will provide 342 proposed parking spaces including 14 accessible and 73 oversized.
- The applicant is requesting a waiver to reduce the required number of oversized parking lots below 30%, reducing the number by 30 to avoid encroaching on setbacks and increasing impervious area.

#### §120-812D - Pedestrian Traffic

- The applicant is showing a system of pedestrian ways within the development by providing sidewalks and connections from Tandberg Trail and access to the new building.
- The applicant will construct a cover bus shelter at the proposed Manchester Drive school bus pick up location.

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

- The applicant proposes the utilization of Drip Edge Filters on the roof tops of the fourteen proposed buildings on site. A Subsurface Infiltration System is proposed in the Southeastern corner of the lot to infiltrate impervious and paved areas on site.
- The applicant has provided a Stormwater Management Report.

#### §120-812F - Erosion Control

(2) The applicant has a plan for Erosion and Sedimentation Control practices during the site improvement construction activities that will meet the Basic Standards per §4(A) of the MeDEP Chapter 500 Stormwater Rules.

- The application includes an inspection, maintenance, and housekeeping plan and an erosion and sedimentation control plan sheet that generally meets the requirements of Maine DEP Chapter 500 Basic and General Standards.
  - o A minimum of three construction inspections must be completed during the active earth-moving phase of construction (with one of these being completed at project completion to ensure permanent site stabilization and temporary ESCs are removed) and a minimum of one inspection must be completed annually until a project reaches substantial completion.
  - o Corrective actions will be included in the inspection and must be implemented in a timely manner. Remediation tasks not completed are eligible for enforcement action.

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

- See below in §120-911 Subdivision for details.
- The proposed buildings will be supplied by Portland Water District.
- An 8" watermain is proposed within the access drive that will connect to an existing 8" watermain in the wester Private Access Drive.
- Each building is proposed to be served by a 6" fire and 2" domestic water service.

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

- See below in §120-911 Subdivision for details.

#### §120-812I - Utilities

- See below in §120-911 Subdivision for details.

#### §120-812J - Groundwater Impacts.

- See below in §120-911 Subdivision for details.

**§120-812K - Water Quality Protection**

- See below in §120-911 Subdivision for details.

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

- The proposed residential uses do not anticipate handling, storing, or using any material identified by the federal or state governments as hazardous, special, or radioactive. The applicant will provide a list of any materials that would fit in those categories for the final plan review.

**§120-812M – Shoreland Relationship**

- See below in §120-911 Subdivision for details.

**§120-812N - Technical and Financial Capacity**

- See below in §120-911 Subdivision for details.

**§120-812O – Solid Waste Management**

- See below in §120-911 Subdivision for details.

**§120-812P – Historical and Archaeological Resources**

- There are no known historic and archaeological resources onsite.

**§120-812Q - Floodplain Management**

- See below in §120-911 Subdivision for details.

**§120-812R – Exterior Lighting**

- See below in §120-911 Subdivision for details.

**§120-812S - Noise**

- The proposed commercial uses shall not exceed 65 dB between 7:00 AM to 10:00 PM and 55 dB between 10:01 PM to 6:59 AM.

**§120-812T – Storage of Materials and Screening (Landscape Plan)**

- See below in §120-911 Subdivision for details.

**§120-814 – MULTIFAMILY DEVELOPMENT STANDARDS.****§120-814A – Building Architecture**

- (1) Architect style. The applicant has provided architectural rendering and designs for the final site plan review submission.
- (2) Façade. The applicant has provided architectural rendering and designs for the final site plan review submission.
- (3) Orientation. The applicant is showing the entrances oriented to face the access drives, Tandberg Trail, and Manchester Drive.

**§120-814B – Site Design**

- (1) Parking. See below in §120-911 Subdivision for details.
- (2) Screening. The applicant has provided a landscaping plan with the final plan submission.
- (3) Bicycle/Pedestrian. The applicant has provided a plan showing a network of walkways and bicycle parking pads in front of the buildings.
- (4) Recreation and open space. The applicant is proposing a centrally located outdoor amenity area as well as a second recreation area outside of the Community Center.
- (5) Landscaping and lighting. The landscaping plan has been submitted with the final application along with a planting list that uses local plants. A photometric plan has been

*included in the final application.*

(6) *Access drive standards. The access drive shall remain private and shall meet the design standards set forth in C1.*

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

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

(1)(a) *Per §120-410E(2), there is not net residential density standard in the Commercial I (C-1) district.*

(b) *The side boundary lines are perpendicular to Tandberg Trail and follow north along Manchester Drive and the access driveway of Shaw Plaza.*

(d) *The proposed parcel has approximately 658 feet of street frontage.*

(e) *Lot number for the proposed lot has not been assigned. The lot numbering shall be reviewed by the E-911 Addressing Officer and the comments shall be considered by the Board.*

(2) *At the Development Review Team meeting held on May 3, 2023, the applicant stated all utilities will be located underground, per §120-911A(2)(a).*

- *The proposed development will extend water service from Manchester Drive throughout the site for domestic and fire suppression purposes.*
- *Underground electric/fiber/communication service will be provided to the development. Details shall be provided for the preliminary plan submission.*
- *Natural Gas is available within the private access drive located at the eastern portion of the site.*
- *Lighting will be provided throughout the development via pole and building mounted lighting fixtures. The applicant has provided a photometric plan with the final plan submission.*

o *For the final plan, the applicant has provided a revised plan set that details the connection to the utility pole along Rte. 35.*

• *The applicant intends to connect to the public sewer in late 2025.*

(3) *For the final plan, the applicant has provided the location of proposed street line monuments along Tandberg Trail.*

##### **§120-911B – Sufficient Water**

(1) *The applicant has not provided an “Ability to Serve” letter from the water supply with the Portland Water District to supply the domestic and fire suppression services.*

o *The Town Engineer stated: the application notes that a request for an ability to serve for water supply and wastewater disposal has been submitted to Portland Water District and their response will be included in the final application. The plan shows the proposed routing of the water and sewer lines through the property with the sanitary sewer lines going to a proposed PWD pump station at the corner of Route 35 and Manchester Drive. The proposed routing through an easement conveyed to the PWD appears consistent with plans previously reviewed by PWD and shared with Public Works staff.*

o *The Portland Water District’s response with an “Ability to Serve” letter has not been submitted in the final application. Preconstruction cannot begin until a response has been received, see COA #5.*

(3)(d) *The applicant has provided information on the locations of public or private fire hydrant, which is across the unnamed street intersection.*

o *The Deputy Fire Chief is requesting the applicant add a fire hydrant to the entrance of the project on the unnamed road, across the street from the restaurant parking area. This would ensure that all the buildings in this project would be with 1000’ feet of a fire hydrant.*

o *The applicant has added an additional fire hydrant at the east entrance of the “Staple’s” access road. The utility plan has been revised to reflect the change.*

**§120-911C - Erosion Control and Impact on Water Bodies**

(2) *The developer has provided a statement for the Maine licensed professional civil engineer that the plan shall prevent soil erosion and sedimentation from entering water bodies, wetlands, and adjacent properties. The applicant has provided stormwater management and erosion control plans which meet DEP Chapter 500 Stormwater Rules.*

**§120-911D – Sewage Disposal**

(1)(a) *The applicant has designed the residential development to connect the public sewer expansion project in the North Windham sewer district. See Conditions of Approval #4.*

*o The existing conditions show that there is a 0.76-acre subsurface wastewater disposal with a reversed areas serving the Shaw's Plaza located along the northerly property boundary lines of the 9-acre site.*

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

(1)(a) *The applicant has provided more information relating to the natural resource impacts for the final plan review. The site has no shoreline frontage. The applicant has not submitted a "Beginning with Habitat Map" showing the location of the subject property in relations to deer wintering areas and brook trout habitat. There are no deer wintering areas or brook trout habitats shown on the property. The applicant has provided a review of the site from the Maine Historic Preservation Commission as part of the final plan review. Areas where tree clearing will occur has been noted on the plan and shall be maintained for at least five years after the approval.*

*o The State of Maine Department of Agriculture, Conservation, and Forestry has stated in letter dated March 3, 2023, that there are no rare, endangered, or threaten species onsite.*

(b) *The developer has included the planting of street trees along the access drive in the site and along the Manchester Drive and Tandberg Trail. The applicant has provided an extensive landscaping plan.*

(2)(a) *The open space and common lands is identified on the plan and developer will own and maintain those areas. The applicant is providing a large open space area. For the final plan the applicant has provided the required open space and recreational, per §120-814 Multifamily performance standards.*

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

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

**Land Use Ordinances:**

- There is no minimum lot size in the C-1 zoning district.*
- Lots meet the lot frontage requirement of 100 feet in the C-1 zoning district.*
- There is no net residential density requirement.*
- The applicant has shown solid waste disposal locations throughout the development.*
- The solid waste in the form of stumps or brush will be hauled off-site and disposed of in accordance with all applicable regulations.*

**Subdivision Ordinance:**

- The Assessor's assigned tax map and lot numbers shall be shown on the final plans.*
- For the final plan, data of the subdivision plan has been provided and is compatible with the Town's GIS system in the a .DWG file format and provided to the Town prior to release or the signed recording plan.*
- The building setback requirements are shown on the proposed site plan submission for the lot.*
- Documents have been provided with the final plan review submission and specify the rights and responsibilities of the property owner with respect to the maintenance, repair,*

and plowing of the development's streets, and stormwater infrastructure.

- The final plan has included a boundary survey conducted and certified by a Maine Licensed Professional Surveyor.

Others:

- Refer to Chapter 204 Art. II - Street Naming and Addressing: Prior to the Planning Board signatures on the approved site plan and subdivision recording plan, the applicant shall obtain street names approved by the Town Addressing Officer, including map and lot numbers.

*Subdivision Ordinance:*

- General notes, approved waivers, and the standard conditions of approval must be shown on the surveyor stamped and signed recording plan.
- The subdivision plan shows the entire parcel including all contiguous land in common ownership within the last five years, as required by 30-A MRSA §4401.
- The Town Engineer is concerned about the retaining wall and landscape plan:
  - o Portions of the retaining wall proposed in back of Building 13 at the far southwest corner of the property appear to be above 4 ft tall and therefore will require design by a registered professional engineer.
  - o The applicant has updated the plan to reflect the detail, including the intended construction material, and noted the required stamp from a registered professional engineer.
  - o The Landscape Plan shows 7 plantings labeled "QR" along the rear access drive to the Shaw's Plaza off of Manchester Drive however I didn't see a species designated "QR" in the plantings list. Please clarify.
  - o The applicant has revised the labels on the plan to say "QB", instead of "QR", which was addressed as a mistake in the original labeling.

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

- (1) The project site work cost estimate is \$4,580,000, and the estimated total cost is \$36,611,00,00. The applicant has provided a letter dated November 16, 2023, from Karl Suchecik, Executive Vice President of Gorham Saving Bank stating there a banking relationship for Graiver Home, Inc. and its president, Loni Graiver, principal of Windham Village Apartments, LLC.
- (2) The applicant has provided technical capacity to complete the proposed project. Gorill Palmer and Flyscatcher, LLC have been contracted to prepare to the required permit application and development plans.

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

- As noted above the development will be served by the Town of Windham's Wastewater Treatment Facility and will be served by the Portland Water District water main in the Tandberg Trail ROW.

*§120-911I – Floodplain Management*

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

*§120-911J – Stormwater*

- (2) The applicant states the proposed project area will create over 3-acres of non-vegetated area within the Shaw's Plaza development, as such, the project will be required to obtain MeDEP Site Location of Development Act (SLDA) permit.
  - The applicant has initiated the MeDEP review process and understands the amended SLDA permit is required for the final plan review.
  - The following comments from the Town Engineer have been addressed in the final plan review.
    - o The Applicant's stormwater evaluation is part of the Site Location and Development Application submitted to Maine DEP, which is currently under their review. The

comments provided here supplement any comments from Maine DEP.

- The applicant acknowledged the comment.
- o The proposed stormwater management design includes roof drip edge filters on each of the proposed buildings to treat roof runoff and a large chamber-based subsurface infiltration system at the southeast corner of the site. Based on my general review of the Stormwater Report, it appears that proposed stormwater management system meets the Town's ordinance and Maine DEP requirements for providing water quality treatment and flood control.
- The applicant acknowledged the comment.
- o The situation with storm drain culverts in the area between CB-5 and DMH-8 is confusing because of overlapping linework. Can this be clarified with a detail or better resolution with the line weights?
- The drainage plan has been updated to better reflect the differentiation between stormwater culverts greater than 18 inches and stormwater culverts equal to or less than 18 inches.
- o Please clarify the values used for exfiltration rate from the chambers in the TR-20 Calculations in Appendix B of the Application and also length of the Device 2 weir.
- The applicant has clarified the values used in the final application.
- o An Operation and Maintenance Plan is included as part of the Erosion and Sediment Control Plan (Attachment 10) which generally addresses the inspection and maintenance of the proposed stormwater features included in the design. However, I would suggest some additional detail be included regarding the maintenance of the subsurface chambers including the isolator rows.
- The final application includes an updated Operation and Maintenance Plan.

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

- The project is not located in Farm, Farm Residential, and or Village Residential zoning districts.

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

- The applicant stated the subdivision will not involve timber harvesting activity. All trees being removed will be limited in scope and clearing and be minimized to the greatest extent practical.

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

- (1) The proposal is meeting the general transportation performance standards by using the access driveway serving the existing Shaw's Plaza. One connection will be a 24' access (see §120-522 Curb Cuts) driveway designed to meet the Town's Residential Street Standards from an unnamed access road from Tandberg Trail running west through the development to an 24' access drive onto an unnamed access from Manchester Drive.
  - During the Development Review Team meeting held on May 3, 2023, with the applicant and their engineering consultant, the staff requested the applicant to provide following for the preliminary plan submission:
    - o RSU 14 requested the applicant provide a sidewalk connection for a possible future bus stop on Manchester Drive.
    - The Applicant is showing a five-foot wide sidewalk throughout the site in the final plan.
    - o The Fire Chief requested the applicant show truck turn movements throughout the development for 46' long fire truck.
    - The turning movements are included in the final plan.
    - o The Fire Chief has reviewed the ponding on the access drive from Tandberg Trail (near the Gorham Saving Bank, east of the site) during heavy rain event.
    - o The Town Engineer has reviewed overlay the existing sidewalk along the access drive

to Shaw's Plaza, along the eastern boundary of the site.

*o The Planning Director requested the applicant look at creating a "defining edge" within the 90° parking stalls along southern side of the site access drive to meeting the amended Town's Residential Street Standards.*

*□ The final application does not include a plan for a "defining edge".*

*(2) The proposed development will generate less the 100 A.M. and P.M. peak hour trips and will not require Maine DOT Traffic Movement Permit.*

*o The Town Engineer stated that a Traffic Evaluation was submitted with the application that included estimated trip generation and distribution, capacity, safety and sight distance reviews. The project is estimated to generate up to 98 peak hour trip ends (for PM peak hour), which is just below the 100 peak hour trips that typically require a Maine DOT Traffic Movement Permit (TMP). Based on this and on other factors, the Evaluation does not recommend any traffic mitigation measures other than clearing some vegetation around the site driveways. However, the Manchester Drive/Tandberg Trail intersections identified as a High Crash Location (HCL), and the report acknowledges that the North Windham Moves study identified the Tandberg Trail/Roosevelt Trail intersections having poor levels of service in its current condition. Both of these intersections will be impacted by the relatively high volume of traffic from the proposed development and therefore I think the potential impacts and potential mitigative measures should be further evaluated.*

*o June 24th, the applicant requested a concurrence letter from MDOT that a TMP is not required for this development, see COA #5.*

*• The applicant has included a traffic study meeting the Town's performance standards.*

*• The applicant has provided a distribution of vehicle trips impacting the Whites Bridge Road and Anglers Road and Route 302.*

*• The applicant is proposing to provide to the Town of Windham mitigation impact fees for sidewalk and traffic improvements:*

*o Anglers Road Intersection Impact Fee of \$7,653.*

*o Mobility Impact Fee of \$8,274.*

*o Safety Fee of \$10,000.*

*o Total Impact Fees of \$25,927*

## CONCLUSIONS

1. *The proposed subdivision and site plan will not result in undue water or air pollution.*
2. *The proposed subdivision and site plan has sufficient water available for the reasonably foreseeable needs of the site plan.*
3. *The proposed subdivision and site plan will not cause an unreasonable burden on an existing water supply.*
4. *The proposed subdivision and 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.*
5. *The proposed subdivision and site plan will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.*
6. *The proposed subdivision and site plan will provide for adequate sewage waste disposal.*
7. *The proposed subdivision and site plan will not cause an unreasonable burden on the municipality's ability to dispose of solid waste.*
8. *The proposed subdivision and site plan will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the*

shoreline.

9. The proposed subdivision conforms with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer has adequate financial and technical capacity to meet the standards of this section.
11. The proposed subdivision and site plan is not situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed subdivision and site plan will not alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed subdivision is not situated entirely or partially within a floodplain.
14. All freshwater wetlands within the proposed subdivision and site plan 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 and site plan will provide for adequate storm water 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, section 480-B, none of the lots created within the subdivision have/do not have a lot-depth to shore frontage ratio greater than 5 to 1. (N/A)
18. 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.
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. (N/A)
20. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.

#### CONDITIONS OF APPROVAL

1. Approval is dependent upon and limited to, the proposals and plans contained in the application dated June 3, 2024 and July 1, 2024 of and on supporting documents and oral representations submitted and affirmed by the applicant, and conditions, If any, imposed by the Planning Board and any variation from such plans, proposals and supporting documents, and representations are subject to review and approval by the Planning Board or the Town Planner in with §120-815 of the Site Plan and §120-913 of the Subdivision Ordinances.
2. Approval is subject to the requirements of Chapter 201 Article II Post-Construction Stormwater Ordinance. 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.
3. At the time of applying for building permits for the 172 residential units, the applicant shall pay the Mitigation Impact Fees of \$25,927 (including the North Windham Route 302 Road Improvement impact fee), the Recreation Impact Fee, the Open Space Impact Fee, the Public Safety Impact Fee, and the Municipal Office Impact Fee. All fees will be determined and collected for any building, or any other permits necessary for the development, §120-1201C.
4. Any building plan, subdivision plan or site plan submitted for building(s) to be located in a sewer expansion area shall include on the plan the location of any service

pipe to be installed in accordance with this section. Subdivisions shall further comply with the provisions of §181-45.

5. Before the required pre-construction meeting with staff and before any land use activities begin, the applicant shall provide to the Planning Director the "Ability to Serve" letter from the Portland Water District (PWD).

6. If the Town Council amends §120-812C(1)(d) Parking and loading to reduce the required percentage of 10' x 20' parking spaces from 30% to under 20%, the Planning Board authorizes the Planning Director to issue a minor change approval. If the parking standard is not changed by the Town Council, the applicant must update the site plan to meet the parking and loading standards.

Seconded by Kathleen Brown.

Vote: All in favor.

**5. [PB 24-056](#) #24-12 - Major Subdivision and Site Plan - Edgewood Estates Subdivision - 4**

Betty Lane - Final Plan Review - RCI, LLC

The application is to develop a new conservation subdivision with a minor private road of 850' in length. The applicant will construct the road in the general location of the named private driveway, Betty Lane. The proposal is to provide six (6) building lots of about 30,000 SF in size, with the remaining 327,750 SF area as open space. Each parcel will have a private septic disposal field and well. The proposed utilities are to be installed underground. The property is further identified as Tax Map: 6; Lot: 26; Zone: Farm District (F) in the Pleasant River watershed.

**Attachments:** [Applicants response to tree clearing before approval 062724.pdf](#)

[24-12\\_FP\\_PB\\_MEMO\\_EdgewoodEstates\\_062424.pdf](#)

[24\\_12\\_MJR\\_SUB\\_FP\\_APPL\\_EdgewoodEstates\\_060524](#)

[23-12\\_MJR\\_SUB\\_SP\\_FP\\_PLANS\\_EdgewoodEstates\\_060524](#)

[24-12\\_MJR\\_SUB\\_FP\\_SR&C\\_EdgewoodEstates\\_061524.pdf](#)

[24-12\\_FP\\_TE\\_Comments\\_EdgewoodEstates\\_06132024.pdf](#)

[Attorneys\\_Comments\\_061124.pdf](#)

[Stormwater QuantityQuality Narrative updated 06172024.pdf](#)

[Abutting septic+wells.pdf](#)

[TE Comments\\_HydrogeologicAssessment\\_061824.pdf](#)

Steve Rogers, from SGR Engineering was present representing the application. He reviewed:

- They proposed a six-lot subdivision with an upgraded 850 foot road.
- It was now named Edgewood Estates.
- They had conducted a hydrogeologic study.
- Additional refinement of the Homeowners' Association documents had been completed.
- Trees had been cut on the property in accordance with the plans.

Steve Puleo explained:

- Areas where the tree line had been removed required street trees every 50 feet, with exception of one lot in the cul-de-sac, which had trees.
  - o The 50 foot buffer requirement was met and additional trees would be added to screen abutting properties.

- o An updated conditions plan had been submitted.
- The wetland was a primary area of conservation. They were providing a walking path next to it. No secondary areas of conservation existed.
- There was a 50 foot buffer on each side of the property and a 100 foot buffer from Chute Road, which was maintained with existing tree cover.
- Stormwater would run to two infiltration basins. The applicant had obtained a Permit by Rule
- The Fire Department was satisfied with access.
- The 18 foot wide paved road exceeded town road standards.
- Wells and septic would be private.
- Houses would be sprinklered.
- Homeowners' Association by-laws were not yet provided.
- The applicant was required to complete the road before conveyance of the first lot.

#### Public Comment

*There was no public comment. Public Comment was closed.*

#### Board Comment

- Was there something on the final plan that noted no further trees would be removed?
- A letter from Inland Fisheries and Wildlife recommended a survey for vernal pools.

*Evert Krikken made a motion that the major subdivision preliminary application for #24-12 Betty Lane subdivision on Tax Map 6; Lot 26 in the Farm (F) zoning district and located in the Presumpscot River is approved with the following facts, conclusions, and conditions of approval:*

#### FINDINGS OF FACT

*Jurisdiction: The Betty Lane subdivision development is classified as major subdivision and site plan application, which the Planning Board is authorized to review and act on by and §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 sale agreement between RCI Development Group, LLC (Buyer) and Pinehurst Development, LLC (Seller), dated January 26, 2024, and to close on May 28, 2024. A copy of the Warranty Deed from Vivamax, LLC to Pinehurst Development, LLC dated October 6, 2023, and recorded on October 8, 2023, at the Cumberland County Registry of Deeds in Book 40405 and Page 109.*

#### ARTICLE 3 DEFINITIONS

*Conservation Subdivision: "A form of development that permits a reduction in lot area and bulk requirements, and the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture."*

#### ARTICLE 4 ZONING DISTRICTS

- As shown on the Town of Windham Land Use Map approved by the Town Council, date August 15, 2023, Tax Map 6, Lot 26 is located in the Farm (F) District.
- The detached single-family residences are permitted use in the (F) District §120-406B.
- Per §120-406E Dimensional standards, the applicant is showing potential developed area for the construction of single-family houses and attached garages.
- The applicant is proposing the subdivision to be designed as a conservation subdivision with a 100-foot building setback for Chute Road, per §120-406F(2).

## ARTICLE 5 PERFORMANCE STANDARDS

### §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). The eight (8) deductions shall be subtracted from the gross acreage of the lot.

### §120-911 - SUBDIVISION PERFORMANCE STANDARDS

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

- (1) The property has 12.84 acres or 559,243 SF, 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 48,173 SF of road R/W and 79,000 SF of areas within resource protection zones for the net area of 431,988 SF. The net residential density is 60,000 SF, equaling 7.2 dwelling units.
  - (b) The parcel side lot lines are perpendicular to Chute Road including the six (6) proposed single-family lots.
- (2) The applicant has shown where the proposed utilities will be located, and all the connection will be installed underground.
- (3) The applicant has shown the locations of the subdivision monuments on the final plan review Sheet 3.

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

- (3) The applicant has shown private drinking well locations on final review Sheet 2.
  - 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.” For the final revision the applicant’s Soils Scientist has provided abutting property well and septic locations in order to evaluate conditions for a hydrogeological/groundwater study for a consideration of a waiver of §120-910C(3)(c) (see above waiver section).
- (b) For the residential subdivision, the applicant has provided adequate water storage facilities by proposing a residential sprinkler system for each home.

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

- (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 applicant’s engineer has provided a statement for the Maine licensed professional civil engineer preventing soil erosion and sedimentation from entering water bodies, wetlands, and adjacent properties.
- (3) The applicant has considered the topsoil as part of the subdivision is not to be removed from the site.
- (4) Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. The Board may require a developer to take measures to correct and prevent soil erosion in the proposed subdivision.

**§120-911D – Sewage disposal**

(2) *The applicant is proposing a private sewage system for each individual dwelling units. The applicant submitted evidence of site suitability for subsurface sewage disposal prepared State of Maine Subsurface Waste Disposal Rules. For the final plan review, the applicant has provided evidence that the septic disposal field will meet the State's drinking water standards.*

**§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 Chute Road in the general location of the existing Betty Lane. By creating the road R/W in the general location of Betty Lane, the majority of the open space will remain intact, preserving the natural beauty and aesthetics.*

(a) *The applicant has provided a note not allowing the clearing of trees where tree cover is depicted on the plan for at least five years. Mandatory buffer for stormwater or other reasons shown on the plan shall not be cleared of vegetation unless the Planning Board grants an amendment to the subdivision or maintenance that does not alter the purpose for which the buffer was required.*

(b) *The applicant has shown a landscape plan including the street tree plantings on the front yard of lot 1, 2, 5, and 6. The landscape tree plantings to close the gaps in the 50 -feet buffer setback.*

(2) *The applicant has provided reservation or dedication and maintenance of open space, common land, facilities such as the stormwater management system, among others, and service in the form of homeowner's association (HOA) documentation.*

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

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

**Land Use Ordinance:**

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

**Subdivision Ordinance**

- The applicant has provided a landscaping plan.*
- Standard notes, the standard conditions of approval, and approved waivers are shown on the plans.*
- A digital transfer of the subdivision plan data has been submitted for inclusion with the Town's GIS as well as drawings file with the final plan application.*

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

(1) *For preliminary plan review, the applicant has estimated the cost of development at \$313,926.00 and has provided a letter dated March 25, 2024, from Camden National Bank Vice President and Commercial Banking Officer, Christopher Abbott, stating that RCI Development Group and Bank have "a deposit relationship."*

(2) *The applicant has provided technical capacity with development experience and has completed a fourteen (14) lot subdivision and a twelve (12) unit affordable housing development in other communities in southern Maine. The applicant has contracted Steve Roberge from SJP Engineering to manage the permitting and design, Mark Censi for septic and groundwater assessment, Wayne Wood and Company for surveying needs, Kristen Collins of Preti/Flaherty for legal document drafting, and Eric Lema of Basswood Environmental to perform wetland and soil test pits to determine soil types on the parcel.*

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

(1) *The applicant has provided evidence from a certified soil scientist that the subdivision development will not increase any contaminant concentration in the groundwater and shall meet the State's drinking water standards. A hydrogeological*

evaluation has been completed demonstrating nitrates as nitrogen meet the maximum contaminant level.

(2) The applicant has provided evidence the proposed subdivision shall not result in lower the water table. The applicant anticipated approximately 1.0 acre of impervious conditions within the 12.84-acre site.

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

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

#### §120-911J – Stormwater

• The applicant proposes to manage stormwater runoff from the road via swales within the road R/W to two soil filters in the open space area adjacent to Chute Road, in a cleared area left after the removal of one of the mobile homes. The soil filter basins will return stormwater runoff to pre-development levels while also treating water quality. The development will require a Permit-by-Rule (PBR) issued under Chapter 500 of the Stormwater Management Law.

o The Engineer concurs with the Applicant's Engineer statement the development will require a Permit-by-Rule (PBR) from DEP.

- The detail and sizing for the roof drip edge filter requested by the Town Engineer has been provided in the final plan.
- The responsibility of maintaining the stormwater management system will be assigned to the future Homeowner's Association (HOA), as per §120-911N. The applicant has not provided the maintenance schedule as part of the HOA documentation or bylaws (see COA #3).

#### §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.

- Per §120-911K(3)(a)[2], the applicant has provided the sketch plan as a base for an existing resource inventory of the primary conservation resource element on the site. The primary conservation resource is a 1.9-acre wetland located in the northeast portion of the site. The applicant has preserved the highest-value natural resource.
- The plan shows a 100-foot building setback from the upland edge wetlands, ensuring the home on lot 6, which protects the wetland complex, per §120-911K(6).
- The applicant is providing 7.5 acres, or 327,750 SF, of total open space on the 12.84-acre site. The applicant is requesting a waiver (see waiver section above) of the insignificant reduction of open space from the required 7.9 acres, or 343,248 SF.
- The use of the open space shall not be for commercial or private clubs, but to be used by the homeowner's association.
- The applicant has not indicated any secondary conservation resources on site.
- The applicant proposes to provide more than 75% of the reserved open space behind lots 4, 5, and 6, which will be accessed via a 20-foot-wide trail between lots 4 and 5, per §120-911K(3)(d).
- The applicant is also providing a smaller, 30,030 SF open space area at the corner of Betty Lane and Chute Road. This area will include two soil filter basins.

#### §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 is expecting low traffic demand for the six (6) lot subdivision

development.

- The applicant is proposing to meet the Town's "Minor Private Road" standards found in Appendix B.
  - o The proposed plan is to build an 850-foot private road with a 50-foot-wide R/W and a cul-de-sac at the end.
  - o The town's road standards call for a 9-foot-wide road with 2-foot graveled shoulders on each side of it.
  - o The cul-de-sac is designed with an offset circular travel path, and the applicant intends to pave the 22-foot-wide road from the Chute Road curb cut. The applicant will be required to obtain a street opening permit for the Department of Public Works.
  - o The homeowner's association will maintain Betty Lane and the R/W road once the subdivision is completed.
  - o The intersection of Betty Lane and Chute Road will have a minimum sight distance of 305' for a 35 MPH speed limit on Chute Road.

§120-911N – Maintenance of common elements.

- The applicant has provided HOA documentation with the preliminary plan review. The Town Attorney has reviewed the documentation for the final plan review, see COA #3.

**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 subdivision.
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 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 provided the adequate financial capacity to meet the standards of this section.
10. The proposed subdivision will 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 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, section 480-B, none of the lots

*created within the subdivision has/do not have a lot-depth to shore frontage ratio greater than 5 to 1.*

*17. 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.*

*18. 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. The timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.*

#### **CONDITIONS OF APPROVAL**

*1. Approval is dependent upon and limited to the proposals and plans contained in the application dated January 22, 2024, and as amended April 1, 2024, April 16, 2024, and July 1, 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 §120-913 of the Land Use Ordinance.*

*2. The signed subdivision recording plan shall be recorded three years from the date of the final approval in the Cumberland County Registry of Deeds (CCRD) and the street on which the lot fronts are complete in accordance with these regulations up to and including the entire frontage, per §120-915B(1) and (2), completed prior to conveyance of the first lot.*

*3. Prior to the pre-construction meeting, a Homeowner's Association Bylaws, Convents, and Documentation for the care and maintenance of the (private road) and/or open space areas shall be recorded in Cumberland County Registry of Deed (CCRD) and a copy of the recorded documentation shall be submitted to the Planning Department for verification.*

*4. 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, §120-1201C.*

*5. Before issuing building permits for Lots 1, 2, 3, and 4, the applicant or builder must have the town engineer verify the 50-foot conservation subdivision boundary buffer line pinned, staked, or fenced in the field.*

*Seconded by Kathleen Brown.*

*Vote: All in favor.*

#### **New Business**

##### **6. [PB 24-057](#)**

**#24-19 - Major Site Plan - Private Warehouse - 120 Tandberg Trail - Sketch Plan Review - Ultimate Property Management, LLC**

The application is to build a 5,050 SF building addition to an existing private warehouse building on a 2.1-acre property. Tax Map: 18; Lot: 39; Zone: Commercial I (C-1) zoning district in the Mill Pond watershed.

Attachments: [24-19\\_SKP\\_PB\\_MEMO\\_PrivateWarehouse\\_120TandbergTrail\\_060324](#)  
[24-19\\_SKP\\_PB\\_MEMO\\_PrivateWarehouse\\_120TandbergTrail\\_060324](#)  
[24-19\\_MSP\\_SKP\\_REV\\_APP\\_SabbadyPoint\\_05202024.pdf](#)  
[24-19\\_MSP\\_SKP\\_REV\\_PLAN\\_SabbadyPoint\\_05202024.pdf](#)  
[24-19\\_SRC\\_MEMO\\_PrivateWarehouse\\_120TandbergTrail\\_060324.pdf](#)  
[Revision by Applicant 061824.pdf](#)

*Dustin Roma, of DM Roma Consulting Engineers was present representing the application. He explained:*

- *They were proposing to construct an additional 5,000 square foot building for the owner's private warehousing.*
- *There were three existing buildings on the property:*
  - *One building, accessed off of Tandberg Trail, was used for a daycare facility.*
  - *A second building, accessed off of Sabbady Point Road, was a gift shop.*
  - *The third building, accessed from Sabbady Point Road, was being used for personal warehousing, and a portion was rented to a contractor. The whole building may be rented in the future.*
- *The site also had storage of materials and equipment.*
- *Overhead power was available from both Tandberg Trail and Sabbady Point Road.*
- *Sabbady Point Road was a paved private road, 25 feet wide at the property, and in good condition.*
- *They requested a waiver from the road standards because it did not meet the required width.*
- *One existing curb cut was 75 to 80 feet wide and another 35 to 40 feet wide. The curb cuts would enable maneuverability to the buildings.*
- *Public water and a septic system currently existed. They would install a new septic tank for the proposed building.*
- *A row of existing pine trees should be trimmed back or replaced and landscaped.*

*Steve Puleo reviewed:*

- *Because there were multiple uses, the project would need ample parking. Personal warehousing generated no parking or employees.*
- *Personal warehousing was for storage of equipment but not for the general public, and could be rented, so long as it was not to the general public.*
- *Current stormwater management was an existing catch basin with outflow to a wet area in back of the property.*

*Board Comment*

- *The waiver request should be postponed until after the site walk.*
- *Was all around the buildings paved? Where did the pavement stop?*
- *Was the waiver related to the size of the road, rather than construction standards?*  
*To increase the size of the right-of-way would involve neighbors and wasn't something that was under the applicant's control.*
- *Was a waiver required for existing curb cuts on a private road?*

#### 7. [PB 24-058](#)

#24- 21 - Major Site Plan - Sebago Solar - 9 Maisie Road - Sketch Plan Review - Sebago Solar, LLC

The Sebago Solar project was previously approved in 2021 but construction did not start within the permitted window. The applicant is now proposing to construct an 11-acre ground mounted solar array facility. Construction will also include the grading of the field for access road and array installation, revegetating all disturbed areas, and closing the gravel pit in the parcel. The

property in question is identified on Tax Map: 23, Lot: 4B; Zone: Light Residential (RL) in the Sebago Lake watershed.

Attachments: [24-24\\_MJR\\_SP\\_SKP\\_PB\\_MEMO\\_SebagoSolar\\_062524.pdf](#)

[24-21\\_MJR\\_SP\\_SKP\\_APPL\\_SebagoSolar\\_060324.pdf](#)

[24-21\\_MJR\\_SP\\_SKP\\_PLAN\\_SebagoSolar\\_060324.pdf](#)

[24-21\\_MJR\\_SP\\_SKP\\_SR&C\\_SebagoSolar\\_061324.pdf](#)

[Applicant\\_Response\\_062724.pdf](#)

*Dave Fowler, of Sebago Solar, was present representing the application.*

*He explained:*

- *They hadn't gotten their interconnection agreement from Central Maine Power in time to meet the construction requirement under a previous approval.*
- *This application was for a reduced size.*
- *Their permit was active in the Town of Raymond, and the access was through Raymond.*
- *The proposed located was in an active gravel pit.*
- o *The portion of the pit in Windham would be regraded. The panels would all be in a gravel pit area, not up in the wooded area.*
- o *The portion of the pit that was located in Raymond would remain an active pit.*
- *They requested a waiver of the buffer requirement along the frontage because the frontage was in Raymond and that portion of the pit would remain active.*
- *Part of the permit with Raymond was improvement of the intersection with Pipeline Road.*

*Steve Puleo explained:*

- *The initial approval was in 2021. The ordinance had changed since that approval, and now prescribed what a ground mounted solar facility was supposed to be.*
- *It was a conditional use in the zoning district.*
- *There was an approval from Raymond to improve Maisie Road.*
- *The Fire Department was satisfied with part of the access way, but were requesting grading so the Fire Department could get all the way around the solar panels.*
- *The buffer requirement was for a district standard and the Planning Board may not be able to waive it.*
- *The remainder of the facility would be screened with a wildlife fence.*
- *A decommissioning plan had been provided.*
- *Utility services would come in through Raymond.*
- *The project required a Permit by Rule from DEP.*
- *Stormwater would remain in the pit area.*

*Board Comment*

- *How far was it from the fence to the property line near the residences?*
- *How much buffering was there to the residences?*
- *How much of a dip was there in that location?*
- *How would the rest of the pit be regraded and vegetated?*

## Other Business

### 8. Adjournment

*Evert Krikken made a motion to adjourn.*

*Seconded by Rick Yost.*

*Vote: All in favor.*