



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Planning Board

Monday, October 27, 2025

6:00 PM

Council Chambers

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: Evert Krikken, Rick Yost, Kathleen Brown, Anne Daigle, Shonn Moulton, Patrick Roberts, and Melissa Young.

Senior Planner, Amanda Lessard, was also present.

3. [PB 25-066](#) Approval of Minutes - The meeting of September 22, 2025

Attachments: [Minutes 9-22-2025 - draft.pdf](#)

Shonn Moulton made a motion to approve the minutes from September 22, 2025.

Seconded by Kathleen Brown.

In the minutes for Marigold Lane, Maine Historic Conservation Commission was corrected to be Maine Historic Preservation Commission.

Vote: All in favor.

Continuing Business

4. [PB 25-067](#) #25-18 Marigold Lane Subdivision (formerly 250 Windham Center Road Condos) - Major Subdivision & Site Plan - Preliminary & Final Plan Review - 250 Windham Center Road - Casco Bay Holdings, LLC
- The application is for a 6-unit residential development in 3 duplex buildings on a 3.26 acre property. The development will have a 400-foot private access driveway and be served by public water, private wastewater disposal systems, and underground utilities. Subject property is identified as Tax Map: 12; Lot: 52-A; Zone: Windham Center (WC) in the Black Brook watershed.

Attachments: [25-18 MarigoldLnSub PB MEMO MJR SUB-SP PP-FP 102325.pdf](#)
[25-18 MJR SUB-SP RESPONSE Marigold Lane 2025 10 22.pdf](#)
[25-18 MJR SUB-SP PP-FP PLANS REV Margold Lane 2025 10 22.pdf](#)
[25-18 MJR SUB-SP FP AC&SR MEMO MarigoldLnSub 101625.pdf](#)
[25-18 MJR SUB-SP PP FP APPL Marigold Lane 2025 10 3.pdf](#)
[25-18 MJR SUB-SP PP FP PLANS Marigold Lane 2025 10 6.pdf](#)

Dustin Roma, from DM Roma Consulting Engineers, was present representing the application. He addressed a few remaining items:

- *They had received Ability to Serve approval from Portland Water District.*
- *The proposed lot had been conveyed from the parent parcel.*
- *Conversations regarding the barn were on-going, but it would have to be moved.*
- *Building colors, styles, and materials would be more defined.*
- *Lighting would be of a residential scale, and light only exit areas.*

Amanda Lessard explained:

- *A sidewalk was proposed at the Marigold Lane entrance.*
- *Staff comments had been addressed.*
- *The buildings would be rental units. The subdivision must return to the Board for approval if they became condominiums.*
- *The applicant had requested a condition of approval that, in lieu of a performance guarantee, building permits would not be issued until site improvements were complete or a performance guarantee was submitted.*
 - o *The town would still require a performance guarantee for erosion control to stabilize the site.*

Evert Krikken made a motion that the Major Site Plan & Subdivision final application for project #25-18 Marigold Lane Subdivision was found complete in regard to the submission requirements based on the application checklist, but the Planning Board retained the right to request more information where review criteria were not fully addressed.

Seconded by Shonn Moulton.

Vote: All in favor.

Board Comment

- *The sidewalk should extend along the frontage of the property line.*
- *What was required for screening? What about buffering for the bare spot that would be created along the road?*
- *Was a fenestration calculation included for the primary façade?*
- *The screening requirement applied between properties and to adjacent properties.*
- *What would the color variations be?*

Evert Krikken made a motion that the Major Site Plan & Subdivision preliminary and final application for the #25-18 250 Marigold Lane Subdivision, identified on Tax Map: 12; Lot: 52-A; Zone: Windam Center (WC) in the Black Brook watershed was to be approved with conditions with the following Findings of Fact, Conclusions, and Conditions of Approval.

FINDINGS OF FACT

Jurisdiction: The Marigold Lane Subdivision is classified as a Major Site Plan & Subdivision, which the Planning Board is authorized to review and act on by §120-903 and by §120-803A(1) of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted a copy of a Quitclaim Deed Without Covenant between Sawin Capital, LLC and Casco Bay Holdings, LLC dated April 29, 2025, and recorded on April 30, 2025 at the Cumberland County Registry of Deeds in Book 41413 and Page 54. The applicant has submitted a copy of the Quitclaim Deed Without Covenant conveying a parcel with the existing house at 250 Windham Center Road from Casco Bay Holdings, LLC to Royal River Development Company dated October 2, 2025 and recorded on October 2, 2025 at the Cumberland County Registry of Deeds in Book 41766 and Page 4.

ARTICLE 3 DEFINITIONS

Dwelling, Two-family: "A building containing two attached dwelling units. A two-family dwelling may, or may not, be attached to a nonresidential use."

ARTICLE 4 ZONING DISTRICTS

- *As shown on the Town of Windham Land Use Map approved by the Town Council, date April 9, 2024, Map: 12; Lot: 52-A.*
- *The property is located in Windham Center (WC) zoning district.*
- *New, enlarged or rebuilt uses shall provide sidewalks along any public way that border the property when there is an existing sidewalk to which the proposed sidewalk can connect, per §120-415.1F(1)(g). The final plan shows a proposed sidewalk on Windham Center Road from the intersection of Marigold Lane south along the frontage of the subdivision parcel. No sidewalk is shown on the north toward the Corsetti's Market parcel. The applicant has responded that it is not possible to build a sidewalk in this location while providing the radii required.*
- *Street trees shall be planted along the street frontage of Windham Center Road, at least one tree every 50 feet, per §120-415.1F(1)(i).*

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).*

§120-911 – SUBDIVISION PERFORMANCE STANDARDS

§120-911A – Basic Subdivision layout

- (1) The property has 3.26 acres exceeding the minimum lot size in the WC zoning district. The existing house lot was conveyed on October 2, 2025.*
 - (a) The applicant provided a net residential density calculation; the applicant deducted 41,530 SF of poorly drained soils, for the net area of 100,840 SF. The net residential density for WC is 15,000 SF, equaling 6 dwelling units.*
 - (e) The final plan reflects lot numbers and street name, Marigold Lane, assigned by the E-911 Addressing Officer.*
- (2) Underground utilities are shown on the provided subdivision plan.*
- (3) All subdivision boundaries corners shall be marked. There are several property*

corners on the subdivision plan that do not show existing or proposed iron pins.

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

(3) The applicants have shown connection with the public water system in Windham Center Road on the provided subdivision plan. Existing hydrants are located in front of Corsetti's Market on Gray Road and at 262 Windham Center Road. All units in the subdivision are within 1,000 feet of a hydrant. For the final plan review, the applicant provided an "Ability to Serve" letter from the Portland Water District dated October 7, 2025.

§120-911C - Erosion Control and sedimentation control

- Wetlands were delineated by Alex Finamore with Mainely Soils LLC in June 2025. The development proposes impacts to 2,360 sf of forested wetlands. The applicant provided US Army Corps of Engineer Self-Verification Notification Form for wetland alteration filed on September 3, 2025.

(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.

- The project will disturb more than an acre of land. The contractor/developer will need to file for a Construction General Permit from Maine DEP before starting work.

(2) The plan developed by a Maine licensed professional civil engineer preventing soil erosion and sedimentation from entering water bodies, wetlands, and adjacent properties.

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

(4) Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. 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 6 unit condominium development. The project has a total wastewater design flow of 1,620 gallons per day based on six dwelling units each having three bedrooms. The wastewater disposal has been divided into two wastewater disposal fields. The HHE-200 designs are included in the preliminary plan submission.

§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 Windham Center Road by creating the access driveway in the general location of the existing driveway.

(a) The subdivision plan includes 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 subdivision plan includes landscape plan including a list of proposed plant species and their size at the time of installation and maturity, including the street tree plantings no more than 50 feet apart

(2) The plan notes that the common land or open space shall not be used for future building lots.

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

- *The plan does meet the goals of the 2016 Comprehensive Plan. The property is located in the Windham Center growth area.*

Land Use Ordinance, Chapter 120 Article 9:

- *There is a net residential density in the Windham Center zoning district of 15,000 SF Subdivision Ordinance, Chapter 120 Article 9:*
- *Standard notes, the standard conditions of approval, and approved waiver must be shown on the plans.*
- *As part of the final plan submission a digital transfer of the subdivision plan data was provided for inclusion with the Town's GIS.*

- *In accordance with §120-914A the applicant shall provide a performance guarantees for an amount adequate to cover 110% of the total construction costs of all required improvements. §120-914A(1)(d) states that in lieu of the furnishing of a performance guarantee before the recording of the final plan, the Planning Board may accept the agreement of the subdivider that no lot or parcel of land shall be conveyed, and no building permit for any building or portion of the development shall be issued by the Code Enforcement Officer, until the completion of required improvements. Such agreement shall be acknowledged by a note on the final subdivision plan (see proposed Condition of Approval #4).*

Growth Management, Chapter 101:

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

§120-911G – Financial and Technical Capacity

(1) The Applicant has provided an estimated cost of the project and a letter from Norway Savings showing sufficient financial resources to construct, operate, and maintain all aspect of the proposed development.

(2) The applicant has provided evidence of technical capacity, identifying the past experience of the principals and the professional engineers, surveyors and soil scientists hired to manage the permitting and design of the development.

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

(1) The subdivision proposes septic systems that will comply with the State of Maine Subsurface Waste Disposal Rules.

(2) The proposed development will connect to available water supply provided by the Portland Water District (PWD) with an extension of existing main along Windham Center Road. The scale of this development is not anticipated to adversely impact the overall quality or quantity of available water supply.

§120-911I – Floodplain Management

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

§120-911J – Stormwater

- *The subdivision will result in 18,073 SF of impervious area and 23,006 SF of developed area. Since the project will result in the construction of less than one (1) acre of impervious surface but will disturb more than one acre, the project will be required to obtain a Stormwater Permit By Rule from the MDEP.*

- *The applicant provided Maine DEP Stormwater PBR & Notice of Intent Acceptance dated September 22, 2025.*

- *For final plan review, the applicant shall provide condominium documents include a draft deed for the units with covenants and restriction, by-laws, and stormwater*

maintenance and inspection plan, among other requirements.

- *The Stormwater Management Plan submitted indicates that the proposed development includes water quality treatment that complies with Maine DEP Ch. 500 Redevelopment Standard and the Town of Windham's Subdivision Ordinance through the construction of one (1) underdrained filter basin and roofline drip edges around each of the buildings.*
- *The responsibility of maintaining the stormwater management system in the stormwater maintenance and inspection plan will be assigned to the future Condominium Association, as per §120-911N the applicant/owner.*
- *For final plan review, applicants must submit condominium documents such as a draft deed with covenants and restrictions, a bylaw, and a stormwater maintenance and inspection plan.*
- *The Town Engineer commented:*
 - o *Please clarify/show how the steep slopes at the end of the road and on the underdrain soil filter embankment will be stabilized. Based on the proposed grading, the slopes are 2:1 so something more substantial than just loam, seed and hay mulch will be needed.*
 - o *Please provide a detail/plan for stormwater management prior to and during construction of the underdrain soil filter. Will the UDSF be generally shaped and act as a sediment basin prior to placing drainage and filter media? If so, provide a detail for this use.*
- *The final plan submission provided a construction sequencing note on the filter basin detail on the Grading & Utility plan and revised the note that stated "2:1 slope, see detail" to specify the placement of erosion control blanket.*

§120-911K – Conservation Subdivision

(1) The applicant is not proposing a conservation subdivision, therefore this section is not applicable.

§120-911L – Compliance with Timber Harvesting Rules

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

§120-911M – Traffic Conditions and Street

- *The Applicant submitted a traffic summary that indicates that the subdivision will generate 4 trips in the PM peak hour and 43 trips during a typical weekday. A traffic impact analysis is not required as the project does not generate 140 trips per day or 50 vehicle trips in the peak hour.*
- *The applicant is proposing a new street connection to Windham Center Road, an access driveway meeting the Town's "Major Private Road" standard for design and construction. found in Appendix B.*
 - o *The condominium association applicant/owner will maintain the R/W road once the subdivision is completed.*
 - o *The private road note of §120-911M(5)(a)[5][e] is shown on the plan.*
- *The access drives must exceed the required minimum 200 feet of sight distance for the 25 MPH posted speed. Sight distance looking right extends through the signalized intersection with Gray Road. To achieve the required sight distance looking left (at least 310 feet), excavation will occur along the roadside to remove the embankment and construct the sidewalk.*
- *The applicant is proposing a hammerhead turn around at the end of the access driveway for vehicle and truck maneuvering.*
- *Driveway and street opening permits will need to be obtained from Windham Public Works prior to construction of the driveways and installation of the water main extension.*

§120-911N – Maintenance of common elements.

- For the final plan review, the applicant shall provide draft condominium association documents for the Town Attorney's review and comment.
- The applicant/owner will be responsible for maintenance of common elements. Any future condominium conversion would require the Planning Board to approve an amendment to the subdivision plan to review the standards of §120-911N.

§120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS

§120-812A – Utilization of the Site

- The subject parcel is approximately 3.26 acres in size.
- There is an existing single-family dwelling on the site that is proposed to be split off as a separate lot not part of the subdivision. An existing barn will be demolished.
- The site fronts along Windham Center and has 100 feet of road frontage.

§120-812B – Vehicular Traffic

(1) The site is located on the easterly side of Windham Center Road. The applicant is proposing a new road connection to Windham Center Road, realigning the existing driveway. The entrance is proposed to be an access Condominium driveway meeting the Town's "Major Private Road" standard for design and construction. A right-of-way is not required for an access driveway in the Multi-family performance standards, found in §120-814B(6)(b)[2].

(a) The applicant does not expect to impact any road intersections within a half mile of the project.

(b) The project is not expected to generate 50 or more trips during either the a.m. or p.m. peak hour. See Subdivision Review.

(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. See Subdivision Review.

o At the Development Review Team meeting the applicant described that a portion of the hill along the frontage of the property will need to be cut back to improve site distance looking left.

(3) The proposal site will be accessed by an access driveway from Windham Center Road.

(4) The site is designed to allow internal vehicular circulation in common with the other property owner for the safe movement of passenger, service, and emergency vehicles through the site. The existing dwelling at 250 Windham Center Road is proposed to have an easement to utilize the access driveway.

§120-812C – Parking and Loading

(1) The applicant has designed a parking layout that accommodates two (2) parking spaces for each of the 3 duplex buildings.

§120-812D – Pedestrian Traffic

There are no existing sidewalks along the property frontage on Windham Center Road. Sidewalks are not required for the access drive. The curb cut for the abutting property, Corsetti's Market, is very large, but has a sidewalk at the Route 202 intersection. See Subdivision Review.

§120-812E – Stormwater Management

(1) The applicants have provided a stormwater management system design for the collection and disposal of all the stormwater that runs off of parking areas, roofs, travel ways, and other surfaces. See subdivision review.

(f) Major site plans, regardless of size, shall comply with Sections 4C(2) and 4C(3) of

the General Standards of the MDEP Chapter 500 Stormwater Management Law. See Subdivision Review.

§120–812F – Erosion Control

(2) The applicant has provided for the preliminary plan review an erosion and sedimentation control plan that will meet the Basic Standards per Section 4(A) of the MeDEP Chapter 500 Stormwater Rule. See Subdivision Review.

§120–812G – Water Supply Provisions

(1) The existing building is served by a Portland Water District water main. See Subdivision Review.

§120–812H – Sewage Disposal Provisions

- *See Subdivision Review*

§120–812I – Utilities

- *The applicant all utility connections (electrical, telephone, and telecommunication services) will be subsurface. A utility and grading plan has been provided. See Subdivision Review.*

§120–812J – Groundwater Impacts

- *The building conversion is connected to the PWD public water system, and the wastewater disposal system is not anticipating a disposal system with a capacity of 2,000 gallons per day (GPD).*

§120–812K – Water Quality Protection

- *The applicant states development will help protect Windham's water quality by using a public water system, a state-approved wastewater disposal system that shall comply with the State's drink water standards, and stormwater management system to provide treatment to runoff. The day-to-day operations do not require substances that are hazardous, such as fuels, industrial chemicals, waste, etc.*

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

(1) No hazardous materials will be stored on site.

§120–812M – Shoreland Relationship

- *The site is not in a shoreland zoning district.*

§120–812N – Technical and Financial Capacity

- *See Subdivision Review.*

§120–812O – Solid Waste Management

- *The applicant proposes that the two-family dwellings with participate in the Town's curbside collection program.*

§120–812P – Historical and Archaeological Resources

- *The applicant provided a letter dated September 24, 2025 from the Maine State Historic Preservation Commission concluding that there are no historic properties (architectural or archaeological) affected by the proposed development.*

§120–812Q – Floodplain Management

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

§120–812R – Exterior Lighting

(1) The applicant has not provided a lighting plan or detail sheets of proposed light fixtures. The final plan application states that each dwelling will include the installation of exterior lighting mounted to the building on the front porch, exterior of the garage facing the driveway and on the exterior rear wall adjacent the basement entry and deck and includes an image of the proposed fixture. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists or pedestrians or from adjacent dwellings and so that they do not unnecessarily light the night sky. Direct or indirect illumination shall not exceed 0.5 footcandle at the lot line or upon abutting residential properties.

(2) The applicant shall connect exterior light fixtures underground.

§120-812S – Noise

(1) The proposed residential development shall not exceed 55 dB between 7:00 AM to 10:00 PM and 45 dB between 10:01 PM to 6:59 AM.

(3) No construction activities are allowed between the hours of 10:00 PM and 6:00 AM.

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

- A landscaping plan is shown on Sheet S-1.

§120-814 Multifamily development standards.

A. Building Architecture. The applicant provided building elevations as part of the final plan submission. The building elevations show a 2-story building with bulkhead doors. At the site walk the applicant indicated that some of the buildings would have daylight basements with decks on the rear. Provide building elevations that reflect the final site grading.

(1) Architectural variety

(a) Buildings shall employ more than a single color application. No colors were provided with the final plan submission. Plan note 18 states that the siding color of the building containing Units 3&4 shall not be the same color as the siding of the building containing Unit 1, 2, 5 & 6.

(b) Buildings shall employ more than a single material application. The response to comments states that buildings will include concrete foundation, vinyl siding, metal wrapped trim and composite decking, which accounts for four different material applications.

(c) At least two different building designs shall be included in developments with multiple buildings. Building designs shall be differentiated through variations to building materials, color, rooflines, massing or a variation of form. The applicant proposes to build the structures that will include Units 1, 2, 5 & 6 with a gable-end roof and the building that will house Units 3 & 4 (the middle building) will have a hip roof.

(2) Facade.

(a) The building horizontal articulations are provided throughout the building, and rooflines incorporate varying heights and ridgelines. Facades will not be visible from the public street.

(3) Orientation.

(a) The building entrances shall be oriented to face the subdivision street. No buildings are adjacent to an existing street.

(b) Buildings may be oriented to open space areas, provided that street frontages are developed consistent with above.

B. Site design.

(1) Parking.

(b) Provisions are made for snow storage in the design of all parking areas. The areas used for snow does not conflict with proposed landscaping. The areas shall be sited to avoid problems with visibility, traffic circulation, drainage, or icing during winter months.

(2) Screening.

(a) Utilities. Service areas, loading docks, delivery areas, trash receptacles, and mechanical equipment will be screened to minimize visibility from sensitive view-points such as public and private roadways, main entrances, residences outside the development, public open spaces, and pathways. Service areas shall be screened with architectural elements such as walls or fences. Screening may be further enhanced with evergreen trees, shrubs, and earth berms. Gates on utility enclosures shall be designed to prevent sagging.

(b) Existing residential abutters. When new residential development is adjacent to an existing residential use, landscaping, including large evergreen trees, and/or garden features (e.g., trellis or supplementary fencing), will provide a buffer or screening between properties and obscure direct sightlines into private yard areas or windows on adjacent properties. The existing vegetation within the proposed treeline will be maintained to provide a buffer to the existing residential abutters at 2 and 8 Corsetti's Way. The final plan shows two spruce trees along the property line with residential abutter at 250 Windham Center Road.

(3) Bicycle/pedestrian.

(a) Internal traffic flow internal walkways. There are no existing sidewalks on Windham Road. No sidewalks are proposed on Marigold Lane. Bike/ped traffic will utilize the paved shoulder.

(c) Bicycle parking/racks.

[1] The development will provide facilities for the parking of bicycles at a ratio of 0.5 bicycle parking space per dwelling unit.

(4) Recreation and open space.

(a) For the final plan review, the applicant must designate and permanently reserve a minimum of 15% of the total lot area as usable common open space (21,356 sq ft). The subdivision plan shows 25,668 square feet of land that is dedicated open space.

(5) Landscape/lighting.

A plan for site lighting and landscaping must be provided for final plan review.

(a) Landscaping. Street trees are proposed along Windham Center Road and Marigold Lane. Each duplex unit will have a landscaping bed planted along the front of the porch.

(c) Lighting. No pole-mounted lighting within the development is proposed. On building lighting is proposed.

(6) Access drive standards.

(b) Other districts.

[1] Design standards. Access drives shall be designed to conform to the standards for "major private roads" in these regulations, including the standards contained in Table 3, Table 4, and the applicable cross sections in Appendix B Street Standards.

[2] Rights-of-way. The minimum right-of-way width for a "major private road" in Table 3 of Appendix B is not applicable to an access drive.

[3] Setbacks. There shall be no minimum setback required between an access drive and a structure.

(c) Curb cuts on the access drive must be separated by a minimum of 75 feet where possible and aligned with curb cuts on the opposite side of the access drive to the greatest extent possible.

(d) Access drives shall remain private and shall not be maintained or repaired by the Town. A note shall appear on the site plan: All internal access roads and driveways shall remain private and shall be maintained by the developer, lot owners, homeowners/condominium association, or road association and shall not be offered for acceptance, or maintained, by the Town of Windham unless they meet all municipal street design and construction standards at the time of offering.

SUBDIVISION CONCLUSIONS

1. *The development plan reflects the natural capacities of the site to support development.*
2. *Buildings, lots, and support facilities will be clustered in those portions of the site that have the most suitable conditions for development.*
3. *Environmentally sensitive areas, including but not limited to wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and sand and gravel aquifers will be maintained and protected to the maximum extent.*
4. *The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the site plan.*
5. *The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.*
6. *The proposed use and layout will not be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved.*
7. *The proposed subdivision will provide adequate sewage waste disposal.*
8. *The proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan.*
9. *The developer has the adequate financial capacity to meet the standards of this section.*
10. *The proposed subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.*
11. *The proposed subdivision will provide for adequate stormwater management.*
12. *The proposed location and height of buildings or structure walls and fences, parking, loading, and landscaping shall be such that it will not interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value.*
13. *On-site landscaping does provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.*
14. *All freshwater wetlands within the proposed subdivision have been identified on the plan.*
15. *Any river, stream, or brook within or abutting the subdivision has been identified on any maps submitted as part of the application.*
16. *If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, §480-B, none of the lots created within the subdivision has/does not have a lot-depth to shore frontage ratio greater than 5 to 1. N/A*
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. N/A*
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. N/A*
19. *The timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, §8869, sub§14.*

SITE PLAN CONCLUSIONS

1. *The plan for development does reflect the natural capacities of the site to support development.*
2. *Buildings, lots, and support facilities will be clustered in those portions of the site that have the most suitable conditions for development.*
3. *Environmentally sensitive areas, including but not limited to, wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and*

endangered plants and animals; unique natural communities and natural areas; and sand and gravel aquifers will be maintained and protected to the maximum extent.

4. The proposed site plan has sufficient water available for the reasonably foreseeable needs of the site plan.

5. The proposed site plan will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

6. The proposed use and layout will not be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved.

7. The proposed site plan will provide adequate sewage waste disposal.

8. The proposed site plan conforms/does not conform 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.

CONDITIONS OF APPROVAL

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated June 23, 2025 as amended [the date of the final plan approval] and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board. Any variation from such plans, proposals, supporting documents, and representations is subject to review and approval by the Planning Board or the Town Planner in accordance with §120-912 or §120-815 of the Land Use Ordinance.

2. In accordance with §120-914B(5) and §120-815C(1)(b) of the Land Use Ordinance, the Construction of improvements covered by any subdivision plan approval shall be completed within two years of the date upon which the performance guarantee is accepted by the Town Manager. The developer may request a one-year extension of the construction completion deadline prior to the expiration of the period. Such request shall be in writing and shall be made to the Planner. The Town Manager may require an update to the schedule of values and the amount of the guarantee when accepting an extension of the construction period. If construction has not been completed within the specified period, the Town shall, at the Town Manager's discretion, use the performance guarantee to either reclaim and stabilize or to complete the improvements as shown on the approved plan.

3. The development is subject to the following Article 12 Impact Fees, to be paid with the issuance of new building permits for the uses: Recreation Impact Fee, Open Space Impact Fee, Public Safety Impact Fee; and Municipal Office Impact Fee. All fees will be determined and collected for any building, or any other permit for the development, §120-1201C.

4. In lieu of a performance guarantee for the construction of the project improvements, no lot or parcel of land may be conveyed, and no building permit for any building or any portion of the development shall be issued by the Code Enforcement Officer, until the completion of all streets, utilities and other required improvements in accordance with this plan and all applicable laws, ordinances and standards. If the applicant wishes to convey a lot prior to all project improvements being completed in accordance with this plan and all applicable laws, ordinances and standards, a performance guarantee equal to the cost of the remaining improvements shall first be approved by the Town Manager, in consultation with the Planning Director, and submitted to the Town.

Seconded by Kathleen Brown.

Vote: All in favor.

New Business

5. [PB 25-069](#) #24-29 Camping World Expansion Amendment - Amended Site Plan and Conditional Use - 480 Roosevelt Trail - Camping World RV Sales, LLC
This application is an amendment to a site plan approved by the Planning Board on April 14, 2025 to add a dump station near the building for the discharge of camper and RV wastewater tanks to the existing subsurface wastewater disposal system. Subject property is identified as Tax Map: 15: Lot: 1A; Zone: Commercial III (C-3) in the Ditch Brook watershed.

Attachments: [24-29 AMD MJR SP CU PB MEMO CampingWorld 102325.pdf](#)
[24-29 AMP SP RESPONSE CampingWorld DumpStation 102025.pdf](#)
[24-29 AMD SP PLANS REVISED CampingWorld DumpStation 2025-10-20.pdf](#)
[24-29 AMD MJR SP CU AC&SR MEMO CampingWorld 101425.pdf](#)
[24-29 AMD SP APPL CampingWorld DumpStation 090325.pdf](#)
[24-29 AMD SP PLANS CampingWorld DumpStation 082925.pdf](#)

Mason Sedlacek, from DBS Group, was present representing the application. He explained their request.

- *They wanted to add two RV dump stations.*
- *Staff recommended a flow meter and dedicated catch basin as well as septic treatment.*
- *They would obtain a DEP SLODA permit modification after approval from the Board.*

Amanda Lessard reviewed:

- *This was a significant amendment requiring modification to the DEP's permit. There would be a condition of approval which prohibited the town from permitting the septic design until DEP approved the amendment.*
- *The existing system was sized to allow 10 campers to deposit 50 gallons per day into the disposal field. There were concerns regarding access and the potential to exceed the design volumes.*
- *The town did not allow the use of holding tanks.*

Board Comment

- *There was concern with the opportunity for customers to overload the system on a busy weekend. There should be a way to monitor that.*
- *Was there no control on how many people who bought memberships could come and dump?*
- *Was there a mechanism in the tanks to prevent overflow or overuse?*
- *There were systems that were designed to shut down when they reached a certain capacity.*
- *More consideration and design was needed to ensure limits weren't exceeded. How was it done in other places?*
- *How could this affect nearby waterbodies?*
- *Why weren't holding tanks allowed, and who would have the approval authority?*

- *How about a larger tank, flow meter, and a process design that required pumping at 75 to 80% of capacity, including weekly monitoring.*
- *The Board needed more information before it could make a decision.*

6. [PB 25-070](#)**#21-17 Heights at Colley Wright Brook - Amended Subdivision- Final Plan Review - Cooper Ridge - Scott & Lea Hennigar**

The applicant is proposing to amend the approval to develop a 6-lot conservation subdivision initially approved by the Planning Board on June 13, 2022 to amend the lot lines of Lot 23-G and relocate the wells and septic systems on Lots 23-B through 23-F. The property is identified as Tax Map: 10 Lots: 23, 23-B, 23-C, 23-D, 23-E, 23-F, 23-G; Zone: Farm (F) in the Colley Wright Brook watershed.

Attachments: [21-17 HeightsColleyWrightBk PB MEMO AMD MJR SUB 102325.pdf](#)
[21-17 AMD MJR SUB RESPONSE HeightsColleyWright 2025-10-20.pdf](#)
[21-17 AMD MJR SUB PLANS REV HeightsColleyWright 2025-10-20.pdf](#)
[21-17 AMD MJR SUB AC&SR MEMO HeightsColleyWrightBk 101425.pdf](#)
[21-17 AMD MJR SUB APPL HeightsColleyWrightBk 2025-10-03.pdf](#)
[21-17 AMD MJR SUB PLANS HeightsColleyWrightBk 2025-10-06.pdf](#)

Bill Gerrish, from Sebago Techincs, was present representing the application.

- *They proposed to change the placement of wells and septic systems from what had been previously approved so new owners could better develop their properties.*
- *The proposed new location of wells and septic met ordinance standards.*
- *Stormwater from the developed areas still met the required standards.*

Amanda Lessard explained:

- *Smaller lots in a conservation subdivision meant that you could not change one without impacting the others.*
- *The town's engineer was ok with the stormwater analysis.*
- *Staff was satisfied with the changes.*

Evert Krikken made a motion that the Amended Subdivision application for project #21-17 Heights at Colley Wright Brook was found complete in regard to the submission requirements based on the application checklist, but the Planning Board retained the right to request more information where review criteria were not fully addressed.

Seconded by Kathleen Brown.

Vote: All in favor.

Evert Krikken made a motion that the Amended Major Subdivision application for project #21-17 Heights at Colley Wright Brook development identified on Tax Map: 10 Lots: 23, 23-B, 23-C, 23-D, 23-E, 23-F, 23-G; Zone: Farm (F) in the Colley Wright Brook watershed is to be approved with conditions with the following Findings of Fact, Conclusions, and Conditions of Approval.

FINDINGS OF FACT

Jurisdiction: The Heights at Colley Wright Brook Subdivision project is classified as a Major Subdivision, which the Planning Board is authorized to review and act on by §120-903 of the Town of Windham Land Use Ordinance. The Planning Board has authority to review revision to approved plans in accordance with §120-913.

Title, Right, or Interest: The applicant has submitted a copy of a Warranty Deed between Leon C. Cooper, Jr, Jean K Reeves, and John L. Cooper and Scott E. Hennigar and Lea M. Hennigar dated April 23, 2012, and recorded on April 24, 2012, at the Cumberland County Registry of Deeds in Book 29527 and Page 211. The applicant has submitted authorizations from the owners of Tax Map 10 Lot s23-B, 23-C, 23-E, and 23-F.

ARTICLE 4 ZONING DISTRICTS

- *As shown on the Town of Windham Land Use Map approved by the Town Council, date April 9, 2024, Tax Map: 6; Lots 23, 23-B, 23-C, 23-D, 23-E, 23-F, 23-G; are located in Farm (F) zoning district.*
- *The final plan shows a six (6)-lot subdivision with lots ranging from 30,133 SF to 39,987 SF exceeding the minimum lot size for conservation subdivisions lots in the Farm (F) zoning district, per §120-406E(1)(b). The amended plan amends thee lot lines of Lot 23-G, but the lot area is unchanged from the original approval.*

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).*

§120-911 - SUBDIVISION PERFORMANCE STANDARDS

§120-911A – Basic Subdivision layout

(1)

(a) The total land area of the conservation subdivision is 618,405 SF, the road area occupancies 94,758 SF, and there are 50,205 SF of wetlands or very poorly drained. The net residential area is 473,442 SF, and the net residential density in the Farm District (F) is 60,000 SF per dwelling unit allowing a maximum number of dwelling units of 8.19.

(b) The final plan shows a six (6)-lot subdivision with lots ranging from 30,133 SF to 39,987 SF and the side lot lines are perpendicular to the street. The amended plan amends the lot lines of Lot 23-G, but the lot area is unchanged from the original approval.

(e) Lot numbers are provided on the final plan. The planned changes to the driveway locations will require the assignment of new street addresses. The plan has been provided to the Assessing Department who will issue new address following approval that will be used for building permit applications.

(2) (a) All utilities shall be installed underground except for the existing electrical and telephone utilities serving the existing residences along Cooper Ridge Road (see above waiver request of Section 911.A.2.(a)). The applicant is proposing to install a riser on the new pole utility across from the proposed hammer to underground to two new transformers, north of the road.

(b) The applicant has provided the size, type, and location of public utilities, such as storm drains, electric lines, and telephones lines, on the final plan for review.

(3) (a) The final plan includes the proposed subdivision recording plan of street line

monuments showing the locations of the monuments for review.

(b) The applicant has shown existing property iron pins and the location of proposed property boundary iron pins.

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

(a) There is no public water supply within Roosevelt Trail fronting the Cooper Ridge Road.

(b) The subdivision will not install a public fire hydrant.

(c) The applicant has shown the location of individual wells for the single-family homes and subsurface wastewater disposal systems.

1. The applicant is locating the wells in the front yard area and the wastewater subsurface systems in the rear of the homes. The amended plan relocates the wells and septic systems on Lots 23-B, 23-C, 23-D, 23-E and 23-F to locate the septic fields in the front yard and the wells behind the homes.

iii. The proposed locations of the well appear to be within 50-feet of the travel way. The relocated wells are more than 100 feet from the travel way.

2. Lot design shall permit placement of wells, subsurface wastewater disposal areas, and reserve site subsurface wastewater disposal area in compliance with the Maine Subsurface Wastewater Rules and the Well Drillers and Pump Installers Rules.

(d) The applicant submitted hydrogeologic assessment prepared by Marcotte Environmental dated April 9, 2022 demonstrating that the septic locations do not exceed the state drinking water standard of 10 mg-N/L at the property lines. The amended application provides a peer review prepared by Haley Ward dated May 29, 2025 noting that the relocated disposal areas are located a greater distance from the downhill gradient subdivision boundaries that will not cause the ground water plumes to reach the property boundary.

(e) This subdivision is not located over a significant sand and gravel aquifer or in a "Direct Watershed of a Lake Most Risk," as defined by the DEP.

(f) The applicant provided a Significant Wildlife Habitat evaluation, per Chapter 335, and did not identify any significant vernal pool habitat consisting of a vernal pool depression or a portion of the critical terrestrial habitat within 250 feet of the spring or fall high watermark of the depression.

§120-911C - Erosion Control and sedimentation control

(1) The soil erosion and sedimentation control plan was reviewed by the Town Engineer and is acceptable to control erosion and sedimentation during the construction activity.

(a) The applicant has provided draft easements to the homeowner's association.

(b) Maintenance easement shall be the responsibility of the homeowner's association.

(c) The easement shall specify that of the applicant the homeowner's association the Town reserves the maintain the easement at the applicant of homeowner's expense.

(2) The plan shows double soil erosion control measures installed upland from the wetland areas during the construction of the private road upland of the wetland areas and on the development of the single-family building lots. A note shall be added to the subdivision plan for the final plan review.

(3) The final plan application includes a wetland delineation report and vernal pool assessment showing the location of the total amount of wetland areas on the site and the total amount of wetlands altered for the development of the road.

(4) The applicant shall submit with the final plan a Natural Resource Protection Act (NRPA) Permit-by-Rule (PBR) for any wetland alteration less than 4,300 SF in size. The applicant has shown a sufficient forested buffer and the project will not adversely impact the Colley Wright Brook.

§120-911D – Sewage disposal

(2) The applicant provided a preliminary septic evaluation dated July 19, 2021 prepared

by licensed site evaluator Chris Coppi and December 3, 2021 by Brady Frick, both of Albert Frick Associates, Inc, with a finding that a suitable site for first-time single-family home wastewater disposal was found and located on each of the lots. Test pit locations are shown on the plan.

- o On the amended plan, the relocated leach field on Lot 5 appears to be within 75 feet of a stream. A note will be added to the plan that activity within 75 feet of the stream requires a DEP NRPA Permit.

§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 by the extension of Cooper Ridge.

(a) Limits of tree clearing should be shown on the plan. A note should be added to the subdivision recording plan stating that clearing of trees is not allowed in areas where tree cover is depicted on the plan for at least five (5) years from the date of Planning Board approval, per Section 903.E.1.(a).

(b) Street trees must be planted at least every 50-feet along the length of the new subdivision street, per Section 911.E.1.(b). The applicant is requesting a waiver of submitting a landscaping plan. The aerial images indicate that the area proposed to be developed is mostly vegetated with trees. The applicant has shown the existing tree line in the final plan submittal.

(2) All open space common land, facilities, and properties shall be owned by the owners of the lots by means of the Homeowners' Association (HOA). An association's principal purpose is for the conservation or preservation of in "essentially" its natural state. The applicant is proposing the use of the common open space for stormwater.

§120-911F – Conformance with Land Use Ordinances

Comprehensive Plan:

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

Land Use Ordinance, Chapter 120:

- The minimum lot size of 30,000 SF for conservation subdivision lots in the F zoning district.

- Lots meet the lot frontage requirement of 100 feet for the F Zone.

- The net residential density requirement is 60,000 SF.

- The net residential density calculations are provided in the final plan application and shall be shown on the final subdivision recording plan.

Subdivision Ordinance, Chapter 120 Article 9:

- Standard notes, the standard conditions of approval, and approved waiver must be shown on the plans.

- Per §120-913B(3)(d) the plan shall include a note that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.

- The Tax Map and Lot numbers shall be shown on the final plan as well.

- The data of the amended subdivision plan shall be compatible with the Town's GIS system in the a .DWG file format and provided to the Town before release or the signed recording plan.

- The building setback requirements are shown on the final plan submission for all lots.

- Homeowner association documents should be provided with the Final Plan submission and must specify the rights and responsibilities of each lot owner with respect to the maintenance, repair, and plowing of the subdivision streets and stormwater infrastructure.

- The final plan showed all parcels in common ownership within the last 5 years.

- The final plan shall include a boundary survey, stamped by a certified by a Maine Licensed Professional Surveyor.

- Residents within the subdivision are anticipated to contract with private haulers for the removal and disposal of household solid waste and recyclable materials.
Growth Management, Chapter 101:
- Growth permits are required for the creation of each new single-family dwelling.
Growth permit applications are submitted with building permit applications.

§120-911G – Financial and Technical Capacity

(1) Mr. Mike Vinnie, Vice President of Gorham Saving Banks date February 18, 2022, has provided a letter stating Scott and Lea Henniger have been a customer for 14 years and have handled all their accounts. The bank has reviewed the plan and feels comfortable that the Hennigars have the management skills and financial strength to complete the project.

(1) The plans and applications were prepared by Northeast Civil Solutions, Inc (NCS). Civil Engineering is performed by William Gerrish, P.E., and is a Maine Licensed Professional Engineer PE #8830. A Boundary Survey was prepared by Troy McDonald, PLS# 2080 with NCS. Septic system design was performed by Chris Coppi, LSE with Albert Frick Associates. Traffic Engineering was performed by Bill Bray, PE, PTOE with Traffic Solutions.

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

(1) The lots in the subdivision will have individual private septic systems designed to comply with the Maine subsurface wastewater disposal rules and shall not increase any contaminant concentration in the groundwater and shall meet the State's drinking water standards.

(2) (a) Any water table drawdowns beyond the subdivision boundaries shall not adversely impact the groundwater supply availability to existing wells nor cause structural damage to abutting properties.

(b) The proposal shall not result in a lowering of the water at the subdivision boundaries by increasing runoff with a corresponding decrease in the infiltration of precipitation. The applicant shall meet one of the flowing standards; Sections 911.H.2.(b)(1), (2), or (3).

§120-911I – Floodplain Management

- The new lots of the subdivision are not located in a designated mapped FEMA Floodplain Boundary. The final plan shows the flood zone boundary in which the applicant is proposing to realign the private road access entrance, 1,415 SF of wetland fill, and move an existing MDOT guard rail.

§120-911J – Stormwater

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

o The proposed project is designed to fit into the topography and natural features to the maximum extent practical. The proposed stormwater runoff from the development will be treated in a series of BMPs and conveyed through swales or pipes to discharge the runoff into the open space areas. The treatment of the stormwater runoff from this site has been designed to meet the treatment of using buffers per MDEP Chapter 500 Stormwater Management standard. Although, the applicant has requested the Planning Board to waive the Flood Standards to allow 75% of the impervious and developed areas to be treated with forested buffers

□ The Town Engineer supports the flooding standard waiver and has requested more information to evaluate the stormwater management system (see following comments).

- The Town Engineer is satisfied with the applicant's response to his inquiry.
- The applicant states that the total development of the site will create 1.11 acres of impervious area and 2.47 acres of landscape area, requiring 3.58 acres of total developed area. A "Permit-By-Rule" (PBR) Stormwater Permit application has been submitted to the MDEP for review and shall be provided for final plan review.
- The responsibility of maintaining the stormwater management system will be assigned to the future Homeowner's Association, as per §120-911N.
- The amended plan proposes relocating the septic systems on the lots and changing the lot line for Lot 6, but no changes to the road, level spreaders, drainage swales and culverts, which have all been built, are proposed. The revised layout results in an increase of the overall impervious area on the site by approximately 5,000 square feet. The applicant provided sizing calculations to demonstrate that the 2 stone berm level spreaders, as constructed, are sufficient in size to handle the additional runoff from the increase in impervious areas and still meeting Chapter 500 Standards. The proposed changes will have no impact on the DEP permits.
- o Town Engineer agreed that the increased development should not have any significant adverse impact on the performance of the level spreaders and requested more information on the assumed impervious and developed areas on each lot.
- o The applicant provided a table of the quantities that will be included on the final subdivision plan.

§120-911K – Conservation Subdivision

- (1) The final plan shows the delineation of open space. The amended plan changes the boundaries of the open space adjacent to Lot 6, but the amount of open space remains unchanged.
- a. At the Development Review Team meeting on August 27, 2021, Amanda Lessard, Planning Director, added that the building envelopes should include the 100' setback required by the Conservation Subdivision ordinance.
 - i. The applicant is providing 54% of the total lot area as open space.
 - ii. The final plan shows open space, and to the greatest extent possible, protects the site features. The applicant must include in the final plan identified Existing Resources Inventory and Site Analysis and has reviewed the final plan. The applicant has provided a color exhibit showing the primary and secondary conservation resources setbacks and none of the building development areas are in the resource setbacks.
 - iii. For a portion of the existing private Cooper Ridge, the applicant shall provide the area in the final plan review.
 - iv. The applicant has not shown the setbacks from the primary conservation and secondary resources.
 - v. The applicant has provided the layout of the building area outside of the
 - b. If vernal pool habitat is identified, the applicant shall meet the Maine DEP Chapter 335: Significant Wildlife Habitat requirements. The applicant provided a habitat plan in the final plan review.
 - c. Per Section 911.K.3.(a)(2)e., the boundaries of Open Spaces shall be marked by natural features wherever possible, such as hedgerows, stone walls, edges of woodlands, streams, or individual large trees. Where no such existing demarcations are present, additional plantings, fences, or other landscape features shall be added to enable residents or the public, if applicable, to distinguish where the Open Space ends and where private lot areas begin. These boundaries are shown in the Final plan.
 - d. Building envelopes should be shown on the plan that meets the requirements of Sections 911.K.3.(a)(3) and provided for the Final plan review.
 - e. Road alignment and design shall meet the requirements of Section 911.K.3.(a)(4), for the final plan review.
 - f. 911.K.3.(a)(4), for the final plan review.
3. Basic Standards for Conservation Subdivisions:

a. The applicant has provided building envelopes on the proposed lots and illustrated the placement of the building on the lot in the final plan review. The application will provide treatments of spaces, paths, roads, services, and parking areas as part of the Final plan review.

b. For the Conservation Subdivisions not serviced by public water supply, the applicant shall demonstrate on the plan the possible location of a subsurface wastewater disposal field and a well on each lot.

4. Arrangement of Lots:

a. The Planning Board shall consider the diversity and originality of the lot layout and encourage the best possible relationship between the proposed development and the land under consideration.

b. The applicant shall provide evidence and the staff has reviewed the final plan review, how the seven (7) factors were considered for the arrangement of lots, per Section 911.5.(b)1. through 7.

5. Open Space Requirements for Conservation Subdivisions:

(a) The applicant shall provide a note for review on the Final plan stating, "Open Space – Reserved for Recreation, Agricultural, and/or Conservation Purposes." Per Section 911.6.(a).

(b) The applicant shall provide evidence and Staff has reviewed the final plan review, how the open space areas meet "Minimum Amount Required," per Section 911.6.(b)1. and 2.

(c) The applicant shall provide a "Priorities for Land Included in Open Space" analysis. for the Final plan review, per Section 911.6.(c)1. and 2.

(d) Open Space not retained by the subdivider shall provide one principal access point of a minimum width of 20-feet from the road network and a secondary access point of a minimum of 10-feet. The Planning Board shall review and approve the size and location of the principal and secondary access points.

(e) The Planning Board shall consider the proposed location of the Open Space areas should consider the relation to and logical connection to other Open Space areas on abutting properties

§120-911L – Compliance with Timber Harvesting Rules

- Limits of tree clearing are shown on the plan. A note should be added to the plan stating that clearing of trees is not allowed in areas where tree cover is depicted on the plan for at least five (5) years from the date of Planning Board approval.

§120-911M – Traffic Conditions and Street

1. General Standards:

(a) The applicant's final plan shows the designed transportation system of the subdivision provides safeguards against hazards and avoids traffic congestion, safe and convenient circulation for vehicles, bicyclists, and pedestrians is compatible with the estimated Average Annual Daily Traffic of the street and has a positive relationship to the natural setting.

2. General Access Standards:

(a) Access to Roosevelt Trail shall meet permitting requirements of the Maine Department of Transportation "Highway Driveway and Entrance Rules." For the Final plan review, the applicant shall provide evidence Cooper Ridge Road meets MDOT entrance rules, and if an MDOT permit is required, the applicant shall provide a permit for the final plan review.

(b) The existing private road intersects Roosevelt Trail and serves four (4) single-family houses and will be improved and extended to serve the proposed six (6)-lot subdivision, meeting the applicable Private Road Standard in Section 911.M.5.(5).

3. General Internal Subdivision Street Standards:

(a) Where a proposed development abuts unplatted land, or a future development phase of the same development, the Board may require the dedication of a right-of-way equal to

the right-of-way width of the internal subdivision street to provide continuation of the road where future development is possible.

(1) The applicant has shown two (2) ROWs to the two (2) abutting properties on the final plan.

(2) The applicant is providing a second hammerhead turnaround at the end of the private road to allow the two (2) ROWs.

(c) All Town-approved street names shall be shown on the final plan review.

(d) The Police Chief and Director of Public Works have required the installation of a streetlight at the intersection of Roosevelt Trail and Cooper Ridge Road. The light shall not cause adverse impacts to abutting properties and shall illuminate the entrance along Roosevelt Trail for safe access to the road. The applicant shall provide a photogrammetry plan and light fixture detail that will meet MDOT street light requirements for the final plan review. Streetlights located within the Town's ROW should be Town owned and accepted by the Town Council. Staff is recommending the applicant work with the Town Staff and CMP to locate the streetlight required to illuminate the road intersection. See Note #4 of Sheet 3 of 12; Title: Site, Layout and Utility Plan – Sheet 1 4. Specific Access Standards:

(a) The improvements of the existing private street Cooper Ridge Road will realign the road access perpendicular to Roosevelt Trail and will modify the MDOT-owned guardrail. In a letter dated May 10, 2022 from MDOT, the relocation of the guardrail along the Roosevelt Trail crossing of Colley Wright Brook is approved to be relocated to realign the private road entrance.

(4) The applicant is proposing to pave the first 20-feet from the Roosevelt Trail intersection, per Table 3 Road Standards.

(5) The applicant shall provide evidence the Town's Minimum Sight Distance standards (see Table 1) are being met for the final plan review.

(6) The applicant has not provided the final plan review traffic volume estimate as defined by the latest edition of the Trip Generation Manual published by the Institute of Transportation Engineers.

5. Specific Street Design and Construction Standards

(a) The applicant is proposed to meet the general standards for a minor private road.

(2) For Final plan review, the applicant shall submit to the Board a detailed construction drawing showing the plan view, profile, and typical cross-section of the proposed private road.

(3) The road will remain private and not be offered to the Town Council.

(i.) The plans for the street which are not proposed to be accepted by the town shall be to the Director of Public Works and Town's consulting engineer for review and comment."

(5) All private roads shall be designated and be signed indicating the road is private and not publicly maintained.

(i.) The existing private road has an adequate sign meeting the Town's Road sign standards.

(iv.) All properties served by the private, including the existing properties, shall have adequate access to emergency vehicles and shall conform to the approved local street numbering system.

(v.) The final subdivision shall have a note stating the following:

"All roads in this subdivision shall remain rive roads to be maintained by the developer, lot owners, or road association, and shall not be offered for acceptance, or maintained, by the Town of Windham until they meet all municipal street design and construction standards."

(vi.) The applicant shall provide the homeowners' association meeting the Conservation Subdivision requirements found above in Section 911.K. The road is to be built to the Minor Private Road standards and will remain a private road and maintained by the HOA

(vii.) The applicant is showing a paved entrance for the public road on the final plan for review.

(viii.) *The Minor Private Road Standard requires 18' of gravel travel way, with both shoulders with 2' of gravel. The applicant should provide a proposed road profile with the Final plan Submission and request any necessary waivers from the applicable road standards.*

(ix.) *The total number of lots served by the private road is ten (10), four (4) existing, and six (6) new.*

§120-911N – Maintenance of common elements.

- The final plan includes draft homeowner association documents including draft Declarations and a draft Road Maintenance Agreement*
- The combination of the documents above requires the lot owners to have the responsibility of maintaining the common property of facilities, levy annual charges to cover the expense for maintenance, repair, and replacement of facilities, lien properties, and the developer or subdivider shall maintain control of the common property, and maintenance of common facilities until transferred to owners' association. See Condition of Approval #2.*
- The Declaration of Easement, Covenant, Conditions and Restrictions for The Heights at Colley Wright Brook Association was recorded in the Cumberland County Registry of Deeds on March 27, 2025, in Book 41351 Page 4. The Declaration shall be amended to reflect the amended subdivision plan and revised boundaries of the open space property to be owned by the Association.*

CONCLUSIONS

- 1. The development plan reflects the natural capacities of the site to support development.*
- 2. Buildings, lots, and support facilities will be clustered in those portions of the site that have the most suitable conditions for development.*
- 3. Environmentally sensitive areas, including but not limited to wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and sand and gravel aquifers will be maintained and protected to the maximum extent.*
- 4. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the site plan.*
- 5. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.*
- 6. The proposed use and layout will not be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved.*
- 7. The proposed subdivision will provide adequate sewage waste disposal.*
- 8. The proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan.*
- 9. The developer has the adequate financial capacity to meet the standards of this section.*
- 10. The proposed subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.*
- 11. The proposed subdivision will provide for adequate stormwater management.*
- 12. The proposed location and height of buildings or structure walls and fences, parking, loading, and landscaping shall be such that it will not interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value.*
- 13. On-site landscaping does provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.*
- 14. All freshwater wetlands within the proposed subdivision have been identified on the plan.*

15. Any river, stream, or brook within or abutting the subdivision has been identified on any maps submitted as part of the application.
16. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, §480-B, none of the lots created within the subdivision does not have a lot-depth to shore frontage ratio greater than 5 to 1.
17. NOT APPLICABLE: The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
18. NOT APPLICABLE: For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
19. NOT APPLICABLE: The timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, §8869, sub§14.

CONDITIONS OF APPROVAL

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated October 6, 2025 as amended October 20, 2025 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board. Any variation from such plans, proposals, supporting documents, and representations is subject to review and approval by the Planning Board or the Town Planner in accordance with §120-912 of the Land Use Ordinance.
2. Homeowner's Association Bylaws, Convents, and Documentation for the care and maintenance of the private road and open space areas shall be recorded in Cumberland County Registry of Deed (CCRD) prior to the pre-construction meeting and a copy of the recorded documentation shall be submitted to the Planning Department for verification.
2. All residences shall install a fire suppression system to be reviewed and approved by the Fire Chief before issuing building permits.
3. Completion of Construction of Required Improvements. The construction of the improvements covered by any subdivision plan approval shall be completed within two (2) years of the date upon which the performance guarantee is accepted by the Town Manager, per Section 915.B.5. In accordance with §120-914B(5) of the Land Use Ordinance, the Construction of improvements covered by any subdivision plan approval shall be completed within two years of the date upon which the performance guarantee is accepted by the Town Manager. The developer may request a one-year extension of the construction completion deadline prior to the expiration of the period. Such request shall be in writing and shall be made to the Planner. The Town Manager may require an update to the schedule of values and the amount of the guarantee when accepting an extension of the construction period. If construction has not been completed within the specified period, the Town shall, at the Town Manger's discretion, use the performance guarantee to either reclaim and stabilize or to complete the improvements as shown on the approved plan.
4. If the two (2) rights of ways (ROWs) are to be developed in the future, they must be replaced with an equivalent amount of open space on another property and contiguous with The Heights at Colley Wright Brook Subdivision open space. When the developer proposes to construct a road within this ROW, the developer shall apply to the Planning Board for approval. If the road is to be extended through open space for future development, additional net residential area and open space will need to be provided to offset the right of way deduction. Because the two (2) ROWs extend through an existing stream, if it is to be developed, additional state and federal permits may need to be obtained.

5. The development is subject to the following Article 12 Impact Fees, to be paid with the issuance of new building permits for the uses: Recreation Impact Fee, Open Space Impact Fee, Public Safety Impact Fee; and Municipal Office Impact Fee. All fees will be determined and collected for any building, or any other permit for the development, \$120-1201C.

6. Before issuing building permits the applicant or builder must have the town engineer verify that the 50-foot conservation subdivision exterior boundary buffer line is pinned, staked, or fenced in the field.

Seconded by KB.

Vote: All in favor.

7. [PB 25-071](#)

#23-18 Windham Village Apartments - Third Amended Subdivision & Site Plan - Final Plan Review - Stillwater Drive - Windham Village Apartments, LLC.

The applicant is proposing to amend the approval to develop a 14 building, 172 dwelling unit apartment complex initially approved by the Planning Board on July 1, 2024 and last amended on September 8, 2025, to add a condition of approval that in lieu of the furnishing of a performance guarantee no building permit for units will be issued until all project improvements are complete or a performance guarantee is accepted. The property is identified as Tax Map: 70; Lot: 1-A01; Zone: Commercial I (C-1) in the Presumpscot River watershed.

Attachments: [23-18_AMD3_MJR_SUB-SP_PB_MEMO_WindhamVillageApartments_102325.pdf](#)
[23-18_AMD3_SUB-SP_APPL_WindhamVillageApts_10.6.25.pdf](#)
[23-18_AMD3_SUB-SP_PLAN_WindhamVillageApts_10-6-25.pdf](#)

Drew Gagnon, from Gorrill-Palmer, was present representing the application. They were requesting a condition of approval that, in lieu of a performance guarantee, building permits would not be issued until site improvements were complete or a performance guarantee was submitted. There was a performance guarantee in place for erosion control.

Amanda Lessard explained changes to the plan as a result of a previously approved amendment.

Evert Krikken made a motion that the amended subdivision and site plan application for the Windham Village Apartment project was found complete in regard to the submission requirements based on the application checklist, but the Planning Board retained the right to request more information where review criteria are not fully addressed.

Seconded by Kathleen Brown.

Vote: All in favor.

Board Comment

- Was there an up-side to waiving the performance guarantee?
- All the infrastructure would be completed. Then they would bring in heavy construction equipment to rough it up during construction, and there would be no adjustment to the damage caused.

- *Would there be any financial implications to the Town if this were approved?*

Evert Krikken made a motion that the Third Amended major subdivision and site plan application for the 23-18 Windham Village Apartments development identified as Tax Map: 70, Lot 1-A01 is to be approved with conditions with following Findings of Fact, Conclusions, and Conditions of Approval.

FINDINGS OF FACT

Jurisdiction: Windham Village Apartments project is classified as an Amended Major Subdivision and Site Plan, which the Planning Board is authorized to review and act on by §120-903 and by §120-803A(1) of the Town of Windham Land Use Ordinance. The Planning has authority to review revision to approved plans in accordance with §120-913.

Title, Right or Interest: The applicant has submitted a copy of a Short Form Quitclaim Deed with Covenant between B33 Windham II LLC and Windham Village Apartments LLC dated June 27, 2024, and recorded on July 10, 2024 at the Cumberland County Registry of Deeds in Book 40857 Page 252.

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 a permitted use in the C-1 District §120-410B.*

§120-911 - MAJOR SUBDIVISION PERFORMANCE STANDARDS

§120-911F – Conformance with Land Use Ordinances

Comprehensive Plan:

- *The plan does meet the goals of the 2017 Comprehensive Plan. The development is location in the North Windham Growth Area.*

Subdivision Ordinance

- *Standard notes and the standard conditions of approval must be shown on the plans (see the proposed Conditions of Approval).*
- *In accordance with §120-914A the applicant shall provide a performance guarantees for an amount adequate to cover 110% of the total construction costs of all required improvements. §120-914A(1)(d) states that in lieu of the furnishing of a performance guarantee before the recording of the final plan, the Planning Board may accept the agreement of the subdivider that no lot or parcel of land shall be conveyed, and no building permit for any building or portion of the development shall be issued by the Code Enforcement Officer, until the completion of required improvements. Such agreement shall be acknowledged by a note on the final subdivision plan (see proposed Condition of Approval #9).*

§120-911J – Stormwater

(2) The development 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 Maine DEP Site Law Permit dated May 30, 2024 is recorded at the Cumberland County Registry of Deeds in Book 40805 Page 253.*
- *The draft condominium documents provided state that the association shall maintain and take all actions required to comply with the Site Law Permit. The permit states that the applicant (Windham Villages Apartments LLC) will be responsible for the maintenance of all common facilities including the stormwater management system. See*

condition of approval #8.

§120-911N – Maintenance of common elements.

- The applicant provided draft condominium association documents.
- The condominium association documents shall be recorded in the Cumberland County Registry of Deeds within 90 days of the date that the subdivision plan is recorded. See condition of approval #7.

§120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS

§120-812C - Parking and Loading

- The amended plan for the development will provide 349 parking spaces, of which 14 are accessible. The parking layout revised the previously approved 338 proposed parking spaces (14 accessible and 102 oversized) based on the Town Council Order 25-043 effective May 30, 2025, removing the requirement for 30% oversized spaces.

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

- The amended subdivision site plan shows the location of 4 dumpster enclosure areas. One of the dumpster locations has been relocated from across from Building 11 to Across from Building 6. The dumpster pad should be revised to not be located within the Access Drive ROW.

§120-814 – MULTIFAMILY DEVELOPMENT STANDARDS.

§120-814A – Building Architecture

- (1) Architectural variety. The applicant has provided architectural rendering and designs for the 4 condo buildings (located in the southwestern corner of the parcel) with revised color scheme and accents. The apartment buildings were previously approved with two colors of siding and white trim on each building. The revised color scheme for the condo buildings have two colors.

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, July 1, 2024, November 25, 2024, January 27, 2025, August 22, 2025, as amended October 6, 2025 and 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 §120-814 and §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 required Traffic Impact Fees as described in the approved Traffic Movement Permit #REG 01-000432-A-N. This includes safety and mobility impact fees totaling \$56,854 and \$7,653 paid to the Town for the North Windham Route 302 Road Improvement impact fee.

4. 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.

5. 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.

6. 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).

7. In accordance with §120-911N(5) of the Land Use Ordinance, the condominium association documents, including but not limited to the condominium declaration, bylaws, plat, and plans, shall be approved as to form by the Town Attorney and recorded in the Cumberland County Registry of Deeds within 90 days of the date that the subdivision plan is recorded in the Cumberland County Registry of Deeds. Evidence of such recording shall be provided to the Planning Department. No units shall be sold in the subdivision prior to recording of such condominium association documents and all deeds shall reference the declaration establishing the condominium association.

8. The applicant shall provide the Planner with a copy of the approved and recorded transfer of Maine DEP Site Location of Development Act Permit to the Condominium Association.

9. In lieu of a performance guarantee for the construction of the project improvements, no lot or parcel of land may be conveyed, and no building permit for any building or portion of the development shall be issued by the Code Enforcement Officer until the completion of all streets, utilities and other required improvements in accordance with this plan and all applicable laws, ordinances and standards. If the applicant wishes to convey or obtain a building permit prior to all project improvements being completed in accordance with this plan and all applicable laws, ordinances and standards, a performance guarantee equal to the cost of the remaining improvements shall first be approved by the Town Manager, in consultation with the Planning Director, and submitted to the Town.

Seconded by Kathleen Brown.

Vote: Five in favor. Anne Daigle and Rick Yost opposed.

Other Business

8. Adjournment

Shonn Moulton made a motion to adjourn.

Seconded by Kathleen Brown.

Vote: All in favor.