

September 19, 2025
230411-02

Amanda Lessard, *Senior Planner/Project Manager*
Stephen Puleo, *Planning Director*
Town of Windham Planning Department
8 School Road, Windham ME 04062

RE: #25-22 Franklin Drive Solar Development – Major Site Plan & Final Plan Review
Franklin Drive, Windham ME; Tax Map 18, Lot 26-2-A03

Dear Amanda and Steve,

On behalf of New Gen Estates, LLC, Sebago Technics, Inc., is pleased to submit this comment response letter and supplementary information in response to the Application Completeness & Staff Review Comments memorandum, updated September 16, 2025, prepared for our application #25-22 for the proposed solar development at the terminus of Franklin Drive. The project site can further be identified on the Town's Tax Map 18 as Lot 26-2-A03. The comments from the Town are minor in nature and plans have been redlined for the revisions noted below. For reference, we have provided review comments *in italics* and offer our respective responses **in bold** below:

STAFF REVIEW COMMENTS – PLANNING DEPARTMENT:

1. *§120-807.F.1. Outside Agency Approvals: Is a DEP Stormwater Approval required for this project? What is the status of the DEP NRPA PBR for impacts within the vernal pool critical terrestrial habitat? If DEP has not approved any required permits prior to Planning Board final plan review, staff will recommend a Condition of Approval.*
Our Maine Department of Environmental Protection (MDEP) Natural Resources Protection Act (NRPA) Permit-By-Rule (PBR) for impacts within the vernal pool's critical terrestrial habitat is implicitly accepted by MDEP, as the application was submitted on July 17, 2025. The rules under M.R.S.A. §344 Processing of Application state that the Department has twenty (20) working days to notify an Applicant of acceptance of the application. The Applicant has not received any correspondence from MDEP at the time of this letter, and twenty (20) working days after our submission date would be August 14, 2025. Therefore, our application for the PBR has been implicitly accepted. Our experience in working with MDEP proves that no notification of acceptance for PBR's are unfortunately common, thus, there is not any documentation to provide to support this statement.
2. *The proposed multi-family development on this plan should not be included or illustrate and note as area of future development.*
Response: Acknowledged, the plans are being revised to remove the multi-family line work.

3. Is the Applicant proposing to construct the solar development in advance of the proposed multi-family development? If construction is desired to begin in advance of the approvals of the adjacent parcel, a separate plan for the development for the access drive from the end of Franklin Drive should be provided.

Response: The proposed access drive is shown on the revised plans, with associated grading to accommodate for adjacent development.

4. The plan notes that a waiver is requested from §120-812.I. to allow the construction of above ground utilities as required by Central Maine Power. The application submission Sections 7 and 9 describe the proposed electrical service as underground, and Sheet C-201 only shows UGE on the plan. If above-ground utilities are indeed proposed, please submit a waiver request form and revise the plan to show the location of above ground electrical.

Response: Central Maine Power (CMP) has confirmed that the primary line from the solar array to the primary system in Franklin Drive can be entirely via an underground connection. The waiver request has been deleted.

5. Add a note to the plan listing the dimensional standards for solar energy systems as found in §120-556.C.

Response: The dimensional standards for solar energy systems are being added to the plans including the buffer requirements, per §120-551 of the Town's ordinance.

STAFF REVIEW COMMENTS – THIRD PARTY ENGINEERING REVIEW:

1. §120-812.E. Stormwater Management: In the area within Lot 3, which is proposed to be developed with ground-mounted solar panels, has been included in the stormwater quantity management analysis. The revised HydroCAD model appears to reflect the proposed development.

Response: Acknowledged, no response required.

2. §120-812.E. Stormwater Management: It is not clear what the disturbed area and new impervious area will be for this since the application still includes the other phases of the project not currently under review. Please confirm the proposed solar field does not require stormwater treatment if it was constructed as a standalone project.

Response: The standalone will have less than 20,000 square feet of new impervious area and will have less than 5 acres of developed area. Therefore, the project would need to meet the Basic Standards of Maine Stormwater Law and would require a Stormwater PBR.

3. §120-812.E. Stormwater Management: It is not clear how water will outlet from the stormwater feature at the outlet end of the 12 in. HDPE cross culvert near the end of the solar field access road. It appears that water will backflow out of the culvert inlet before overtopping the pond area. We recommend directing flow from this culvert to a level lip spreader to dissipate flow.

Response: The project's design has been revised to create a level lip spreader for the discharge generated by the project site. Please see the revisions reflected in the submitted comment response materials.

4. §120-812.E. Stormwater Management: *It should be noted that the development located on Lot 1 and Lot 2 of this subdivision, and its associated stormwater management facilities are included in the stormwater model for the solar development located on Lot 3. The design plans for the Lot 1 and Lot 2 development were not included in this application, so we could not review the design of the stormwater management infrastructure located within Lots 1 and 2.*

Response: Acknowledged. **Lot 2 was previously reviewed with the joint submission for the multi-family and solar array submissions. Revisions to the project plans per Staff, peer review, and Planning Board comments are reflected within the submitted comment response materials. The Applicant has been waiting for SLODA and TMP approvals before resubmitting to the Town. The submission for the hotel project on Lot 1 is being held until receipt of the overall SLODA and TMP approval.**

5. §120-812.E. Stormwater Management: *The underdrained soil filter (UDSF 1) associated with Franklin Drive is included in the stormwater management model for the Lot 3 development. Design plans for UDSF 1 were not included in the application, so we could not review the design for UDSF 1.*

Response: Acknowledged. **The plans for the underdrained soil filter were previously reviewed by Staff under the Franklin Drive extension design during the original subdivision submission.**

6. §120-812.F. Erosion Control: *Provide a silt fence/erosion control mix berm line down-gradient of all areas proposed to be disturbed throughout the project.*

Response: Acknowledged, please see the revised plans that reflect a silt fence/erosion control mix berm line down-gradient of all areas proposed areas to be disturbed.

7. §120-812.F. Erosion Control: *On Sheet C-500, Note C under “Standard for the Timely Stabilization of Disturbed Soils” conflicts with Note 4 under “Winter Erosion Control Measures”. Revise accordingly.*

Response: Acknowledged. Note C has been revised within the submitted comment response materials to reflect the date of November 1st.

8. §120-812.F. Erosion Control: *On Sheet C-500, there are notes referring to the City of Lewiston’s General Erosion Control standards. Remove references to other municipalities.*

Response: Acknowledged, Sheet C-500 has been revised to remove the reference to the City of Lewiston.

9. General: *The Applicant is requesting a waiver of §120-812.I. – Utilities to allow the construction of above ground utilities. The proposed electrical lines are shown as Underground Electric (UGE) lines, and the application states all electrical services shall be installed underground. Clarify the necessity of this waiver.*

Response: Please see the response to Staff Comments in #4 above.

10. General: *It is not clear how the electrical lines from the solar field will tie into the power grid as part of this application. Show the extent of the electrical lines from the proposed project to the existing CMP infrastructure in Franklin Drive.*

Response: The project plans have been revised to indicate the installation of the electrical lines from the solar array to the CMP infrastructure at Franklin Drive. Please see this change reflected on the plans submitted with this comment response letter.

RECOMMENDED CONDITIONS OF APPROVAL:

1. *Approval is dependent upon and limited to the proposals and plans contained in the application dated May 19, 2025, as amended [DATE OF FINAL 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, and supporting documents, and representations is subject to review and approval by the Planning Board or the Town Planner in accordance with §120-815 of the Land Use Ordinance.*

Response: Acknowledged, this will be added as a Condition of Approval to the Final Plan for Planning Board approval.

2. *In accordance with §120-815.C.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.*

Response: Acknowledged, this will be added as a Condition of Approval to the Final Plan for Planning Board approval.

3. *Abandonment or Decommissioning:*

a. Removal Requirements: *At such time that the ground-mounted solar energy system described in this approval has reached the end of its useful life or has been abandoned consistent with the Abandonment description within this condition of approval, it shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans of removal. Decommissioning shall consist of:*

- Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site;*
- Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;*
- Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.*

b. Abandonment: *Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the large-scale ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of the Site Plan Review Authority. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town retains the right, after the receipt of an appropriate court order, to enter and remove*

an abandoned, hazardous, or decommissioned large-scale ground-mounted solar energy system. As a condition of Site Plan approval, the Applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation.

Response: Acknowledged, this will be added as a Condition of Approval to the Final Plan for Planning Board approval.

4. Surety: *The Applicant will provide financial assurance for the decommissioning costs in the form of a performance bond, surety bond, 'evergreen' letter of credit, or other means acceptable to the Town, for the total cost of decommissioning. The Applicant will have the financial assurance mechanism in place prior to the construction and will re-evaluate the decommissioning cost and financial assurance at the end of years, five, ten, and fifteen. Every five years after the start of construction, updated proof of acceptable financial assurance must be submitted to the Town for review.*

Response: Acknowledged, this will be added as a Condition of Approval to the Final Plan for Planning Board approval.

We appreciate your attention to this project, and look forward to its successful completion. Upon your review, please contact me at rmcsorley@sebagotechnics.com or by telephone at (207) 200-2074 if you have any questions or require additional information. Thank you for your time and consideration.

Sincerely,

SEBAGO TECHNICS, INC.



Robert A. McSorley, PE
Senior Project Manager