

PLANNING BOARD MEMO • MAJOR SITE PLAN • FINAL PLAN REVIEW

DATE: July 27, 2026

TO: Windham Planning Board
FROM: Natalie Thomsen, Town Planner
Cc: Steve Puleo, Planning Director
Andy Johnston, PE, Verdantas LLC
Sarah Bronson, Riding to the Top Therapeutic Riding Center

RE: #26-04 Riding to the Top - Major Site Plan - Final Plan Review – 14 Lilac Drive – Riding to the Top Therapeutic Riding Center
Planning Board Meeting: July 27, 2026

Overview

The application is for expansion of the existing therapeutic riding facility on an approximately 52-acre property at 14 Lilac Drive. The project includes a new barn, a new outdoor covered riding arena, a new tractor/bedding shed, an intern/tiny house, improvements to the existing indoor arena/office building, reconfigured paddocks and parking areas, a relocated propane tank enclosure and well house, and new utilities and stormwater management facilities. Subject property is identified as Tax Map: 7; Lot: 27B; Zone: Farm (F) zoning district, in the Upper Presumpscot River watershed (runoff drains to a wetland tributary to Small Brook, then Inkhorn Brook). Use: Riding Stable.

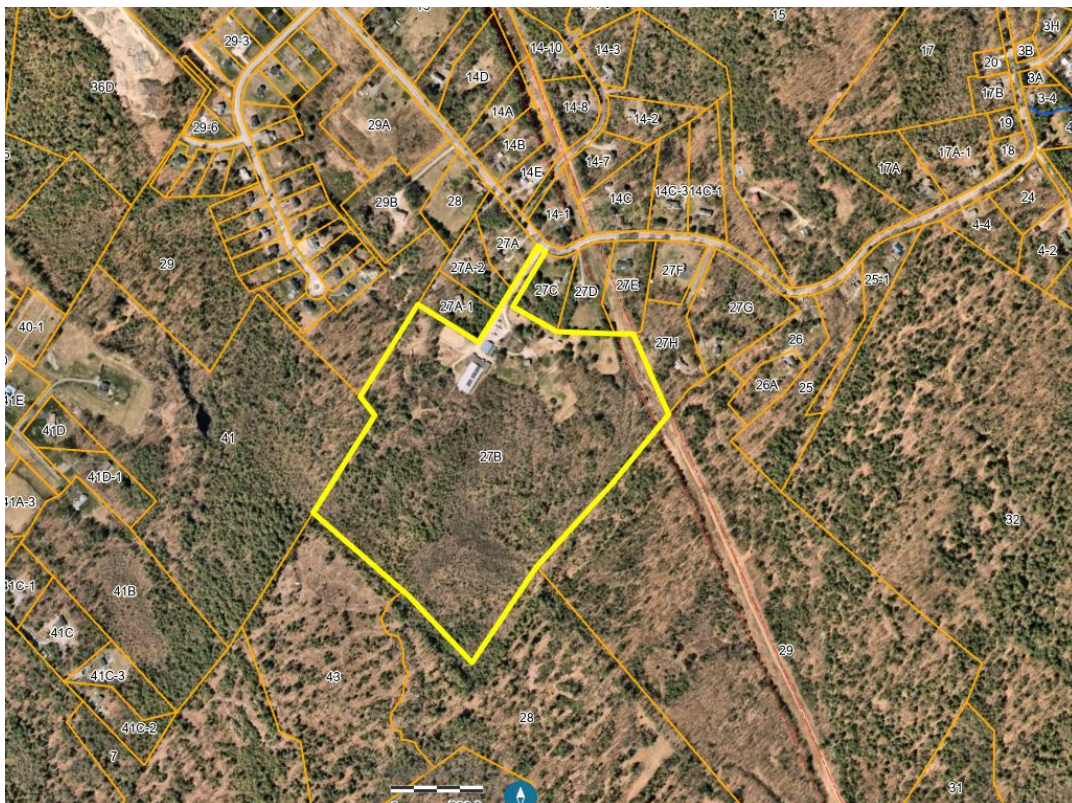


Figure 1: Aerial View of the subject parcel(s) relative to surrounding properties and street network

A Development Review Team meeting was held on April 21, 2026, and the Planning Board reviewed the sketch plan on April 23, 2026. The final plan application was received on June 16, 2026; staff review comments were issued on June 24, 2026 and were discussed with the applicant team on June 30, 2026. A revised staff review and completeness memo was issued on July 8, 2026, and the applicant's response to staff comments, with revised plans and application narrative, was received on July 10, 2026. The responses are reflected in the memo below.

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: *The July 10, 2026 submission and responses address the outstanding completeness items; staff recommends the application be found complete.*

MOTION: [I move] the major site plan application for project #26-04 Riding to the Top 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.

None requested.

Waiver of the Site Plan Performance Standards. The Planning Board may waive the requirements of [§120-812](#) if it finds that extraordinary and 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\(2\)](#).

- a) [§120-812i](#): Underground utilities

This is a request to waive the Land Use Ordinance (LUO)'s requirement that utilities be installed underground. The applicant is requesting to leave the four existing utility poles and approximately 500 feet of overhead electric service that extends from Land of Nod Road into the site to the existing pole-mounted transformer; all new utilities will be installed underground from that point. The hardship is the cost of placing the existing primary service underground, estimated at more than \$60,000 for trenching, conduit installation, and reconstruction of the driveway, which is disproportionate to any benefit and would divert limited project funds from the facility and program improvements.

Staff supports the waiver request because the overhead service is existing and limited to the entrance drive corridor, all new utilities serving the development will be installed underground, and the cost of placing the existing service underground, estimated at more than \$60,000, is disproportionate to any corresponding public benefit.

MOTION: [I move] to approve the waiver request of §120-812I, Utilities, to retain the four existing utility poles and approximately 500 feet of existing overhead electric service extending from Land of Nod Road to the existing pole-mounted transformer, with all new utilities serving the development to be installed underground, for the #26-04 Riding to the Top Major Site Plan.

b) §120-555C(8)(a): Private road construction standards

This is a request to waive the private road construction standards of Appendix B, Table 3 (gravel subbase and base depths) for the existing 22-foot-wide Lilac Drive, which has served the facility for approximately 30 years without issue. The waiver is limited to the construction standards; the dimensional standards for a private road are met, and no reconstruction of the existing drive is proposed. The hardship is the cost of reconstructing the existing drive to the private road standards, estimated at approximately \$300 per linear foot, or roughly \$120,000, with no tangible benefit to the site.

Staff supports the waiver request because Lilac Drive is an existing 22-foot-wide gravel drive that has adequately served the facility for approximately 30 years, the dimensional standards for a private road are met, the Fire Department is able to access the site as designed, and reconstruction of the drive to the Appendix B, Table 3 construction standards, estimated at roughly \$120,000, would provide no corresponding benefit to public health, safety, or welfare.

MOTION: [I move] to approve the waiver request of the private road construction standards of §120-555C(8)(a) (Appendix B, Table 3) to retain the existing 22-foot-wide gravel surface of Lilac Drive in its existing condition, for the #26-04 Riding to the Top Major Site Plan.

c) §120-555C(8)(f)[2][f]: Driveways at the turnaround side branch

This is a request to allow driveway connections at the ends of the turnaround side branches of the internal drive. The hardship is that the site layout does not allow the driveways to be relocated away from the turnaround side branches; the connections allow fire apparatus to

circulate the site through the drive aisles without turning around, and the Fire Department has reviewed the plans and has no objection to the proposed layout.

Staff supports the waiver request because the driveway connections at the ends of the turnaround side branches reflect the practicality of the site design and allow fire apparatus to circulate the site through the drive aisles without turning around; the Fire Department has reviewed the layout and has no objection.

MOTION: [I move] to approve the waiver request of §120-555C(8)(f)[2][f] to allow driveway connections at the ends of the turnaround side branches of the internal drive, for the #26-04 Riding to the Top Major Site Plan.

d) [§120-555C\(8\)\(f\)\[2\]\[g\]](#): Turnaround side branch location

This is a request to allow the turnaround (hammerhead) side branch on the left side of the drive. The hardship is that the site layout does not provide room for the turnaround on the right side of the drive; the left-side hammerhead fits the site design and supports the Fire Department's circulation of the site.

Staff supports the waiver request because the site layout does not provide room for a turnaround on the right side of the drive, and the left-side hammerhead fits the site design and supports the Fire Department's circulation of the site as designed.

MOTION: [I move] to approve the waiver request of §120-555C(8)(f)[2][g] to allow the turnaround (hammerhead) side branch on the left side of the internal drive, for the #26-04 Riding to the Top Major Site Plan.

3. Public Hearing: The public hearing was held on July 27, 2026

4. Site Walk: A site walk was held on June 1, 2026

Windham Planning Board,

MOTION: [I move] the major plan application for the #26-04 Riding to the Top project at 14 Lilac Drive and identified on Tax Map: 7; Lot: 27B; Zone: Farm (F) is to be **(approved with conditions/denied)** with the following Findings of Fact, Conclusions, and Conditions of Approval.

FINDINGS OF FACT

Jurisdiction: The Riding to the Top project is classified as a Major Site Plan, which the Planning Board is authorized to review and act on by [§120-805A\(2\)\(a\)](#) of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted a copy of a Warranty Deed from Jerry W. Toomey to Riding to the Top, dated April 28, 1998, and recorded on April 28, 1998 at the Cumberland County Registry of Deeds in Book 13771 and Page 208. The 3rd Amended Final Plan of the Twin Meadows Subdivision, prepared by Survey, Inc. and dated June 2026, establishes a 50-foot

private easement ("Lilac Drive") providing frontage and legal access from Land of Nod Road. **The amended subdivision plan is scheduled for Planning Board action ahead of this application; the finalized, stamped plan with the Town's standard subdivision conditions of approval and a partial-plan note, and its recording at the Cumberland County Registry of Deeds, remain outstanding.**

ARTICLE 3 DEFINITIONS

Riding Stable: "Any land or structure designed, intended or used for the keeping of horses or ponies for hire, either with or without instruction in riding."

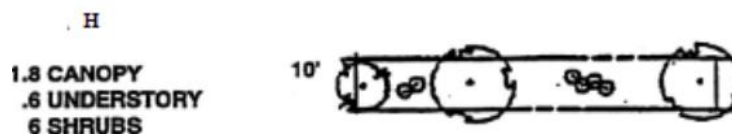
ARTICLE 4 ZONING DISTRICTS

- As shown on the Town of Windham Land Use Map approved by the Town Council, date January 27, 2026, Tax Map 7; Lot: 27B is located in the F District.
- The proposed land use, Riding Stable, is permitted use in the F District §120-406B.
- Per §120-406E the 52.4-acre lot exceeds the 80,000 square foot minimum lot size. At sketch review, the lot did not appear to meet the 200-foot minimum frontage, with only 30 feet of frontage on Land of Nod Road. The amended Twin Meadows Subdivision plan provides 289.0 feet of frontage along the Lilac Drive right-of-way, exceeding the 200-foot minimum, so the lot no longer relies on nonconforming-lot or backlot status under §120-533. The proposed buildings comply with the 40-foot minimum front setback (105.65 feet provided) and the 10-foot rear and side yard setbacks; the proposed 30-foot building height and 1.75% building coverage are below the 35-foot and 25% maximums. **Approval and recording of the amended subdivision plan remain pending.**
- The intern/tiny house (14' x 28' per Sheet C-101) is a dwelling unit; together with the existing caretaker's residence, the two dwelling units on the 1,039,043 SF net residential area equate to 519,521 SF per dwelling unit, which complies with the 60,000 SF per dwelling unit net residential density of the Farm District (see bulk table, Sheet C-101). The building footprint dimensions are shown on Sheet C-101; the July 10, 2026 response identifies the unit as a one-bedroom dwelling, and its 180 GPD wastewater flow is included in the 698 GPD design flow of the new subsurface disposal system.
- Per §120-406F(8) and (9) a minimum buffer is required along the along the street and for nonresidential uses (see Article 5 §120-511 performance standards below for more details).

ARTICLE 5 PERFORMANCE STANDARDS

§120-511 – Buffer yards

C(2)(a) Other commercial uses in the F Zoning District shall use Buffer Yard H along the boundary abutting a residential use, see exhibit below. The Landscape and Lighting Plan (L-100) retains the existing tree buffer along the westerly parking area boundary, which exceeds the Type H buffer requirements.



- C(3)(f) Buffers along street. Farm District with public street frontage use Buffer Yard D, E, or F or the front setback increased to 100 feet. The proposed development is over 350 feet from Land of Nod Road.

§120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS

§120-812A – Utilization of the Site

- The subject parcel is approximately 52.07 acres in size, developed with a single family dwelling permitted in 1992 and a riding arena and offices permitted in 2004 as an agriculture use.
- The existing conditions plan shows wetlands, streams and a non-significant vernal pool identified by Sebago Technics, Inc in 2024. Only the portion of the property with existing and proposed development was included in the wetland survey. The Grading and Drainage Plan (C-102) identifies 3,670 SF of wetland fill plus 320 SF at the expanded crossing (approximately 3,990 SF total), below the 4,300 SF threshold for the Minor Alteration of Freshwater Wetlands exemption under 38 M.R.S. §480-Q(17); no MDEP wetland permit is required. **A U.S. Army Corps of Engineers Section 404 determination or authorization remains outstanding; an application for USACE authorization has been prepared by the applicant, and** the required approval is included as a condition of approval in accordance with §120-807F(1).

§120-812B – Vehicular Traffic

- (1) The site is located on the southerly side of Land of Nod Road and utilizes Lilac Drive for access to the public street.
- (a) The riding stable is a low traffic generator; the applicant estimates a maximum of approximately 110 weekday trips and 15 to 20 peak-hour trips. Intersections on arterial streets within a half mile of the entrance functioning at level of service D or better prior to the development continue to function at a minimum of level of service D after development.
- (b) The application narrative provides a trip generation estimate demonstrating the existing streets and intersections are expected to carry the traffic generated by the development. A “traffic study” prepared by a Maine licensed professional engineer is required only when the project generates 50 or more trips during either the a.m. or p.m. peak hour; the estimated 15 to 20 peak-hour trips are below that threshold, so no traffic study is required, per §120-811B(2)(h).
- (2) The access shall be designed to have minimum sight distance, according to MDOT and Appendix B Street Design and Construction Standards to avoid hazardous conflicts with existing turning movements, to avoid traffic congestion, and to prevent queuing of vehicles entering and exiting the site. No new entrance or driveway is proposed; the existing Lilac Drive entrance onto Land of Nod Road remains in its current configuration. Sight distances at the Lilac Drive / Land of Nod Road intersection are shown on the revised Site Plan: 400 feet looking west and 155 feet looking east.
- (3) The site is proposed to be accessed through Lilac Drive to Land of Nod Road. The amended subdivision plan and the Site Layout and Materials Plan (C-101) show the full

extent of Lilac Drive, within a 50-foot private easement, to its intersection with Land of Nod Road.

- (a) Private entrances/exits shall be located in accordance with Table 2 in [Appendix B Street Design and Construction Standards](#). This requirement may be reduced if the shape of the site does not allow conformance with this standard.
- (b) Private accessways in or out of a development shall be separated by a minimum of 75 feet where possible.
- (c) Accessways shall be aligned with accessways on the opposite side of a public street to the greatest extent possible.
- (4) The site shall be designed to allow internal vehicular circulation for the safe movement of passenger, service, and emergency vehicles through the site. The driveway geometry is designed to accommodate passenger, delivery, and emergency vehicles through the site; the Fire Department has reviewed the layout with no objection.

§120-812C – Parking and Loading

- (1) The applicant has designated a parking area on the site plan. The number of parking spaces and any required ADA spaces shall be quantified and labeled. A parking summary table has been added to Sheet C-101: 37 regular spaces, 4 ADA spaces, and 22 reinforced-turf overflow spaces, all 10 feet by 20 feet, for a total of 63 spaces.
- (b) All parking spaces, access drives, and impervious surfaces are to be located at least five feet from any side or rear lot line.
- (d) All parking stalls proposed meet the 90 degree parking requirement to be a minimum stall width of at least nine feet zero inches and a stall depth of at least 18 feet zero inch. The proposed 10-foot by 20-foot stalls exceed the minimum dimensions, and the project narrative has been revised to match the plan.
- (2) The applicant states that the proposed number of parking spaces is adequate to provide parking and will meet the parking needs of the use. ***The 22-space overflow parking area is shown as reinforced turf. The manufacturer's product specification (cut sheet) for the reinforced-turf system, confirmed the surface will support the anticipated vehicle loads.***

§120-812D – Pedestrian Traffic

- The applicant proposes a riding stable development, in which pedestrian traffic within or adjacent will very rarely occur, the proposal does not include walkways or sidewalks along the internal driveways. A bituminous sidewalk and ADA parking/drop-off area are provided at the main building entry, and the relocated parking area separates vehicular traffic from horse and pedestrian traffic on the east side of the facility.

§120-812E – Stormwater Management

- (1) The applicant has provided a stormwater management system design (Stormwater Report, April 2, 2026, revised June 2026) collecting and treating runoff from parking areas, roofs, and travel ways through three bioretention basins and roof drip-edge filters. Post-development peak runoff rates do not exceed pre-development rates for the 2-, 10-, 25-, and 100-year storms.
- (f) Major site plans, regardless of size, shall comply with Sections 4C(2) and 4C(3) of the General Standards of the DEP Chapter 500 Stormwater Management Law.

- The amount of new impervious area and total disturbed area exceeds the Stormwater Law thresholds; however, the Town of Windham has been determined to have stormwater review capacity, and the project is exempt from State permitting under 38 M.R.S. §420-D(7)(C). Stormwater review is completed by the Town through its peer review engineer as part of compliance with §120-812E(1)(f) and MDEP Chapter 500, separate from the Planning Board's site plan action.
- LJB Engineering completed its delegated review of the preliminary stormwater application on June 30, 2026. LJB's comments under the Basic, General, and Flooding Standards — including subsurface investigations at the three bioretention cells, drawdown-time tabulations, the full HydroCAD model report, the underdrain cap/orifice detail, plant species and the light pole within BR-2, storm drain callouts near BR-3, and bioretention elevation details — remain outstanding. The applicant's consolidated stormwater response, including the [§120-812E\(1\)\(b\)](#) demonstration of downstream channel capacity for the 25-year storm, is expected with the resubmission. The June 30, 2026 review memo was transmitted to the applicant on July 20, 2026; see Conditions of Approval.

[§120-812F](#) – Erosion Control

- [\(2\)](#) The applicant shall have provided for the final plan review an erosion and sedimentation control plan that will meet 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.
- A Maine Construction General Permit for erosion controls for land disturbances over 1 acre is required prior to the start of construction.

[§120-812G](#) – Water Supply Provisions

- [\(1\)](#) The building is proposed to be served by a private well. Public water is not available in the public street adjacent to the property. Two on-site wells, with yields of 12 GPM and 47 GPM (equating to 17,280 and 67,680 GPD), provide more than adequate supply for the estimated 938 GPD average daily demand.
- At the Development Review Team meeting, the Deputy Fire Chief noted that sprinkler systems are not required for the proposed new buildings per [Chapter 70](#) and recommended that the applicant consider a fire cistern as an additional water source for the accessory buildings. The existing arena/office building is fully sprinklered with 5,000 gallons of on-site water storage. The applicant does not propose a cistern at this time and will investigate future funding sources; staff and the Fire Department concur that the cistern is a recommendation, not a requirement.

[§120-812H](#) – Sewage Disposal Provisions

- The existing 375 GPD subsurface wastewater disposal system serving the facility will be abandoned and replaced with a new system designed by a Certified Site Evaluator for the

estimated 698 GPD flow; the HHE-200 form is included in Section 10 of the application. The existing caretaker's residence system remains unchanged.

§120-812I – Utilities

- All new utility services (electrical, telephone, and telecommunications) are installed underground from the existing service points. The applicant requests a waiver of §120-812I to retain the existing overhead electric service (see Waivers above).
- The Utility Plan (C-101B) and the Grading and Drainage Plan (C-102) have been provided. The note on C-101B regarding confirmation of the existing 2" water line location by test pit is a construction-phase note; no further submission is required.

§120-812J – Groundwater Impacts

- The proposed wastewater disposal system, designed for 698 GPD, is below the 2,000 gallons per day (GPD) threshold; no hydrogeologic assessment is required.

§120-812K – Water Quality Protection

- (1) A manure storage area is shown on the site plan. The applicant shall provide evidence that the use shall not adversely impact with the quality or of groundwater available to abutting properties. The applicant has partnered with Garbage to Gardens for regular manure removal and has an EQIP application pending with USDA NRCS for completion of a Comprehensive Nutrient Management Plan; construction of any NRCS-funded manure storage structure in accordance with NRCS specifications is included as a condition of approval.
- (3) The site is in the Inkhorn Brook watershed and is not in a direct watershed of lakes most at risk from new development or in an urban impaired stream watershed as identified by the Maine Department of Environmental Protection.

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

- (1) The proposed development does not anticipate handling, storing, or using any materials identified by the federal or state as hazardous, special, or radioactive.
- (2) The proposed above ground propane tanks are located at least 75 feet from any lot line.

§120-812M – Shoreland Relationship

- The sites are not located in the Shoreland Zone.

§120-812N – Technical and Financial Capacity

- (1) The applicant has provided Riding to the Top Therapeutic Riding Center's Secretary of State Certificate of Good Standing status. The project is funded through contributions to Riding to the Top. The applicant has provided a Preliminary Engineer's Opinion of Probable Construction Cost, dated June 1, 2026, totaling \$796,421.78 for the site improvements, together with redacted bank statements demonstrating financial capacity.

- (2) The applicant has Verdantas for site design and engineering and permitting, Stephen Blatt Architects for building design, Survey Inc for survey and Sebago Technics for wetland and natural resources services for the expansion of the riding stable facility.

§120-812O – Solid Waste Management

- A dumpster pad is shown on the east side of the main arena building (C-101). RTT contracts with Scott's Waste Removal, a licensed private hauler, for trash removal and utilizes the Town's containers for weekly curbside recycling; Garbage to Gardens provides regular manure removal. A dumpster pad and enclosure detail (chain-link fence with privacy slats on a level pad) is provided on Sheet C-303.

§120-812P – Historical and Archaeological Resources

- The Maine Historic Preservation Commission (MHPC #0232-26, letter dated March 9, 2026) determined the proposed undertaking will have no effect upon historic properties (architectural or archaeological). Review letters from MDIFW and the Maine Natural Areas Program are also included in the application, identifying no known significant wildlife habitats or rare botanical features within the project area.

§120-812Q – Floodplain Management

- The sites are not located in the mapped FEMA 100-year floodplain hazard area.

§120-812R – Exterior Lighting

- (1) The applicant has provided a Landscape and Lighting Plan (L-100) with five full-cutoff 50W LED fixtures on 14-foot poles at the parking areas and building-mounted lights at building entries; fixture cut sheets and a photometric plan are included in the application.
- (2) The applicant shall connect all light poles and other exterior light fixtures underground. The applicant has submitted a waiver request to retain the existing overhead electric service.

§120-812S – Noise

- (1) The proposed Riding Stable use shall not exceed 65 dB between 7:00 AM to 10:00 PM and 55 dB between 10:01 PM to 6:59 AM. For the final plan, the applicant shall meet the required performance standards of the §120-545D Noise standards for a commercial use.
- (3) No construction activities are allowed between the hours of 10:00 PM and 6:00 AM. The applicant's July 10, 2026 response confirms compliance with the §120-812S sound-pressure standards and acknowledges that no construction activity will occur between 10:00 PM and 6:00 AM.

§120-812T – Storage of Materials

- Material storage occurs at the rear of the barn, and the manure storage and vegetation refuse areas are located away from direct exposure to the abutting residential properties; no additional screening of these agricultural storage areas is required. Any NRCS-funded

manure storage structure shall meet the building setbacks and be designed and constructed in accordance with NRCS specifications (see Conditions of Approval).

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 more hazardous than is normal for the area involved.
7. The proposed site plan **will** provide adequate sewage waste disposal.
8. The proposed 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 **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
11. The proposed 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. Any river, stream, or brook within or abutting the subdivision **has** been identified on any maps submitted as part of the application.

CONDITIONS OF APPROVAL (REQUIRED)

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated March 24, 2026 as amended July 27, 2026 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 or [§120-815](#) of the Land Use Ordinance.
2. In accordance with [§120-815C\(1\)\(b\)](#) of the Land Use Ordinance, the Construction of improvements covered by any site plan approval 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.

3. The development is subject to the following [Article 12 Impact Fees](#), to be paid with the issuance of new building permits for the residential dwelling unit: 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, [Section 120-1201C](#).
4. In accordance with Chapter 120 of the Land Use Ordinance, prior to the start of any land use activity within or affecting wetlands, the applicant shall provide the Planning Director or their designee with the U.S. Army Corps of Engineers Section 404 authorization.
5. Any manure storage structure constructed with USDA NRCS funding or under the Comprehensive Nutrient Management Plan shall meet the building setback requirements of the Farm (F) District and shall be designed and constructed in accordance with NRCS specifications.
6. The project may be constructed in phases. Prior to the start of each phase, the applicant shall post a performance guarantee and construction observation fees in an amount established by the Town Engineer for the improvements within that phase; construction of the improvements covered by each phase shall be completed within two years of the date the corresponding performance guarantee is accepted by the Town Manager. The applicant shall schedule a pre-construction meeting with Town staff prior to the start of construction and shall provide a detailed construction schedule identifying the sequence and timing of the phased improvements at that meeting..
7. Prior to the pre-construction meeting, the applicant must provide the recorded second amendment to the Twin Meadows subdivision at the Cumberland County Registry of Deeds (CCRD) to the Planning Director or their designee
8. Prior to the start of any land use activity, the applicant shall address all outstanding comments of the Town's peer review engineer to the Town's satisfaction; the project is exempt from State permitting under the Stormwater Law pursuant to 38 M.R.S. §420-D(7)(C), as the Town of Windham has been determined to have stormwater review capacity. Any resulting changes to the approved plans not covered under §120-815F (minor changes) may require review and approval by the Planning Board as an amendment to the approved site plan.