



**Town of Windham
Planning Department**

8 School Road
Windham, Maine 04062
Tel: (207) 894-5960 ext 2
Fax: (207) 892-1916
www.windhammaine.us

MEMO

DATE: September 21, 2021

TO: Windham Planning Board
FROM: Steve Puleo, Town Planner
Cc: Dustin Roma, DM Roma Consulting Engineers
Robie Holdings, LLC, Applicant
Development Review Team

RE: 21-19: First Amended Chamberlain Estate Subdivision: Major Site Plan and First Amended Major Subdivision, Sketch Plan Review
Planning Board Meeting: September 27, 2021

Overview –

The application is for an amendment of May 2021 approved major subdivision known as Chamberlain Estates. The approved subdivision created a three (3) lot subdivision with 20 duplex apartments (40 dwelling units), on 14 acres on a property with frontage on Manchester Drive and Basin Road. The subdivision would create 1,700 feet of new roadway connection to Manchester Drive and the existing Lowe's access driveway, Chamberlain Drive and Dovak Way. The applicant, Robie Holdings, LLC is proposing to remove three duplex buildings, shown as units 35 to 40 on the approved plan, and replace the buildings with three (3) 12-unit buildings. The new buildings will be 3-stories in height with entrances on two (2) sides of the structure. The development will increase the dwelling units to 70 units. Parking will be located behind the new buildings.

A Development Review Team meeting was held on September 20, 2021. Comments received during the meeting are reflected in the memo below.



Aerial View of the subject parcel relative to surrounding properties and street network.

Tax Map: 48, Lot D03. Zone: Commercial District II (C2).

As noted in the May 6, 2021 approval:

The Board should note that on April 13, 2021, the Town Council adopted amendments to the Sewers Ordinance that specifies the areas of a planned sewer system in North Windham that includes this property. The staff has included draft Condition of Approvals related to the requirement to connect to the public sewer system, as well as payment of the North Route 302 Road Improvement Impact Fee, and submission of authorization to install stormwater structures in easement areas.

SITE PLAN AND SUBDIVISION REVIEW

Staff Comments:

1. Jurisdiction: Due to the number of five (5) or more dwelling units in a five (5) year period in the proposed development, the project is classified as a Major Site Plan, which the Planning Board is authorized to review and act on by Section 805.A.2(b) of the Town of Windham Land Use Ordinance.
2. Title, Right or Interest: The applicant has submitted a copy of the subdivision plan recorded at the Cumberland County of Registry of Deeds on May 18, 2021, showing Robie Holding, LLC as the recorded owner.

3. Waivers: None requested

Limitation of Waivers. The granting of a submission requirement waiver or site waiver may not conflict with, nor negate, any State Statutory requirements for the subdivision of land. Per Section 908.B.2. The Board is not required to use any criteria in making its determination on the granting of a waiver of the submission requirements. Per Section 908.C. The Planning Board may waive the requirements of Section 911 Performance and Design Standards, when the applicant demonstrates that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met, the public health, safety and welfare are protected and provided the waivers do not have the effect of nullifying the intent and purpose of the land use ordinance. In granting site waivers, the Planning Board shall utilize the criteria in Section 908.C.2.

- a. At the Development Review Team Meeting, the applicant stated that they would not need a waiver from the Planning Board.

4. Complete Application: *N/A with Sketch Plan*

~~MOTION:~~ ~~The major site plan and first amended subdivision application for the First Amended Chamberlain Estates Subdivision project is found complete regarding the submission requirements based on the application checklist, but the Planning Board retains the right to request more information where review criteria are not fully addressed.~~

5. Public Hearing: No public hearing has been scheduled for this project. The Planning Board must determine whether to hold a public hearing on the application.

6. Site Walk: A site walk has not been scheduled for this project. The Planning Board should determine if a site walk is necessary for this project.

Findings of Fact and conclusions for the

Windham Planning Board,

~~**MOTION:** The major subdivision and site plan application for the major site plan and first amended subdivision application for the First Amended Chamberlain Estates Subdivision on Tax Map: 48, Lot D03 is to be (approved with conditions/denied) with the following findings of fact and conclusions.~~

FINDINGS OF FACT

812. - MAJOR SITE PLAN PERFORMANCE STANDARDS

812.A. - Utilization of the Site

- The subject parcel is approximately 7.01 acres (305,342 SF) The site is currently vacant.
- The parcel is one of three lots of Chamberlain Estates three lot subdivision.
- A portion of Lot 3 is in the construction of seven duplex buildings as part of the approved subdivision.
- There are no wetlands identified on the property.

812.B. - Vehicular Traffic; 812.C. - Parking and Loading; 812.D. - Pedestrian Traffic

- The subject parcel fronts Chamberlain Drive.
- The three (3) multi-family building site has one driveway opening from Chamberlain Drive. In accordance with Section 406.F.6.(e). The new residential street should have a waiver request, per Section 522.B.2.(a) & (c), to allow more than one (1) curb cut and "[P]arking areas with more with two (2) parking spaces shall be so arranged that vehicles can maneuver with areas and exist on the street in a forward motion."
- The three (3) multi-family building project will be served by Chamberlain Drive and, when Chamberlain Drive is completed, the applicant will convey the road and ROW to the Town of Windham.
- The sidewalk is shown on the sketch plan between buildings identified as 35- 46 and 47-58.
- The Planning Director stated, at the Development Review Team meeting on September 20, 2021, the applicant should create on-street parking in front of the new buildings. The Fire Chief is concerned the Town's fire ladder truck may not enough reach if cars are parked on the street in front of the buildings. The Director of Public Works stated there is a winter on-street parking ban and plowing snow, may be issued if the plows need to clean out the on-street parking spaces.
- The applicant is proposing to replace the approved 50-foot ROW to Basin Road and curb cut with a Residential Street located over a 30-foot utility easement to be provided to the Portland Water District, between Building units 30 and 31. The board shall determine that if the ROW for the secondary access to Basin Road is a reasonable change.
- The proposed new residential street is proposed to extend over the Portland Water District ROW to Basin Road. The applicant is proposed new residential street will be paved and constructed with two (2) 10-foot-wide travel lanes. The proposed new street will provide

access for two (2) parking spaces for dwelling units 30 and 31. The applicant will provide the Town with the new street and ROW and will build a portion of the new street. The applicant is proposing the new residential street network will comply with the C2 zoning district block standards. At the Development Review Team meeting of September 20, 2021, the staff unanimously wants the applicant to complete the road construction to Basin Road

- At the Development Review Team Meeting on September 20, 2021, Town Engineer Mark Arienti and Fire Chief Brent Libby requested a turn radius diagram for fire trucks to be able to circulate through the property, a new driveway serving the three (3) 12-unit buildings, fire lane turnouts in the parking and the new residential street.
- The development is subject to the following Section 1200 Impacts Fees, to be paid at with the issuance of a building permit: North Windham Sidewalk Impact Fee, Recreation Impact Fee, North Route 302 Road Improvements Impact Fee, Open Space Impact Fee, Public Safety Impact Fee, Municipal Office Impact Fee.
- Sight distances for the new residential driveway entrance must be shown on the preliminary plan review.
- The sketch plan shows 74 new parking spaces to serve the three (3) 12-unit buildings (2+ parking spaces/unit). The ordinance does not have a minimum number of spaces required but the applicant shall demonstrate that the number of spaces provided onsite will meet the needs of the proposed uses. Section 812.C.(1)(d) requires 30% of the parking spaces to be 10'x 20'. The applicant is proposing to paint a crosswalk along the
- A traffic impact study must be submitted with the preliminary plan review if the project will generate fifty (50) or more trips during the a.m. or p.m. peak hour.
- If the project generates over 100 peak hour trips and requires a Traffic Movement Permit (TMP) from the Maine Department of Transportation, it must be submitted with Final Plan.
- The development is subject to the following Section 1200 Impacts Fees, to be paid at with the issuance of a building permit: North Windham Sidewalk Impact Fee, Recreation Impact Fee, North Route 302 Road Improvements Impact Fee, Open Space Impact Fee, Public Safety Impact Fee, Municipal Office Impact Fee.
- The applicant should consult with the local postmaster as to appropriate mailbox locations and types and if a group mailbox is required it should be shown for the final plan review.

812.E. - Stormwater Management; 812.F. - Erosion Control

- The property is located in the This project is located within the Presumpscot River watershed and is just over 1,000 feet from Sebago Lake Basin.
- Per Section 812.E., a stormwater plan needs to be submitted that meets the standards DEP Site Location of Development Act permit and shall be submitted with the final plan review.
- Per Section 812.F.1., the applicant shall minimize impacts to the site to the fullest extent possible. The proposed site improvements will preserve the natural vegetation as much as possible.
- This project is in the NPDES (National Pollutant Discharge Elimination System) area as designated by the Environmental Protection Agency for the Town of Windham.
- As a result, there will be additional construction inspection requirements and ongoing requirements for reporting of stormwater infrastructure maintenance as there is more than one (1) acre of development proposed. (See recommended Condition of Approval #2.)
- The applicant will provide a plan for Erosion and Sedimentation Control practices during the site improvement construction activities that will meet the Basic Standards per Section

4(A) of the MeDEP Chapter 500 Stormwater Rules as outlined for the final plan review, per Section 812.F.2. and 2(a).

812.G. - Water Supply Provisions; 812.H. - Sewage Disposal Provisions

- The redevelopment proposal will utilize domestic water of the Portland Water District (PWD).
- Per the Fire Department requirements, the building will have a fire suppression system installed. The applicant will be providing an “Ability to Serve” as required for the preliminary plan for review, per Section 807.F.1.(e).
- The Town Council approved an amendment to the Sewers Ordinance Chapter 195 on April 13, 2021, that specifies the areas of a planned sewer system in North Windham that includes this subdivision. See proposed Condition of Approval #5.
- The applicant shall conceptual plan a sewer collection system for the Chamberlain Estates project for the preliminary plan review, in preparation for Town sewer becoming available in Manchester Drive.

812.I. - Utilities

- The proposed residential buildings will be connected via underground utility lines (electrical, telephone, and telecommunication services).
- The project will be served by domestic water and private septic subsurface disposal.
- The closest fire hydrant shall be identified on the preliminary plan for review.
- Based Fire Chief’s requirements and use, the applicant will install a sprinkler system, a fully addressable alarm system, and FDC’s located in the front and rear entrances for review in the preliminary plan submission.

812.J. - Groundwater Impacts; 812.K. - Water Quality Protection

- The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules
- This project is located within the Presumpscot River watershed and is just over 1,000 feet from Sebago Lake Basin.
- The project will not adversely impact any river, stream, or brook. as designated by MeDEP.

812.L. – Hazardous, Special and Radioactive Materials

- The proposed residential will not handle, store, or use any material identified by the federal or state as hazardous, special, or radioactive.

812.M. – Shoreland Relationship

- The proposed residential is not located in a shoreland zoning district.

812.N. - Technical and Financial Capacity

- Evidence of financial capacity must be provided as part of the final submission
- Evidence of technical capacity must be provided as part of the final submission.

**812.O. – Solid Waste Management; 812. P. – Historical and Archaeological Resources;
812.Q. - Floodplain Management**

- The construction debris will include clean wood, material packaging, cardboard, etc. The applicant will provide the final construction material plan for final review.
- Per the May 6, 2021 approval, the applicant submitted a letter from Maine Historic Preservation Commission, dated December 14, 2020, stating that there are no National Register eligible properties on or adjacent to the parcels, and the project area is not considered sensitive for archeological resources.
- The proposed building is not in the FEMA floodplain.

812.R. – Exterior Lighting; 812.S. - Noise

- The applicant is proposing to install a pole mount light at the corner of the access driveway proposed between buildings identified a 47-58 and 59—70. The building will have wall mounted lighting for the rear parking lot and the front of the building. The Town Engineer will provide the light fixture detail for any additional streets light provided to the Town as part of the Chamberlain Drive road acceptance.
- A Photometric Plan will be provided in the final plan set, and details of fixtures cut sheets are in the application.
- The proposed residential use will not exceed 65 dB between 7:00 AM to 10:00 PM and 55 dB between 10:01 PM to 6:59 AM.
- Construction activities abutting any residential use shall be between the hours of 10:00 PM and 6:00 AM.

812.T. – Storage of Materials and Screening (Landscape Plan)

- For the preliminary plan review submission should include a landscape plan and planting schedule.
- The snow storage area must be identified for the preliminary plan review.

813 Commercial District Design Standards for the Commercial II (C2)

813.A. - Architecture/Building (Required for Preliminary Plan Review)

- Per Section 813.A.1.a. for building style.
 - The proposed buildings are residential and are not associated with a national franchise.
 - The building style is typical four-corner style with covered porches and hipped-roof lines
- Per Section 813.A.2.a. for the materials.
 - The buildings will be constructed in traditional northern New England, details will be provided for preliminary plan review.
- Per Section 813.B.2.b. for awnings and canopies.
 - The front and rear entrances with being covered with a roof element.
- Per Section 813.A.3.a. for Façade colors.
 - The colors of the building will be provided for the preliminary plan review.
- Per Section 813.A.4.b. for non-traditional roof forms.
 - The applicant is proposing a traditional hipped roof design.
- Per Section 813.A.4.c. for flat roofs.
 - The applicant is not proposing a flat roof design.
- Per Section 813.A.4.d. for parapets use.
 - Not required with a hipped-roof design.
- Per Section 813.A.4.e. for Roofing materials will not include high gloss roofing materials.

- The proposed roofing materials will be asphalt shingles._
- Per Section 813.A.4.f. for Rooftop equipment will include new mechanical units and screening from view.
 - The building will house the mechanical equipment in the basement.
- Per Section 813.A.5.a. for facades that face public streets.
 - The proposed building front facades will be facing Chamberlain Drive and will have front door entrances.
- Per Section 813.A.5.b. for retail and foodservice facades, no blank facades facing the public roads or abutting properties are permitted.
 - The proposed buildings are for residential use.
- Per Section 813.A.5.c. for site plans and architectural elevations, the applicant is not proposing any exterior vending machines.
 - The proposed residential will not have any exterior vending machines.
- Per Section 813.A.5.d. for windows, doors, ventilation fixtures, and other building openings will be trimmed to match the existing building openings.
 - The proposed building opens will be consistent in the color and style of the newly constructed duplexes._
- Per Section 813.A.5.e. for horizontal facades.
 - The proposed buildings are only three stories in height and the wall will be approximately 30-feet in height.
- Per Section 813.A.6.a. for phasing plans.
 - The applicant will provide a construction plan for final plan review.
- Per Section 813.A.6.b. for freestanding structures.
 - The applicant is not proposing any accessory structures.
- Per Section 813.A.7.a. for renovated buildings over 20,000 SF, the building entrance shall be clearly defined and highly visible.
 - The proposed buildings are new construction.
- Per Section 813.A.7.b. for linear commercial building.
 - The proposed buildings are residential.
- Per Section 813.A.8.a. for Architectural detailing and trim, the proposed new details on the facades of the building are in proportion to the existing structure.
 - The proposed trim boards are proportional to a residential, multi-unit building. The porches will be recessed and covered._

813.B. - Site/Parking

- Per Section 813.B.5.a. for Parking Screening.
 - The proposed buildings are residential and a parking area screen is not required.
- Per Section 813.B.6.a. for Screening, Utility, and Service Areas.
 - The proposed buildings are residential, and utility and service are not associated with this use.

813.C. – Landscaping/Lighting

- Per Section 813.C.5.a. for designated snow storage areas.
 - The sketch plan shows internal walkways proposed for the site.

813.D. – Bicycle/Pedestrian

- Per Section 813.D.2.a. for links to the community.
 - The applicant is proposing a paved new residential street associated with the subdivision amendment.
- Per Section 813.D.6.a. for bicycle parking and racks.

- The applicant shall be provided for the preliminary plan review.

(In addition to meeting all the Design Standard in the C2 zoning district, the applicant must comply with a minimum of eight (8) other Design Standards and shall provide evidence for review with the Preliminary Plan submission.)

Conformity with Local Plans and Ordinances

1. Land Use

- The Commercial 2 (C2) zoning district does not require a minimum lot size and a 100' minimum lot frontage.
- Multi-family developments in C2 shall orient buildings with the front door facing the front lot lines.
- Lot 3 shall have the 10–20-foot maximum setback from Chamberlain Drive and are subject to the minimum side and rear 10-foot setback.
- The sketch plan application identifies multi-family and duplex residential uses for Lot 3, duplex use for Lot 2, and future commercial development for Lot 1.
- The buildings shall only be occupied by uses that are permitted in the C1 District.
- The final plan review needs to demonstrate how the project will comply with the Commercial District Design Guidelines in Section 813.
- Sign details should be provided with the preliminary plan review submission

2. Comprehensive Plan

- This project meets the goals and objectives of the 2017 Comprehensive Plan. The proposed project is in the North Windham Growth Area.

3. Others:

- Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 urbanized area. See Condition of Approval #2.
- Chapter 221 Street Naming and Addressing: Street names approved by the Town Addressing Officer shall be shown on the Final Plan.
- Chapter 116 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.

Impacts on Adjacent/Neighboring Properties

- The sketch plan shows one proposed dumpster located on a paved pad with an enclosure and must meet the side yard setback of 10-feet.
- Site lighting must be shown on for the Preliminary Plan review, and details of fixtures must be included in the submission.
- The rear of the property abuts Trailwood Village, a residential subdivision. Screening or landscaping along the property line should be shown on the final plan.

911 - MAJOR SUBDIVISION PERFORMANCE STANDARDS

911.A. – Basic Subdivision layout

- As note above the Lot 3 is 7.01 acres in size. There is no minimum lot size for commercial lots in the C-2 zoning district and 40,000 SF minimum lot size for lots with dwellings.

- Net Residential Density is one dwelling unit per 5,000 SF for the total development. Lots 1, 2, and 3 combined equal 520,228 SF (11.94 acres) in size allowing for 104 dwelling units. The amendment will add 36 dwelling units to the approved 40 dwelling units and six (6) will be included in the three (3) 12-unit buildings, totally 70 units.
- The new 12-unit residential buildings will not result in undue air or water pollution.
- The applicant shall provide monuments at public rights-of-way (ROW) boundaries, as shown in the May 6, 2021 subdivision approval.
- During the Development Review Team meeting, Fire Department would be involved with lot numbering for E-911 with the Addressing Officer.
- At the Development Review Team meeting, the applicant stated all utilities will be located underground, per Section 911.A.2(a).

911.B. – Sufficient Water

- The applicant will coordinate with the Portland Water District to connect the residential apartment to domestic and fire suppression water supply lines as noted above, an “Ability to Serve” letter for the water supply.
- The closest fire hydrant must be located within 1,000 feet of the proposed development. The applicant shall provide flow and distance information for the final plan review.

911.C. - Erosion Control and Impact on Water Bodies

- As mention in Section 813.C., the applicant will be required to provide and stormwater management and erosion control plans meeting DEP Chapter 500 Stormwater Rules.

911.D. – Sewage Disposal

- The final plan review must include a Soil Evaluation for a subsurface wastewater disposal system meeting the Maine Subsurface Wastewater Disposal Rules. The soil test pit must be shown on the final plan.
- A groundwater impact analysis is required for the final plan involving on-site sewage disposal facilities with a capacity of 2,000 gallons per day or more.

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

- The preliminary plan should indicate whether there are documented rare botanical features, historic sites, or significant wildlife habitat documented on the site
- The Preliminary Plan includes a letter from the Maine Department of Inland Fisheries and Wildlife dated December 31, 2020, indicating there is no known presence of Significant Wildlife Habitat on the project site, but they recommend a survey for vernal pools up to 250' beyond the property boundary to verify there are no vernal pools.
- The Preliminary Plan did not include a submission on botanical features of historic sites documented on-site.
- On March 1, 2021, the applicant submitted a letter from Maine Historic Preservation Commission, dated December 14, 2020, stating that there are no National Register eligible properties on or adjacent to the parcels, and the project area is not considered sensitive for archeological resources.

911.F. – Conformance with Land Use Ordinances

- Comprehensive Plan:

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

· Land Use Ordinances:

- See Section 813 for details of the zoning requirements.

· Subdivision Ordinance

- Waivers of Subdivision Performance Standards granted by the Planning Board must be listed on the final plan in a separate location from either the plan's general notes or any conditions of approval.
- The Tax Map and Lot numbers provided by the Tax Assessor must be shown on the final plan submission.
- Subdivision plan data compatible with the Town GIS must be submitted as part of the Final Plan submission.
- The subdivision plan shows the entire parcel including all contiguous land in common ownership within the last five years, as required by 30-A MRSA Section 4401.

911.G. – Financial and Technical Capacity

- Evidence of financial capacity must be provided as part of the Final Plan submission.
- Evidence of technical capacity must be provided as part of the Final Plan submission.

911.H. – Impact on Ground Water Quality or Quantity

- No impacts on groundwater are expected.

911.I. – Floodplain Management

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

911. J. – Stormwater

- The stormwater management plan shall comply with Chapter 500 Stormwater Rules and shall include a maintenance plan. The applicant shall provide a management plan for the Preliminary Plan review as discussed in Section 812.

911.K. – Conservation Subdivision

- The project is not located in Farm or Farm Residential zoning Districts.

911. L. – Compliance with Timber Harvesting Rules

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

911.M. – Traffic Conditions and Street

- For the final plan review, the applicant will provide a traffic study meeting with the requirement in Section 812.B.
- The Commercial Street standard, intended as the standard for new streets in this area of the 21st Century Downtown Plan, requires sidewalks and on-street parking on both sides of the street.
- The proposed Unnamed Street replacing the approval 50-foot ROW does not meet the Residential Street Standards relative to curb, and drainage. The applicant shall provide

revise road layout meeting Section 911.M.5.(b)(6) and Appendix B, Street Design and Construction Standards for Throughfare Standards; 1. Residential Street, for the preliminary plan review.

- At the Development Review Team Meeting on September 20, 2021, it was discussed that a connection to Basin Road might be beneficial.

CONCLUSIONS (N/A)

1. ~~The development plan **reflects/does not reflect** the natural capacities of the site to support development.~~
2. ~~Buildings, lots, and support facilities **will/will not** 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/will not** be maintained and protected to the maximum extent.~~
4. ~~The proposed site plan **has/does not have** sufficient water available for the reasonably foreseeable needs of the site plan.~~
5. ~~The proposed site plan **will/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/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/will not** 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/does not have** the adequate financial capacity to meet the standards of this section.~~
10. ~~The proposed site plan **will/will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.~~
11. ~~The proposed site plan **will/will not** 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/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/does not** 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/have not** been identified on the plan.~~
15. ~~Any river, stream, or brook within or abutting the subdivision **has/has not** been identified on any maps submitted as part of the application.~~
16. ~~The proposed subdivision **will/will not** provide for adequate stormwater 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 **has/do not have** a lot depth to shore frontage ratio greater than 5 to 1.~~

18. ~~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.~~
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.~~
20. ~~The timber on the parcel being subdivided has/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 September 8, 2021, as amended _____, 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 accordance with Sections 814 and 913 of the Site Plan and Subdivision Ordinances.
2. Approval is subject to the requirements of the Post-Construction Stormwater Ordinance, Chapter 142. 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 May 1st of each year.
3. Before building permits may be issued, the developer must pay the North Route 302 Road Improvement Impact Fee to the Town of Windham, as noted in the subdivision findings on traffic, calculated to be \$_____.
5. Approval is subject to the requirements of the Sewers Ordinance, Chapter 195. Upon notification from the Superintendent that public sewer service is available in the sewer expansion area, all dwellings in the subdivision shall, at the owner's expense, connect any plumbing facilities directly with the public sewer in accordance with the provisions of this chapter within one hundred twenty (120) days after the date of notice by the Superintendent to do so. Plans approved by the Portland Water District for the public sewerage system to serve the subdivision shall be submitted to the Planning Department prior to the start of construction.
6. [Other or unique conditions]