



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Planning Board

Monday, February 27, 2017

7:00 PM

Council Chambers

1 Call To Order

2 Roll Call and Declaration of Quorum

The meeting was called to order by Chair, David Douglass. Other members present were: Margaret Pinchbeck, Keith Elder, Jim Hanscom, Bill Walker, and Nick Kalogerakis.

Planner, Amanda Lessard, was also present.

3 [PB 17-010](#) Approval of Minutes: January 23, 2017

Attachments: [Minutes 1-23-17 - draft](#)

Jim Hanscom made a motion to approve the minutes of the January 23, 2017 meeting.

Seconded by Keith Elder.

Vote: Five in favor. No one opposed. Margaret Pinchbeck abstained.

New Business

4 [PB 17-011](#) 17-02 Plaza Project, Phase 2. Major site plan sketch plan. JAMAR, Inc to request review of a 4,960 square foot daycare and revision to a minor site plan. The subject property is located at 881 - 885 Roosevelt Trail and identified on Tax Map: 18, Lots: 19A and 20. Zone: Commercial 1 (C-1).

Attachments: [17-02 Plaza Project 2-22-17 Sketch](#)
[17-02 Peer Review Plaza Phase 2 02-10-2017](#)
[17-02 The Plaza Site Plan Application 2017 2 6](#)
[17-02 THE PLAZA SITE PLAN SET 2017 2 6](#)
[17-02 The Plaza Phase2 Architectural Plans](#)
[17-02 Stormwater Report](#)
[17-02 STORMWATER MAP-PRE](#)
[17-02 STORMWATER MAP-POST](#)
[17-02 MDOT TMP Application](#)
[Plaza Phase 1 11-2016](#)

Dustin Roma, a civil engineer with DM Roma Consulting Engineers was present representing the applicant. He explained:

- *Phase 1 of the project had been a minor site plan for a retail building under 5,000 square feet. It had been approved by the Staff Review Committee.*
- *In addition to the recently approved Phase 1 there was an existing building on the site, currently the location of a hearing aid practice.*
- *The curb cut was existing.*
- *The site plan showed the site as one lot. Currently, the land was in separate parcels. The property owner had agreed to combine the lots to facilitate public water service from Portland Water District.*
- *The current Phase 2 proposal was for a 5,000 square foot daycare facility with occupancy of about 100 children.*
- *They would request a waiver of the parking standard. 45 parking spaces were required; 32 were proposed. The day care center was currently operated at another location and the owner found 32 spaces to be sufficient.*
- *There was potential for shared parking. The hearing aid business had 21 spaces, the retail building would have 17 and there was room for additional parking as the site was developed.*
- *A shared septic system was proposed.*
- *A stormwater permit had been submitted to DEP.*
- *A traffic movement permit had been submitted to MDOT. The traffic engineer had not specified any particular off-site improvements.*
- *Utilities would be underground.*
- *Public water would be supplied for both domestic use and fire protection.*
- *Infrastructure was being installed that would be adequate for future development.*
- *Pole mounted lights were proposed for the parking areas and sidewalks.*
- *Granite curbing would be used throughout the site.*
- *Trees had been cleared and the site graded for development.*
- *Stormwater ponds would be located at the end of the proposed road.*

Amanda Lessard stated:

- *Staff was satisfied with the stormwater treatment.*
- *Additional information was needed for compliance with design standards.*
- *A written request was required for the parking waiver.*
- *The change to the Phase 1 approval was a realignment of the entrance and a slight shift to the parking so utilities could be installed in the right-of-way.*
- *The rear property had a ten acre conservation easement on it.*
- *The town's engineer had requested a depiction of the shared parking layout.*

The Board expressed some concern regarding:

- *The parking layout being adequate for drop-off and circulation.*
- *The volume of traffic on Route 302 and the difficulty of turning into and out of the site.*
- *What would be the trigger for construction of additional parking?*

Jim Hanscom made a motion to schedule a sitewalk.

Seconded by Keith Elder.

Vote: No one in favor. All opposed.

Bill Walker made a motion to schedule a public hearing.

Seconded by Jim Hanscom.

Vote: All in favor.

- 5 [PB 17-013](#) Amendment to Town of Windham Land Use Ordinance, Chapter 140, Section 900 Subdivision Review. Proposed revision to standards related to subdivision development on or accessed by private roads.

Attachments: [PB Packet Subdivision Roads 02-22-17](#)

Amanda Lessard explained:

- *The Town Council had extended discussion regarding how to deal with development on private roads.*
- *Previously, it had been up to the Planning Board to decide if access was adequate for new subdivisions located off of private roads.*
- *The amendment elaborated in two sections of the land use ordinance what “adequate” meant. Specifically it said, for purposes of the ordinance, that those existing private roads providing access to a subdivision had to be suitable or improved and meet the applicable private road standard. This would include the gravel base and subbase, width, and ditching.*
- *The amended language did not assign responsibility for the specifics of meeting the road standard.*
- *Town Council was attempting to tackle the problem of a significant number of lots that were being created on private roads. It was not an occasional lot. This went hand in hand with ending the practice of people intentionally circumventing subdivision review.*

The Board commented:

- *The road would have to be improved from the nearest public road to the end of the development.*
- *The amendment would encourage people to piecemeal lots together rather than to go through subdivision review.*
- *The cost of upgrading existing private roads would mean new lots couldn't be sold for a profit. This took value from people's property.*
- *The State allowed exemptions to subdivision. Why should the town interfere with that?*
- *It would make development at the end of roads cost prohibitive and slow development in various areas of town.*
- *From the Planning Board perspective it would provide a tool as a test for adequate access.*
- *It was an issue of the condition of private roads and emergency services vehicles getting stuck on them.*
- *Could the cost of private road construction be examined?*
- *If property values were negatively affected by the ordinance the town should assess them accordingly.*
- *Windham had diverse areas. Would this protect those areas and allow the people working them to benefit for the lack of access?*

Other Business

This was Jim Hanscom's last meeting. His dedication and experience to the Planning Board over the past ten years was appreciated. Amanda presented him with a plaque as

a token of the Board's thanks.

6 Adjournment

Bill Walker made a motion to adjourn.

Seconded by Keith Elder.

Vote: All in favor.