



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Draft

### Planning Board

---

Monday, July 25, 2016

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, Jim Hanscom, Rachael Mack and Bill Walker.*

*Planner, Amanda Lessard, was also present.*

#### 3 PB 16-063

Attachments: [Planning Board Minutes 7-11-16-draft](#)

*Jim Hanscom made a motion to approve the minutes as written.*

*Seconded by Bill Walker.*

*Vote: All in favor.*

### Public Hearings

4 16-18 Otterbrook Estates Subdivision. Third Amendment. RP Gagnon Company, LLC to request an amendment for a lot line adjustment to swap 5,658 square feet of land between Lot 26 and Lot 27 and for an easement on Lot 26 to benefit Lot 23 so that no building may be placed within the easement. The properties in question are located at 5 and 15 Rocklinn Drive and identified on Tax Map: 11B, Lots: 23, 27 Zone: Farm Residential (FR).

*Amanda Lessard explained:*

- *After notices of the public hearing had been sent to abutters it had been determined that the applicant should file an amended DEP permit.*
- *The town's attorney had recommended that the Board table the hearing and discussion of the application because the Board couldn't take any action on an application until the DEP permit was received.*
- *The application had remained on the agenda so that people who had received a notice of the meeting would be able to hear the outcome of the tabling.*
- *Abutters would receive new notification after the DEP permit was received.*

*Jim Hanscom made a motion to table the application.*

*Seconded by Margaret Pinchbeck.*

*Vote: All in favor.*

## **New Business**

5      [PB 16-064](#)      16-20 Odd Fellows Subdivision. Minor Subdivision sketch plan review. P.T.G. Properties, Inc to request review of a two (2) lot residential subdivision. The property in question is identified on Tax Map: 48, Lot: 28-1 and located at 529 Roosevelt Trail, Zones: Medium Density Residential (RM) and Retirement Community and Care Facility Overlay (RCCF).

**Attachments:** [16-20 Odd Fellows Subdivision\\_Sketch\\_07-19-16](#)  
[16-20 Peer Review Odd Fellows 07-14-2016](#)  
[16-20 Odd Fellows\\_sketch application](#)  
[16-20 Odd Fellows\\_sketch plan](#)

*Jim Hanscom disclosed that, as a realtor, he had been involved with the transfer of the property from the Odd Fellows to the applicant. He didn't have anything to do with the present application.*

*No one expressed concern about the disclosure.*

*Tom Farmer, a landscape architect from Wright-Pierce Engineers, was present representing the applicant. He explained:*

- The subdivision was really just for lots one and two, although it included the original lot with the Odd Fellows Hall on it.*
- Lot one already had a house, septic and driveway on it. Access was from Roosevelt Trail.*
- An easement over Provost Drive had been obtained in order to access lot two.*
- A septic system had been designed for lot two with capacity for six bedrooms. There could be a duplex on the lot; net residential density would allow it.*
- Public water was available from Provost Drive.*
- Underground electric was available from Provost Drive.*
- The leach fields would be the only infrastructure that was required.*
- A post-development storm water plan was required.*
- The lot was very flat. It drained toward Provost Drive. There were large depressions prior to Provost Drive. The soils were deep sandy, gravelly, and loamy that drained well. Based on his experience, he couldn't imagine any off-site impacts. He would review the ordinance section before final plan review to see if they could use a rule of thumb for the new building and driveway impervious.*

*Amanda Lessard explained that:*

- Typically, projects which disturbed over one acre of earth were most subject to the post-construction stormwater. This project did not do that.*
- The ordinance that was adopted to comply with the EPAs Clean Water Act did address conveying stormwater in the town's urbanized areas. An erosion control plan for the lot would be one method that would determine if run-off from the property was clean.*

*The Board commented:*

- Where was the leach field for Odd Fellows Hall? Would it encroach on someone else's property?*
- Why was construction allowed on lot one before subdivision approval?*

- Was the Board reviewing the requirement for trees?

Mr. Farmer said:

- An erosion control plan had been submitted for the first lot; they would do the same for the second.
- He would check for the Odd Fellows Hall leach field.
- Lot one had been for sale but was no longer pending subdivision approval.

Amanda Lessard explained:

- The permit for lot one had been issued before the subdivision application was filed.
- The house had not yet received occupancy.
- The Odd Fellows lot was not part of the subdivision review, although it was one of the lots created within a five-year period. It was in separate ownership and not part of what the Board was reviewing.
- Street trees would be required for the lots that were subject to Planning Board review.
- There were trees along Provost Drive, but she did not think there was any significant vegetation along the Route 302 frontage. The ordinance required a street tree every 50 feet. Unless a waiver was requested it should be part of the final plan submission.

Jim Hanscom made a motion to schedule a public hearing.

Seconded by Margaret Pinchbeck.

Vote: All in favor.

Jim Hanscom made a motion to schedule a sidewalk.

Seconded by Margaret Pinchbeck.

Vote: All in favor.

6 [PB 16-065](#) 16-21 Little Mountain Self Storage & Retail. Major Site Plan sketch plan review. Little Mountain, LLC to request review of an approximately 16,250 square foot self-storage facility located in 3 buildings and a 4,750 square foot retail/commercial building. The property in question is identified on Tax Map 21, Lot 2A and located at 968 Roosevelt Trail, Zone: Commercial 1 (C-1).

Attachments: [16-21 Little Mountain Storage Sketch 07-19-16](#)

[16-21 Little Mountain LLC Storage Facility Sketch Plan Application](#)

[2016 7 5](#)

[16-21 Little Mountain LLC Storage sketch plan](#)

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

- The proposed self-storage facility would be considered public warehousing under the town's land use ordinance.
- They also proposed a retail building on Route 302.
- The applicant, Little Mountain, LLC, was affiliated with the owner of the adjacent storage facility, Big Mountain, LLC.
- Driveway connectivity was provided between the two storage facilities. The land in question had received subdivision review from the Planning Board. The driveway had been created then.
- The pipeline ran along the rear of the property.

- Orientation and geometry of the buildings had been considered with the associated site grading; maintaining access between the facilities; and providing adequate driveway aprons without steep fill areas.
- The site was located at the bottom of a hill resulting in much drainage to deal with. There had been some issue on an adjacent property to the south where some of the larger storms had caused drainage issues. The applicant was working with them to try and mitigate that with the project. They proposed a by-pass pipe system that would collect the water as it came down the hill behind the buildings and pipe it between the proposed buildings and the existing buildings into a swale that would take it to culverts on Route 302.
- On-site drainage would be via two infiltration basins to treat run-off from the property and isolate the area from the bottom of a big off-site drainage piece.
- The project was subject to design guidelines. The buildings were proposed to be steel with pitched roof designs.
- The proposed retail use of the building in front would partially shield the buildings to the rear but they would be visible from the road.
- The applicant intended to upgrade the frontage of the property. The existing building was very close to the road and a large existing curb cut could be problematic. Existing grades had made siting the new building and parking difficult. There was also a jog in the Route 302 frontage that resulted in some setback issues and which may require the building to be moved back or result in a smaller building.
- Outstanding issues to be dealt with were permitting of traffic, stormwater, and impervious areas.
- They would propose a building design, but ultimately it may be refined by the ultimate developer of piece.
- Security for the storage facility would be a gated mechanism with key pad entry. The 72 square foot building was proposed to be partially climate controlled units. The other two buildings would be cold storage.
- They had discussed the sprinkler ordinance with the fire department. Based on their information up to this point, there would not be a need for sprinkler systems under the current land use code. Storage of vehicles, fuel etc. would not be allowed in the buildings. That would be included in the lease agreements for the facilities.
- An addressable fire alarm would be required to satisfy the fire department requirements.
- Pole mounted lighting was not proposed around the units.
- Access to the adjacent lot would be provided.
- A utility easement had been reserved during the subdivision review for installation of underground electric.
- The three storage buildings would not require a septic field; the retail building would.

Amanda Lessard said other minor issues from the Development Team meeting were:

- The project didn't have the required number of parking spaces for public warehousing and the retail use. Some could be added in the existing impervious area.
- The ordinance required a setback from lot lines for parking areas. The plan showed the parking overlapping the lot line.
- The applicant could request waivers of those standards.

Mr. Roma responded:

- They showed 20 spaces for the front retail building; the square footage required 17.
- The ordinance required four parking spaces for the storage facility use. They had 18 foot wide drive aisles. They would like to show some area where people could park. The reality was that no one would park in spaces if they were located adjacent to the facility. Everyone just drove up to their bay and unloaded. There was no other use there. He thought there was plenty of other space around the building where they could show they

were meeting the requirements for off-site parking by utilizing the network of drive aisles.

- Areas where pavement was shown encroaching over the property line resulted from a desire to utilize the existing grades. They could provide evidence of cross easements so it was documented that the rights existed for the pavement encroachment in the event one of the units was sold or refinanced.

*The Board Commented*

- Would there be easements in case one facility was sold?
- They would be helping the drainage issues on the property to the south by fixing the drainage coming from behind both lots. Was that lot owned by somebody else?
- The plan showed overlapping parking where the existing building was.
- Would there be an office?
- Please provide turning radii.
- Would there be 24 hour lighting?
- What about signage?
- There was space near the two rear buildings. Was there any way to shift the pavement so there was not an encroachment on the other property line?
- Did the two infiltration ponds drain on-site?
- How would very large truck and trailers fit?
- Depict the buildings the way they would be built.
- Would the infiltration ponds drain to the town's system or would they be dealt with on-site?

*Mr. Roma replied:*

- There would be easements.
- They would design a system that would work for everything that was draining to it. That lot was owned by someone else. He suggested showing the spaces as
- They were trying to plan for the front piece and would be bound by any conditions that were put on the front piece but he didn't want to represent that they had a big plan for that parcel.
- The office would be located in the existing facility. There would be no employees at the site.
- Lighting would probably be on a timer.
- A new sign was proposed that would be for both the storage facility and the retail building.
- The landscaping plan would detail the curb cut and landscaping.
- There would be no overflow from the infiltration ponds that conveyed to the town's system.
- The site was not designed for a vehicle the size of an 18 wheeler to unload.

*Consensus of the Board was to consider dedicated parallel parking spaces.*

*Jim Hanscom made a motion to schedule a sidewalk.*

*Seconded by Margaret Pinchbeck.*

*Vote: All in favor.*

*Jim Hanscom made a motion to schedule a public hearing.*

*Seconded by Margaret Pinchbeck.*

*Vote: All in favor.*

7      [PB 16-066](#)      16-22 Fielding's Oil Self-Storage. Major Site Plan sketch plan review. Fielding's Oil Company to request review of an approximately 19,750 square foot self-storage facility, located in 5 buildings. The property in question is identified on Tax Map: 51, Lot: 4-1 and located on Roosevelt Trail, Zone: Commercial 1 (C-1).

**Attachments:** [16-22 Fieldings Storage Sketch 07-19-16](#)

[16-22 Fielding sketch 7-2-16](#)

*Paul Gadbois was present with the applicant. He explained:*

- *They were proposing a self-storage facility with 19,700 square feet of new buildings and 43,000 square feet of pavement on a two acre parcel.*
- *One part of the purchase agreement was to provide an access easement across the property. This would result in 180 feet of frontage instead of 210 feet. They would remove an existing curb cut, recreate the boundary line, and convey it to the abutter.*
- *A DEP stormwater permit was required for the project.*
- *The site would be accessed by underground utilities.*
- *Power poles and public water were on the same side of the street as the site.*
- *There was plenty of sight distance.*

*Amanda Lessard said:*

- *The storage units were all sized so they wouldn't require sprinkler systems under the town's fire protection ordinance. Depending on building materials and items that were stored that may become an issue under building permitting.*
- *The storage facility was abutted by some residential developments. In addition to a lighting study there would be fencing or screening requirements.*

*The Board commented:*

- *How would stormwater be managed?*
- *The site was well designed for tractor trailer trucks because they could pull straight in.*
- *Where would the office be?*
- *Concern was expressed that building five would be very long and narrow. How would the ten foot by 470 foot building meet design standards?*
- *What about the easement?*
- *Was a fire alarm system required?*
- *What was the aisle width?*
- *The buildings should be depicted the way they would be built.*
- *What kind of fencing would be used?*

*Mr. Gadbois replied:*

- *They would be sensitive to screening the back of the buildings with some sort of greenery.*
- *Stormwater would be infiltrated by a pond at the front of the complex.*
- *There would be a 200 square foot office with two employees located in the front building. The septic systems would be designed for four employees. There would be a concrete chamber under the existing pavement.*
- *The entire site would be fenced.*
- *The site was designed to comply with the ordinance requirement for turning and backing of SU-30 vehicles.*
- *They would do a photometric study. Security lighting would be located along the front of the buildings.*
- *They may be able to break up building five, but the applicant wanted as many units as possible on the property.*

- *The easement didn't currently exist. The owner wanted to reserve an easement and they would convey a portion of the property back to the current owner in order to remove the curb cut from the property.*
- *There would be a fire alarm system.*
- *Aisle widths would be 24 feet. They would show aisle widths and turning radii of vehicles.*

*Jim Hanscom made a motion to schedule a sitewalk.*

*Seconded by Margaret Pinchbeck.*

*Vote: All in favor.*

*Jim Hanscom made a motion to schedule a public hearing.*

*Seconded by Bill Walker.*

*Vote: All in favor.*

## 8 [PB 16-067](#)

Amendment to Town of Windham Land Use Ordinance, Chapter 140. Proposed amendments to Sections 300, 500 and 800 relative to Private Roads. Proposed changes would require all extensions of Private Ways and new Private Roads to go through Site Plan review and adjust the existing Private Road standards so that a Major Private Road would be required after the 5th lot, as opposed to the 10th lot under today's standards.

**Attachments:** [PB memo\\_private road packet 07-11-16](#)

*Amanda Lessard explained:*

- *This was a piece of the Town Council's on-going larger discussion regarding private roads.*
- *Currently, the Code Enforcement Office issued permits for extensions of private roads.*
- *The proposal would have all private road permits, new private roads, and extensions of private roads requiring site plan review as a minor or major site plan.*
- *It would also change the threshold for meeting the minor or major private road standards. The separation between the two was that a major private road required surface pavement while a minor private road could remain gravel.*
- *Currently, with ten lots on a private road it could be gravel. With the proposal one through five lots would be minor, greater than five lots would be major.*
- *Some definitions related to street classification were clarified.*
- *The entire section regarding back lots was removed.*

*The Board commented:*

- *If it was an extension who would be responsible for improving the entire road?*
- *What was being done to people with rural or farm land that did have back lots. What were their means if they wanted to develop or do something different with their land? Were they encroaching on the simple fee user's right to do what they wanted with their land?*
- *What brought this about?*
- *If there was an existing gravel road and someone wanted to build six more houses the road would go from being gravel to pavement.*
- *One issue was a road association that maintained a road and they were worried about*

*construction vehicles.*

- *Exactly how did this address the past issues with private roads?*
- *A brief synopsis of the bigger issues would be helpful.*

*Amanda explained:*

- *Under the current definition, if there was an existing road in a right-of-way, which already existed, that you were extending to meet the standards, it was only from where the new road began. That's how it was currently applied as well. There was no change on making improvements to existing private roads. The Council would be having further discussion regarding that.*
- *The back lot standards as seen in the proposal were amended in 2012. Any further development of those lands that were created prior to the standard required a road to be extended and permitted creation of frontage on additional lots. For all intents and purposes the back lot standards were not truly backlots because people were building roads to create frontage.*
- *The issue came about because approximately half of all the roads in Windham were private roads. Many of those were not built to the current private road standard. There were some private roads that were serviced by emergency services from other towns. When the condition of the road was poor they declined to provide first responder service. That led to a moratorium with the Council over how to try to improve the standards for existing private roads.*
- *The Board had dealt for many years with subdivision applications off of existing private roads. Under the current ordinance private roads could continue to exist in the condition they were in. Applicants who developed off of them were not required to make any improvements to the existing private roads.*
- *The amount of development which had happened in town put greater impact on the existing private roads. There were constant iterations of making improvements and it was coming from a public safety perspective.*
- *Construction vehicles were not addressed under the proposal. The legal opinion had been the town couldn't require road bonds. It would be difficult to enforce under the existing conditions like pre vs. post construction. Since the roads were private it would be for the associations to maintain. There was a grey area regarding the town's involvement.*

*Jim Hanscom made a motion to schedule a public hearing.*

*Seconded by Bill Walker.*

*Vote: All in favor.*

## **Other Business**

### 9 Adjournment

*Jim Hanscom made a motion to adjourn.*

*Seconded by Margaret Pinchbeck.*

*Vote: All in favor.*