



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Draft

### Planning Board

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Monday, April 24, 2023

6:30 PM

Council Chambers/\*\* Via Zoom

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#### FINAL AGENDA

To join the meeting remotely, use this link: <https://us02web.zoom.us/j/143936937>. You may also call 1-646-558-8656 and enter meeting ID: 143 936 937.

\*\*Pursuant to the Town of Windham Planning Board's Remote Participation Policy adopted September 13, 2021 (online at <https://www.windhammaine.us/372/Planning-Board>), Zoom is only available to the public if one or more of the Board members cannot attend in person but will be participating remotely\*\*

Zoom will be the meeting platform used by both the Board and the public.

Information about using Zoom is available at

<https://support.zoom.us/hc/en-us/articles/115004954946-Joining-and-participating-in-a-webinar-at-tendee->. Please note that members of the public will need to use the raise your hand feature in Zoom or type \*9 on the phone to be called on and heard during the public testimony portion of the agenda.

#### 1 Call To Order

#### 2 Roll Call and Declaration of Quorum

*Chair, Marge Govoni, called the meeting to order. Other members present were: Kathleen Brown, Rick Yost, Evert Krikken, and Shonn Moulton, Christian Etheridge.*

*Town Planner, Steve Puleo, was also present.*

#### 3 Approval of Minutes – April 10, 2023 special meeting and April 10, 2023 regular meeting

*There were no minutes to approve.*

*Kathleen Brown made a motion to postpone approval of the minutes until May 8th.*

*Seconded by Christian Etheridge.*

*Vote: All in favor.*

#### Public Hearings

- 4 [PB 23-021](#) #23-16 Amendment to Code of the Town of Windham Chapter 120 Land Use Ordinance, Article 4 Zoning Districts to add marijuana registered dispensary as a permitted use in the Commercial District I North (C-1N)

zoning district.

**Attachments:** [PB Memo C1N Dispensaries 04-20-23.pdf](#)  
[Amendment C1N Dispensaries.pdf](#)

*Steve Puleo explained the proposed amendment would add Marijuana Registered Dispensary as a use in the Commercial 1 North (C1N) zoning district.*

- *There had been a drafting error contained in the recommendation to include Marijuana Registry Dispensary in the C1N district. It was accidentally omitted from the previous amendment approval.*
- *No written public comment had been received.*

*Public Comment*

*There was no public comment.*

*Board Comment*

- *Was this medical or recreational marijuana?*
- *How many businesses in the C1N zone would be affected?*
- *Would there be a negative effect on other businesses in that zone?*
- *Marijuana Cultivation Facility not included as an allowed use in C1N.*
- *Could a recommendation be to add cultivation as a use?*
- *This was a step to fix an administrative oversight.*
- *Would the existing businesses there would be non-conforming?*

*Evert Krikken made a motion to recommend, with comments, the approval of the proposed amendments to the Land Use Ordinance to add "Marijuana Registered Dispensary" as a permitted use in the Commercial District I North (C-1N) zoning district. The comment would be also inclusion of Marijuana Cultivation Facility as a use.*

*Seconded by Rick Yost.*

*Vote: All in favor.*

## **Continuing Business**

**5**      [PB 23-023](#)      #23-11 Meadowbrook Subdivision Lot 5 - Amended Subdivision - Michael Keeley.

The application is for the construction of a duplex with associated parking on a lot within the Meadowbrook Subdivision. The duplex will be accessible by a new curb-lane road from Whites Bridge Road. The property is located at 20 Whites Bridge Road; Tax Map: 18 Lot 4-5; Zone: Commercial I (C-1) zoning district.

**Attachments:** [23-11\\_PB\\_MEMO\\_AmdMeadowbrookSub\\_042023.pdf](#)  
[SRC MEMO AMD SUB 20WhitesBridgeRdDuplexe 23-11 033123.pdf](#)  
[TownEngineer\\_Comments 032723.pdf](#)  
[23-11\\_APPLICATION\\_2ndAmdMeadowbrookSub\\_0413023.pdf](#)  
[23-11\\_PLAN\\_SET\\_2ndAmdMeadowbrookSub\\_0413023.pdf](#)

*Chris Taylor, of Sebago Technics, was present representing the applicant.*

*They proposed:*

- *To add one duplex at the rear of a lot that had an existing duplex on it.*
- *They proposed construction of a curb lane to provide the required frontage.*
- *The project would be served by public water.*
- *Stormwater management would be located to the rear of the lot. They were capturing the majority of the new development and treating it to DEP's standards of Chapter 500.*
- *The units would have designated parking spaces and a garage.*
- *The turn-around would need to provide clear access to the parking area.*

*Steve Puleo explained:*

- *This was an amendment to a previously approved subdivision.*
- *The applicant was not required to obtain any stormwater permits from DEP.*
  - o *A full stormwater plan had been submitted.*
  - o *The town's engineer had reviewed the stormwater treatment and supported that it met the standards of DEP's Chapter 500.*
- *They had obtained an Ability to Serve letter from PWD.*
- *There was a grading easement agreement with the abutting Apple Tree Storage property. It would need to be submitted to the town before issuance of any building permits.*
  - *The applicant requested waivers.*
  - *A small amount of wetland would be filled.*
  - *Staff recommended planting of two street trees along Whites Bridge Road.*

*Board Comment*

- *If under the new multifamily standards, you could put in an access drive, did the access drive have a hammerhead requirement?*
- *Was the Fire Department OK with the setup and believed no one would park in the turn-around?*
- *What was involved in a landscape plan?*
  - o *Was there a significant expense to the landscape plan?*
  - o *Did the ordinance require a landscaped plan to be done by a professional landscape architect?*
  - o *Could the street trees be a condition of approval? Could those be shown on the approved plan?*
  - o *What was the Board doing for buffering to the residents of other condos?*
  - o *If the requirement for a landscape architect was burdensome, could the Board waive the requirement for a landscape architect and still see an informal landscape plan?*
  - o *If it was a brand new subdivision, would the Planning Board require any buffering between buildings?*
  - o *Was there room to leave trees?*
  - o *What was the current distance to the property line for the existing structure and the new structure?*
  - o *If you put trees too close to a building, the root system would create a hazard.*
  - o *The applicant would be clearing right up to the property line. Gaps in the tree line were not indicated on the plan.*
  - o *Would the existing retaining wall be disturbed?*
- *It was suggested for the Board to have a site walk.*
- *Was the waiver request for the curb lane consistent with the road changes that would be in effect for multi-family housing?*
- *Did the town feel that outstanding items had been addressed?*
- *Would the curb lane be maintained by the owner?*
- *Would the turn-around be posted with No Parking signs?*

*Evert Krikken made a motion that the application for project 23-12 - Amended*

Meadowbrook subdivision preliminary plan review was found complete regarding 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 Rick Yost.

Vote: All in favor.

Evert Krikken made a motion to approve the waiver request of Chapter 120 Attachment 2 Appendix B – Curbed Lane, Curb Type from granite to slip form concrete.

Seconded by Kathleen Brown.

Vote: Five in favor. Rick Yost opposed. No one abstained.

Evert Krikken made a motion to approve the waiver request of Chapter 120 Attachment 2 Appendix B – Curbed Lane, Curb Radius to allow maximum curb radius from 4 feet to 15 feet.

Seconded by Christian Etheridge.

Vote: All in favor.

Evert Krikken made a motion to approve the waiver request of Section 120-911M(5)(b)[5] [d] to allow the curb lane turnaround to be incorporated into a expand parking behind the existing structure.

Seconded by Shonn Moulton.

Vote: All in favor.

Rick Yost made a motion to approve the waiver request of Section 120-910C(3)(b) to omit a landscape plan as part of the amended subdivision plan.

Seconded by Shonn Moulton.

Vote: Four in favor. Marge Govoni and Kathleen Brown opposed. No one abstained.

Christian Etheridge made a motion that the preliminary plan subdivision application for project 23-12 - Amended Meadowbrook Subdivision on Tax Map: 18, Lot: 5-4 was to be approved with conditions with the following findings of fact, conclusions, and conditions.

#### FINDINGS OF FACT

##### 120-911 – AMENDED SUBDIVISION REVIEW

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

##### (1) Lots

- (a) The size of the parcel is 32,017 SF and there is no minimum lot size nor net residential density requirement in the C-1 zoning district.
- (b) The proposed development will have multiple dwellings on a single parcel.
- (c) Further lot divisions are prohibited.
- (e) Map-lot numbers are provided.

*(2) Utilities*

*(a) The applicant is proposing to extend all utilities underground from the Whites Bridge Road ROW.*

*(b) Public water will be extended from Whites Bridge Road.*

*120-911B – Sufficient Water*

*(1) Water supply*

- All dwelling units will be served by public water from an existing water main on Whites Bridge Road.*
- An Ability to Serve letter dated January 25, 2023 from the Portland Water District approving the public water service for the addition of duplex building. PWD has approved two 1.5" domestic/fire service from Whites Bridge Road within the proposed road.*
- The closest existing fire hydrant is located on Whites Bridge Road. Existing hydrant locations are less than 1,000 feet from the development.*

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

- The applicant has provided a surface drainage plan showing the direction of stormwater runoff.*
- Soil erosion and sediment control plan must be submitted as part of the Final Plan.*
- No portion of this subdivision is within the mapped 100-year floodplain.*
- This subdivision is located over a significant sand and gravel aquifer.*
- This project is in the NPDES (National Pollutant Discharge Elimination System) urbanized area as designated by the Environmental Protection Agency for the Town of Windham. The site disturbance is less than an acre and annual stormwater maintenance reporting to the Town is not required, but the Environmental and Suitability Coordinator recommends they should be following an inspection and maintenance plan as required in the ordinance.*
- The property is in the Presumpscot River watershed.*
- The project will not adversely impact any river, stream, or brook.*

*120-911D – Sewage Disposal*

*2. Private systems.*

*(a) The development will be served by one private subsurface wastewater disposal system. The applicant has provided evidence that the proposed subsurface disposal system is designed to handle the flow of 720 Gallons per day for 8 bedrooms (the existing 2-unit building plus the proposed 2-unit building).*

- The site evaluator, Gary Fullerton from Sebago Technics has certified in writing that the test pit meets the requirements.*
- Soil test pit analysis were included with the applicant and show test pit locations on the plan.*
- The two buildings are connected to a 2,000-gallon septic tank and pipes to the disposal field.*

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

- The applicant will provide more information relating to the natural resource impacts for the final review.*
- The property does not have shoreline frontage.*
- The applicant will show the limits of tree clearing for the final plan review for the duplex buildings. A note needs to 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 a period of at least five (5) years from the date of Planning Board approval.*
- The property is currently developed with a single-family dwelling and is otherwise wooded.*

- *There are no documented rare botanical features or significant wildlife habitats documented on the site.*
- *Street trees are required at least every fifty (50) feet (Section 120-911E(1)(b)).*
- *The applicant is not proposing a tree along White Bridge Road and would need to request a waiver of that section.*
- *The existing tree line is shown on the preliminary plan.*

#### *120-911F – Conformance with Land Use Ordinances*

##### *Comprehensive Plan:*

- *The plan does meet the goals of the 2017 Comprehensive Plan. The property is in the Growth Area.*

##### *Land Use Ordinance:*

- *The lot meets the dimensional standards of Commercial District I (C-1), see Section 120-410E.*
  - o *Front setback for principal building on all other streets but Route 302 0-20-feet. Front, side, and rear setbacks are shown on the plan.*
  - o *Net residential density calculations are shown on the plan.*
  - o *No parking is located in within the structure's front setback.*
  - o *Buildings must be oriented parallel to the front lot line. The existing building is oriented towards Whites Bridge Road and the proposed building is oriented to the proposed curbed lane.*
- *The development is subject to the following Article 12 Impacts Fees, to be paid with the issuance of a building permit: North Route 302 Road Improvements Impact Fee, Recreation Impact Fee, Open Space Impact Fee, Public Safety Impact Fee, Municipal Office Impact Fee.*

##### *Subdivision Ordinance*

- *Standard notes and the standard condition of approval and approved waivers must be shown on the plans.*
- *Subdivision plan data compatible with the Town GIS must be submitted as part of the final plan submission.*
- *Draft condominium or homeowner association documents must be provided with the final plan submission and must specify the rights and responsibilities of each owner with respect to the maintenance, repair, and plowing of the subdivision streets, open space, and stormwater infrastructure, if the dwellings are to be sold as condominiums.*
- *The plan shows all parcels in common ownership within the last 5 years.*

##### *Others:*

- *Section 204-24 Street Naming and Addressing: Following consultation with the Assessing Department, a proposed road name for the subdivision access drive must be shown on the Final Plan.*
- *Chapter 201 Article II Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 urbanized area.*
- *Chapter 101 Growth Management Ordinance: Growth permits are required prior to the issuance of a building permit for the construction, creation, or placement of each new dwelling unit within the Town of Windham.*
- *The final plan submission should describe how solid waste generated by residents at the site is to be collected and disposed of and how stumps and demolition debris will be disposed of.*
- *For the final plan review, the applicant shall provide the "Grading Easement" with the abutting Apple Tree Self Storage.*

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

(1) *The estimated cost of the proposed project is approximately \$910,000, the applicant did not provide a construction cost worksheet with the application. For financial, the applicant has provided a support letter dated March 6, 2023 from James M. Whelan, Vice President of Saco & Biddeford Saving Bank.*

(2) *The has shown applicant's technical capacity by completing several residential developments in the Greater Portland area. The applicant has retained the services of Sebago Technics, Inc. Survey, Inc, Architect Deirdre Pio, and Mainly Soils. The consultants have performed as technical advisors and designed many subdivision and site plan reviews in Windham.*

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

- No adverse impacts on ground quality or quantity are anticipated.*

*120-911I – Floodplain Management*

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

*120-911J – Stormwater*

- The applicant is proposing a stormwater quality and quantity treatment design by using a grassed under-drained soil filter to provide storage and treatment for the increased stormwater runoff caused by the new impervious and landscaped area created by the new development.*
- The design ensures the MDEP Chapter 500 Basic standards, General standard, and Flooding standards are being met.*
- A Best Management Practice (BMP) plan has been included report. The applicant shall include the BMP plan as part of the Condominium Documents.*

*120-911K – Conservation Subdivision*

- The applicant is not proposing a Conservation Subdivision.*

*120-911L – Compliance with Timber Harvesting Rules*

- The applicant states the site was not involved in timber harvesting activity. All tree removal will be limited in scope and minimal.*

*120-911M – Traffic Conditions and Street*

- A new 225-foot-long Curb Lane will serve the development, per Chapter 120 Attachment 2 Appendix B. The applicant has requested waivers from the standards to allow "slip-form" concrete curbing and increase in the curb radius to 15-feet and that intersection.*
- Town-approved Street names shall be shown on the final plan.*
- The project is subject to the North Route 302 Road Improvements Impact Fee of \$386.65/trip through this Whites Bridge Road and Roosevelt Trail, Section 120-1204. Traffic analysis conducted by the applicant states the project will generate two additional vehicle trips, however the applicant has not determined impact to the North Route 302 Capital Improvement District in the peak commuter hour.*

**CONCLUSIONS**

- 1. The proposed subdivision will not result in undue water or air pollution.*
- 2. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the site plan.*
- 3. The proposed subdivision will not cause an unreasonable burden on an existing water supply.*
- 4. 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.*

5. *The proposed subdivision 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 will provide for adequate sewage waste disposal.*
7. *The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste.*
8. *The proposed subdivision 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 does have adequate financial and technical capacity to meet the standards of this section.*
11. *The proposed subdivision is 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 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 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 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 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 March 16, 2023, as amended April 24, 2023, 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 Section 120-913 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.*
3. *Prior to the issuance of building permits, the applicant shall provide to the Town Planner the recorded and executed Grading Easement with Apple Tree Self Storage.*



4. Prior issuing the building permits, the applicant shall record the approved plan in the Cumberland County Registry of Deeds (CCRD), per 120-915B.
5. At the time of applying for a building permit, the applicant shall pay the North Route 302 road improvement impact fee of \$773.30.

Second by Evert Krikken.

Vote: All in favor.

## **New Business**

**6**      [PB 23-024](#)      #23-12 - 2nd Amended Elizabeth Farms - Amended Subdivision - Andrew Cail.

The application is for a second amended subdivision to allow an increased parcel developed area of 6,947 SF of impervious area and 21,951 SF of landscaped area. The property is located at 23 Strawberry Lane; Map: 19, Lot 90F; Zone: Farm District (F).

**Attachments:**    [PB MEMO AmendedSub\\_SecondElizabethFarm\\_23-15\\_041123.pdf](#)  
[Elizabeth Farms Subdivision-Lot 90F-Design Plans.pdf](#)  
[Elizabeth Farms-Lot 90F-Amended Sub App \(3-20-2023\).pdf](#)  
[Elizabeth Farms-Response to Review Comments \(4-11-23\).pdf](#)  
[DEP Response SLODA\\_033123.pdf](#)  
[STAFF REVIEW&COMMENTS MEMO 2NDAMDSUB ElizabethFarms\\_23-12\\_0407023.pdf](#)  
[TownEngineer Comments\\_041023.pdf](#)

Jason Haskell, of DM Roma Consulting Engineers, was present representing the applicant. He explained:

- The proposal was to build a 50 foot by 34 foot detached garage with a 12 foot overhang, for personal use.
- There would be no water usage, so no septic requirement..
- Electrical service would come from the house.
- The original subdivision approval did not include development of the lots. During review, assumptions were made at 4,000 square feet of impervious area and 16,000 square feet of landscaped area per lot, for preparation of stormwater quality control analysis.
- Under this proposal, the impervious area would increase to 6,947 square feet and the landscaped area would increase to 21,951 square feet.
- Additional stormwater runoff that was generated would be treated by roofline drip edges or in the existing stormwater buffer, which had been sized for the increase in impervious surface. Buffer pins would be installed at three corners.
- No amendment was needed from DEP.

Steve Puleo reviewed:

- In 2019, the property owner had obtained the first amendment to the subdivision for approval to create an 18 square foot easement to the hammerhead area because of a setback issue.
- This second amendment was for a requirement that had been placed on the 2015 subdivision approval.
- The stormwater management plan had been submitted as part of the 2015 approval. Staff wanted the forested buffers pinned because part they were part of the stormwater

management system.

- The amendment would change the allowable impervious and landscaped area for this lot only. The increase would be 2,947 square feet of impervious surface and 5,951 square feet of landscaped area.
- A drip edge detail had been provided at the town engineer's request.
- The town engineer felt the additional impact would have zero effect on water quality that was being treated within the vegetated buffer because the buffer area would be pinned and the landscaped area would be graded and seeded.

There was no Board comment.

Andrew Cail, the applicant, stated that, for any further subdivisions, if they had stormwater easements or buffers that had to be pinned out, should be required and put in prior to the subdivision completion. He worked in a lot of subdivisions, and people went in and carved out what they wanted and nobody paid attention to it.

Evert Krikken made a motion that the project 23-12 Second Amended Elizabeth Farms application was found complete regarding the submission requirements based on the application checklist. The Planning Board retained the right to request more information where review criteria were not fully addressed.

Seconded by Christian Etheridge.

Vote: All in favor.

Christian Etheridge made a motion that the application for project 23-12, Second Amendment to the Elizabeth Farms Subdivision on Tax Map: 19, Lots: 90F was to be approved with conditions with the following findings of fact, conclusions, and Conditions of Approval.

#### FINDINGS OF FACT

##### 120-911 - AMENDED SUBDIVISION REVIEW

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

###### (1) Lots

- The size of the parcel is 80,223 SF. There is no change to the number of lots or dwellings in the subdivision.

###### (2) Utilities

- The applicant is proposing to extend all utilities underground from Strawberry Lane.

##### 120-911B – Sufficient Water; water supply

- All developed lots are served by individual private wells.
- The closest fire hydrant is located on Tandberg Trail near Smith Road, over 1 mile from the closest lot in the subdivision. Deputy Fire Chief Wescott recommended that the new houses in this subdivision include sprinkler systems that meet NFPA standards, based on the distance from a public water supply.
- Note 15 on Plan dated April 2015 that states all new homes shall be equipped with sprinkler systems that meet NFPA 13D and the Town of Windham standards.

##### 120-911C - Erosion Control and Impact on Water Bodies

- A soil erosion and sediment control plan has been submitted as part of the second amended subdivision plans.

*120-911D – Sewage Disposal*

- *The project will utilize a subsurface wastewater treatment system.*
- *The existing home is served by a subsurface wastewater disposal system permitted August 5, 2017.*

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

- *The first 6 lots in the Elizabeth Farms Subdivision were previously developed on Strawberry Lane with single family dwellings. On the remainder of the site there is currently a detention pond*
- *There are no documented rare botanical features or significant wildlife habitat documented on the site.*
- *This project will not adversely impact any river, stream, or brook.*

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

- *The plan meets the goals of the 2017 Comprehensive Plan.*

*Land Use Ordinances:*

- *Each of the lots exceeds the 80,000 square foot minimum lot size and minimum frontage and setback requirements of the F District.*
- *Net residential density calculations are shown on the plan.*
- *The standard note regarding subdivision streets is shown on the plan.*

*Subdivision Ordinance*

- *Waivers granted are shown on the Final Plan and listed in a separate location from the plan's general notes and conditions of approval.*
- *Digital transfer of the subdivision plan data must be submitted with the Final Plan submission for inclusion with the Town's GIS.*
- *The revised plan shall indicate 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.*

*Others: None*

*120-911G – Financial and Technical Capacity*

- (1) Missing financial capacity.*
- (2) The applicant has provided information on the professionals working on this project as evidence of technical capacity.*

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

- *The new building to be built on Lot 90F will not result in undue air or water pollution.*

*120-911I. – Floodplain Management*

- *No portion of the property within the lots in the Elizabeth Farms subdivision subject to municipal review are within the 100 year floodplain. See Flood Insurance Rate Map included with the April 6, 2015 submission.*

*120-911.J. – Stormwater*

- *A stormwater management report and plan were prepared by Terradyne Consultants, LLC dated February 2, 2011 and last revised December 12, 2011 received approval from the Maine Department of Environmental Protection on April 10, 2012.*
- *A stormwater management plan has been submitted as part of the April 6, 2015*

*Preliminary Plan submission.*

- *Will Haskell, P.E., of Gorrill-Palmer Consulting Engineers has provided peer review comments dated April 10, 2015. He requested numerous notes be added to the plan related to the buffer areas, drainage easements, and maintenance of buffers.*
- *In response to peer review comments, the April 27, 2015 submission revised notes on the plan.*
- *Permit #L-25470-NJ-C-M/L-25470-TE-D-N and amended under Order L-25470 -NJ-C-M/L-25470-TE-D-N from the MeDEP. The permits issued were only obtained for the construction of the roadway and stormwater infrastructure and the lot development was not in the stormwater permitting and are not subject to the development of the lots.*
- *The previous subdivision identified Note 17 on the original subdivision the allocated the maximum impervious surface per lot is limited to 4,000 SF*

*120-911K. – Conservation Subdivision*

- *The subdivision is not a Conservation Subdivision.*

*120-911L. – Compliance with Timber Harvesting Rules*

*(1) The Board shall ascertain that any timber harvested on the parcel being subdivided has been harvested in compliance with rules adopted pursuant to 12 M.R.S.A. 8869, Subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Planning Board must determine prior to granting approval for the subdivision that five years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel.*

*120-911M. – Traffic Conditions and Street*

- *The subdivision lots will have frontage on a dead-end private street.*
- *The existing paved portion of Strawberry Lane was constructed prior to October 22, 2009. The extension of Strawberry Lane must meet the Minor Private Street standards.*
- *Katies Way must meet the Minor Private Street standards.*
- *The applicant has indicated that a gravel base for Strawberry Lane extends beyond the paved portion of the road and that Katies Ways has been mostly constructed to a width of 16 feet. In the Development Team Meeting Will Haskell, P.E., of Gorrill-Palmer Consulting Engineers, indicated that test pits of the gravel portion of Strawberry Lane and core sample of Katies Way would be required to verify the depth of gravels.*
- *A road plan and profile, prepared by Terradyn Consultants, LLC, dated April 6, 2015, was submitted as part of the Preliminary Plan.*
- *The First Amended Subdivision plan transferred 18 square feet of the hammerhead right-of-way from Strawberry Lane to Lot 90F. The 18 square foot area shall remain an easement as a portion of Strawberry Lane and be subject to all pertinent existing covenants, restrictions and rights of way, etc which Strawberry Lane is currently subject to.*
- *The Town called for the remaining amount of the performance guarantees provided by the developer, Sebago Real Estate Investments, LLC to complete the subdivision required road improvements. The Town contracted with A.R. Cail and Son Excavation July 22, 2021 to complete as much as possible with the remainder of the performance guarantees.*

**CONCLUSIONS**

- 1. The proposed subdivision will not result in undue water or air pollution.*
- 2. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the site plan.*
- 3. The proposed subdivision will not cause an unreasonable burden on an existing water supply.*

4. *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.*
5. *The proposed subdivision 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 will provide for adequate sewage waste disposal.*
7. *The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste.*
8. *The proposed subdivision 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 does have adequate financial and technical capacity to meet the standards of this section.*
11. *The proposed subdivision is 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 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 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 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 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 March 16, 2023, as amended April 24, 2023, 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 Section 120-913 of the Land Use Ordinance.*
2. *The approval limits the increase of the impervious and landscaped areas for Tax Map 19 Lot 90F from 4,000 SF to 6,947 SF of impervious area and from 16,000 SF to 21,951 SF of landscaped area.*

3. Prior to issuing the building permits, the applicant shall survey the stormwater buffer, pinned the buffer in the field, and have area verified by the Town Engineer or duly designated town official.
4. Prior issuing the building permits, the applicant shall record the approved plan in the Cumberland County Registry of Deeds (CCRD), per 120-915B.

Seconded by Evert Krikken.

Vote: All in favor.

- 7 [PB 23-022](#) #23-17 Amendment to Code of the Town of Windham Chapter 120 Land Use Ordinance, Article 12 Impact Fees to revise the open space impact fee.

- Attachments:** [PB Memo Open Space 04-20-23.pdf](#)  
[Open space impact fee revised 03-17-2023.pdf](#)  
[Open Space Fee Methodology 03-17-2023 redline.pdf](#)  
[Open Space Fee Methodology 03-17-2023\\_clean.pdf](#)

*Impact Fees*

Steve Puleo explained: Town Council had requested the Planning Board to consider an amendment to the Land Use Ordinance related to impact fees for open space.

- The value of land had increased since the impact fee had been approved and the fee was no longer proportionate to the cost of development so the methodology was being recalculated.
- The impact fees would increase and were based on the number of bedrooms in a dwelling unit.

*Board Comment*

- Were these fees for maintaining the open spaces?
- Every bit of the costs would be passed directly to whoever lived there.
- This was on top of the recreational impact fee ... another way to tax.
- It would be used to acquire new open space by the town.
- It wouldn't actually be used for what it said it was used for. It wouldn't sit in a bank account until it was used to purchase a property.
- Maybe it would be good to ask the Council how the budget would be affected.

**Other Business**

**8 Adjournment**

Evert Krikken made a motion to adjourn.

Seconded by Kathleen Brown.

Vote: All in favor.

Note

Note

Meeting went into Recess

Note

Note

*Meeting Reconvened*