



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Planning Board

Monday, July 22, 2024

6:30 PM

Council Chambers

1. Call To Order; Chair's Opening Remarks

2. Roll Call and Declaration of Quorum

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

Planning Director, Steve Puleo, was also present, with Planning Intern, Jasmine Lopez.

3. [PB 24-064](#) Meeting of July 1, 2024

Attachments: [Minutes 7-1-2024-draft](#)

Christian Etheridge made a motion to approve the minutes of the June 24, 2024 meeting.

Seconded by Evert Krikken.

Vote: Five in favor. No one opposed. Shonn Moulton abstained.

Public Hearings and Continuing Business

4. [PB 24-061](#) #24-14 - Major Site Plan - 322 Roosevelt Trail Addition - 322 Roosevelt Trail - Final Plan Review - 322 Roosevelt Trail, LLC
- The application is to expand the footprint of 9 out of 23 long-term rental dwelling units and other associated site improvements, including removal of existing pavement to create vegetative buffering along street frontage and the relocation of the three standard parking stalls..
- Tax Map: 12; Lot: 58; Zone: Contract Zone (CZ) zoning districts in the Upper Presumpscot River watershed.

Attachments: [24_14_MJR_SP_FP_PB_MEMO_322RooseveltTrl_071524](#)
[24-14_MJR_SP_FP_APPL_322RooseveltTrl_061724.pdf](#)
[24_14_MJR_SP_FP_PLAN_322RooseveltTrl_071524](#)
[24-14_MJR_SP_FP_SRC_332RooseveltTrl_071024](#)
[24-14_MJR_SP_FP_SR&C_AplResponse_322RooseveltTrl_071524](#)
[AssessorComments_071024](#)
[FireComments_070924](#)
[TEComments_070924](#)

Shawn Frank, from Sebago Technics discussed:

- *Fire access provided to the rear of the building*
- *Stormwater management for new impervious surfaces*
- *Landscaping and site details*
- *Inspection of the existing septic system*

Steve Puleo explained:

- *The Planning Board had previously granted a contract zone to allow long term rentals use on the property.*
- *This application sought approval for an 1,100 square foot addition to expand nine of the rental units, and to change the use from a motel to a multifamily apartment complex.*
- *Some pavement area would be reduced to meet the 15 foot wide vegetated buffer yard requirement.*
- *Three parking spaces were relocated.*
- *The fire access would be an 18 foot wide lane to the rear of the building.*
- *Grading would carry the sheet flow from the fire lane to an infiltration basin.*
- *Bike racks were located on the plan.*
- *Open space would contain a seating area.*

Evert Krikken made a motion that the major site plan application for project #24-14 322 Roosevelt Trail Addition project was found complete in regard to 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 Christian Etheridge.

Vote: All in favor.

Public Comment

There was no public comment. Public comment was closed.

Board Comment

- *Was the 25 percent fenestration requirement met?*

Evert Krikken made a motion that the major site plan application for the #24-14 322 Roosevelt Trail Addition development identified on Tax Map: 12; Lot: 58; Zone: 322 Roosevelt Trail Contract Zone (CZ) and located in the Upper Presumpscot River watershed was to be approved with the following Findings of Fact, Conclusions, and Conditions of Approval.

FINDINGS OF FACT

Note on classification: Maine Subdivision Law §4402.6 exempts the division of a new or an existing structure into three (3) or more dwelling units... where the project is subject to municipal site plan review.

Jurisdiction: The 322 Roosevelt Trail Addition project is classified as a Major Site Plan, which the Planning Board is authorized to review of the 1,188 SF building addition footprint and act on by §120-805A(2)(a) of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted a copy of a Warranty Deed between 322 Roosevelt Trail, LLC, and Saronis Corp., dated May 31, 2017, and recorded on June 1, 2017, at the Cumberland County Registry of Deeds in Book 34047 and Page 213.

ARTICLE 4 ZONING DISTRICTS

- *As shown on the Town of Windham Land Use Map approved by the Town Council, date August 15, 2023, Tax Map: 12; Lot: 56.*
- *The property is located in the 322 Roosevelt Trail Contract Zone, outlined in §120-422E of the Land Use Ordinance.*
- *The applicant is proposing to convert the former motel use to long-term multifamily dwelling units with 23 units, per §2. Permitted uses.*
- *According to §5., the existing structure meet the contract zone's dimensional standards, for existing building.*
- *According to §6., District Standards:*
- *Buffer strip along the Roosevelt Trail is required to meet Article 5, Buffer yard performance standards.*
- *Curb cut standards from Roosevelt Trail is required to meet of Article 5 Curb cuts and driveway openings performance standards.*
- *Parking and loading for the use shall meet a minimum of one (1) parking space per dwelling and shall be 9' by 18' in size. Nonresidential is required to meet of Article 5 Parking and loading performance standards.*
- *Dumpster is required to meet of Article 5 Parking and loading performance standards.*
- *Site Plan and Subdivision reviews and approval authority shall be with the Planning Board*
- *The three overhead utility connections are permitted in the zoning district.*

ARTICLE 5 PERFORMANCE STANDARDS

§120-511 – Buffer yards

C(2)(a) Buffer yard requirements in residential districts, Table 2, for other residential; Multifamily over 4 dwelling units requires buffer yard E.

§120-522 – Curb cuts and driveway openings

B(2)(b) Each curb cut shall be limited to 40-feet in width.

§120-542 – Parking and loading

- *The standards for parking and loading are found in Article 8 and waiver only may be granted by the Planning Board.*

§120-554 – Solid waste dumpsters

- *All permanent solid waste dumpsters shall be installed on a concrete pad and shall be screened on all side by fencing or vegetation.*

§120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS

§120-812A - Utilization of the Site

- The subject parcel is approximately 3.82 acres (166,399.2 SF). The site is improved with 23 dwelling unit in a connected building.
- The site has an existing large-paved parking area, concrete walkways along the front and side of the building.
- Grassy open areas with a 34' wide driveway to Roosevelt Trail for access to the site.
- The applicant has identified on wetland and forested areas the property.

§120-812B - Vehicular Traffic

- The applicant provided the ITE traffic generation from the site at 11 trips in the AM peak hour and 13 trips in the PM peak hour. For the final plan review, the applicant has provided a traffic assessment of the new traffic generation at the Nash Road intersection will remain the same.
- At the Development Review Team Meeting on March 27, 2024, Deputy Fire Chief Westcott Libby requested a fire lane access on the north side the building to access the rear of the building. For final plan review, the requested fire lane has been added to the revised plans by adding an 18' wide gravel fire access lane to the rear of the building. The Fire Department will require the applicant to meet NFPA Life and Safety code by extending the sprinkler and fire alarm sensor into the addition for each of the nine units. The applicant has agreed to update the sprinkler system and smoke/carbon monoxide system and will coordinate with the fire department and code enforcement officer to ensure compliance.
- Roosevelt Trail does not have a sidewalk along the road; therefore, the development is not required to install sidewalk with the proposed building addition.
- For the final plan review, sight distances for the entrance have been shown on the site plan.

§120-812C - Parking and Loading

- The sketch plan shows 25 parking spaces for the 23 dwelling units. Per §6(c) of the contract zone, the applicant can maintain the existing parking stall size of 9' x 18'.

§120-812D - Pedestrian Traffic

- The proposed site showed an existing concrete walk along of five (5') wide in front and side along the easterly and southerly sides of the building.

§120-812E - Stormwater Management

- The property is in the Presumpscot River watershed, and the Town Engineer stated at the Development Review Team meeting that a stormwater management plan for the site must meet Chapter 500 standards. For final plan review, a drainage narrative has been included which discusses the treatment of runoff from the emergency gravel access drive with a level spreader and wooded buffer.
- For the final plan, the applicant has provided a stormwater plan as required in §120-812F. The proposed development stormwater plan manages the runoff by maintaining the existing drainage patterns. A shallow vegetative swale is proposed to accept runoff from the new impervious area associated with the emergency access drive and direct it to level spreader into a wooded buffer.
- The application includes an inspection, maintenance, and housekeeping plan and an erosion and sedimentation control plan sheet that generally meet the requirements of the Maine DEP Ch. 500 Basic Standards.
- Snow storage locations are shown north of the proposed fire lane and areas east and south of the main parking area.

§120-812F - Erosion Control

- The applicant has 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 §120-812F(1) and (2)(a).

§120-812G - Water Supply Provisions.

- The development proposal has an existing on site well for both domestic and fire suppression services.*

§120-812H - Sewage Disposal Provisions

- The building is connected to an existing on-site sewage disposal system meeting the requirements of the Subsurface Wastewater Disposal plan. The applicant provided permit for two system providing a capacity of 100 GDP per 23 units total 2,200 GDP of capacity. The 1,188 SF addition will provide bedrooms for the nine (9) dwelling of the one-story portion of the building.*

§120-812I - Utilities

- Per §6(g) of the contract zone, the applicant is allowed to maintain the three (3) existing overhead connections.*

§120-812J - Groundwater Impacts

- The 1,188 SF addition for the bedroom will not add more wastewater flow or use more groundwater. No impacts, either the quality or quantity of groundwater available to abutting properties, are expected. Ankie Roger Septic Service evaluated the septic system and stated, "All tank had good baffles; all pumps were working as well as the alarm system. The concrete chambers were found to clean and dry and functioning properly on the day inspection."*

§120-812K - Water Quality Protection

- The property is not within a direct watershed of a lake most at risk from new development, as designated in Chapter 502 and the proposal is only increasing the impervious surfaces minimally.*

§120-812L – Hazardous, Special and Radioactive Materials

- The proposed resident use is not anticipating handling, storing, or using any material identified by the federal or state as hazardous, special, or radioactive.*

§120-812M – Shoreland Relationship

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

§120-812N - Technical and Financial Capacity

- The project site work cost estimate has not been provided for the final plan review, the applicant shall provide financial capacity complete the proposed addition and site improvements.*
- The applicant has contracted with Sebago Technics, Inc to prepare the plans, obtain permits, and design advice. For the final plan review, the applicant and consultant have provided technical capacity qualifications.*

§120-812O – Solid Waste Management

- The construction debris associated with general building construction will include clean wood, material packaging, cardboard, etc.*
- For the final plan review, a dumpster pad and enclosure meeting the Contract Zone District §6. d. has been included on plans.*

§120-812P – Historical and Archaeological Resources

- *There are no known historic and archaeological resources onsite.*

§120-812Q - Floodplain Management

- *The proposed building is not in the FEMA 100-year floodplain.*

§120-812R – Exterior Lighting

- *For the final plan review, a photometric plan, and details of fixtures cut sheets have not been provided. However, the applicant has noted the following response in the final plan: Changes to the existing lighting level are not proposed beyond the addition of lighting fixtures affixed to the wall at the new rear entrances of the expanded units. The proposed lighting will consist of residential-scale dark-sky-compliant fixtures selected by the project architect. The lighting will provide adequate lighting for safety without light spilling on neighboring properties. We note that all proposed new lighting is on the rear face of the building, is interior to the property, and is shielded by mature vegetation.*

§120-812S - Noise

- *The proposed residential uses shall not exceed 55 dB between 7:00 AM to 10:00 PM and 45 dB between 10:01 PM to 6:59 AM.*

§120-812T – Storage of Materials and Screening (Landscape Plan)

- *For the final plan review, the applicant has provided a landscape plan for the 15' wide Buffer Yard.*

§120-814 Multifamily development standards

§120-814A – Building Architecture

(1) Architectural variety

- (a) Building shall employ more than a single-color application.*
- (b) Building shall employ more than a single material application.*

(2) Facade.

- (a) The composition of a proposed building facade shall be defined by horizontal and vertical articulation. Facades shall be articulated with architectural details that create visual interest.*
- (b) The primary facade and all facades visible from public ways for building with more than two dwelling units and greater than 35 feet in length shall provide variation in roof and facade character through changes in facade set-back, roof configuration, and/or projecting or recessed building elements.*
- (c) The primary facade and all facades visible from public ways for building three or more stories in height, shall include at least two of the following architectural details: gables or dormers, articulated roof lines, balconies, variations in facade setback, bay windows, recessed entries, covered porches (minimum six feet wide), covered entries, stoops, or other means of creating visual interest acceptable to the Planning Board.*
- (d) The primary facade and all facades visible from public ways for shall have an area of fenestration a minimum of 25% of the total area of street facing facades. The rhythm, size and proportion of door, window and other openings shall be proportional to the overall massing of the building.*

(3) Orientation.

- (b) Building may be oriented to open space areas, provided that street frontages are developed consistent with above.*

No new buildings are being proposed. The existing building provides architectural variety and façade contrast between the one-story portion of the building and the two-story portion, as well as the connecting canopy between the two building and the decks on the front two-story section.

B. Site design.

(1) Parking.

(a) Existing parking will remain as it exists, with the exception of the relocation of three parking spaces.

(b) Provisions shall be made for snow storage in the design of all parking areas. The areas used for snow shall not conflict with proposed landscaping. The areas shall be sited to avoid problems with visibility, traffic circulation, drainage, or icing during winter months.

The proposed snow storage locations are north of the proposed fire lane and east and south of the main parking area.

(2) Screening.

(a) Utilities. Service areas, loading docks, delivery areas, trash receptacles, and mechanical equipment shall be screened to minimize visibility from sensitive viewpoints such as public and private roadways, main entrances, residences outside the development, public open spaces, and pathways. Service areas shall be screened with architectural elements such as walls or fences. Screening may be further enhanced with evergreen trees, shrubs, and earth berms. Gates on utility enclosures shall be designed to prevent sagging.

The trash receptacle is screened and is detailed on the site plan.

(b) Existing residential abutters. When new residential development is adjacent to an existing residential use, landscaping, including large evergreen trees, and/or garden features (e.g., trellis or supplementary fencing), shall provide a buffer or screening between properties and obscure direct sightlines into private yard areas or windows on adjacent properties.

Abutting residences are presently screened by a combination of vegetation and fencing.

(3) Bicycle/pedestrian.

(a) Internal traffic flow internal walkways.

[1] Continuous internal walkways shall be provided from the public sidewalk to the principal entrance of all principal building on the site. Walkways shall also connect other building on multi-building developments, transit stops, and other focal points of pedestrian activity.

Roosevelt Trail does not have sidewalks along the road; therefore, the development is not required to install sidewalks with the proposed building addition.

(b) Links to community.

[2] Internal pedestrian connections between abutting properties shall be provided to encourage walking and discourage additional auto trips onto major roadways. Connections shall avoid crossing parking lots, major interior roadways, service areas, drive-throughs, and other potential points of conflicts. Where such crossings are unavoidable, they shall be well-marked and as direct as possible.

Internal pedestrian circulation is limited to unit access. Access to neighboring properties is not proposed.

(c) Bicycle parking/racks.

[1] Development with multifamily dwellings shall provide facilities for the parking of bicycles at a ratio of 0.5 bicycle parking space per dwelling unit in the multifamily dwelling.

A 12-bike rack is shown on the final plan.

(4) Recreation and open space.

(a) The Planning Board shall require the reservation of land for parks, playgrounds, or open space areas to benefit the residents of the proposed development. The reserved land must be of suitable dimension, topography, and general character for the proposed recreational use and must be reasonably accessible to residents of the development. It must be designated on the plan as "reserved for conservation or recreation purposes."

Reserved open space is identified on the final plan.

(b) A minimum area of 15% of the total lot area (inclusive of required setback areas) shall be designated, and permanently reserved, as usable common open space. The area may include the required setback areas. Stormwater infrastructure shall not count towards the minimum area, except for low-impact development (LID) systems as identified in the September 21, 2007, report, "LID Guidance Manual for Maine Communities," as amended.

The required 0.5 acres of total lot area are being proposed as common open space.

(c) In all developments with more than 10 units, excepting developments within 500 feet of a public park or playground that is directly accessible, the site plan shall designate, within the common open space, a minimum of 250 square feet/each of the first 10 units, plus 50 square feet/unit above 10 units, of contiguous area with constructed amenities for passive use (e.g. outdoor courtyards, seating areas, or family picnic area with amenities such as landscaping, lighting, weather protection and other features that encourage use year-round) or active areas (e.g., children's play areas, play fields, and community gardens).

The final plan includes the required 3,150 SF minimum within the common open space for tenants.

(5) Landscape/lighting.

(a) Landscaping.

Proposed landscaping is limited to the required buffer yard (E) and follows the requirements of the buffer yard.

[1] The use of a variety of plant materials that exhibit seasonal color and interesting texture is encouraged to create a distinctive, yet low maintenance environment. Plantings plans should strike a balance between monoculture (the use of a single species) and too much variety, and not include species on the list of invasive plants published by the Maine Department of Agriculture, Conservation and Forestry.

[2] The use of plant materials and landscape elements that require a low degree of maintenance is strongly encouraged. All plantings shall be resistant to insect infestation, drought, disease, roadside salt, and auto emissions, and hardy to Maine winters.

[3] Shrubs and perennials should generally be planted in large masses or drifts, rather than as individual specimens, to provide a pleasing effect for both motorists and pedestrians.

[4] To maintain the character of the landscape, existing healthy trees and shrubs shall be preserved or be transplanted to another area of the site wherever practical. Where it is not possible to maintain existing trees, the reason for removal shall be given in writing.

(b) Parking lot landscaping.

[2] Trees in parking lots may be planted in informal groups, straight rows, or irregular groupings as space permits, or they may be concentrated in certain areas. Trees should be planted a minimum of five feet from the end of parking lot islands.

[3] Where trees abut pedestrian walkways or places where people will be walking in parking lots, their lower branches shall be pruned to at least eight feet above the paved surface to avoid becoming an obstacle. Shrubs used in parking lot islands shall not exceed three feet in height to avoid blocking visibility.

[4] Landscaped areas used for separation between banks of parking stalls shall contain 50% vegetative cover.

[5] Landscaping materials surrounding parking lots and in islands shall be able to tolerate large quantities of snow stored during winter months. Delicate plant material shall not be used in areas where they are likely to be buried under snow.

The fifteen-foot buffer is proposed to improve the parking lot, shown on the landscaping plan.

(c) Lighting.

Changes to the existing lighting are not proposed.

[1] Light fixtures used in driveways and parking lots shall be in scale with building on site. Maximum pole height along driveways shall not exceed 25 feet.

[2] Pedestrian-scaled lighting, less than 16 feet in height, shall be used to illuminate areas used for pedestrian circulation.

[3] All illumination shall be controlled with cutoffs that primarily direct light downward.

(6) Access drive standards. Multifamily developments in which the property will be held in common ownership shall be served by an access drive. Access drives shall remain private and shall not be maintained or repaired by the Town. Access drives shall meet the following standards:

The existing driveway will be used without modification.

(b) Other districts.

[1] Design standards. Access drives shall be designed to conform to the standards for "major private roads" in these regulations, including the standards contained in Table 3, Table 4, and the applicable cross sections in Appendix B Street Standards.

[2] Rights-of-way. The minimum right-of-way width for a "major private road" in Table 3 of Appendix B is not applicable to an access drive.

[3] Setbacks. There shall be no minimum setback required between an access drive and a structure.

(c) Curb cuts on the access drive must be separated by a minimum of 75 feet where possible and aligned with curb cuts on the opposite side of the access drive to the greatest extent possible.

(d) Access drives shall remain private and shall not be maintained or repaired by the Town. A note shall appear on the site plan: "All internal access roads and driveways shall remain private and shall be maintained by the developer, lot owners, homeowners/condominium association, or road association and shall not be offered for acceptance, or maintained, by the Town of Windham unless they meet all municipal street design and construction standards at the time of offering."

The note is reflected on the final site plan.

Conformity with Local Plans and Ordinances

1. Land Use

- For the final plan review, building elevations and sign details have been provided.
- The site improvements comply with the 322 Roosevelt Trail Contract Zone.

2. Comprehensive Plan

- This project meets the goals and objectives of the 2017 Comprehensive Plan.

Impacts on Adjacent/Neighboring Properties

- The applicant does not anticipate any adverse impacts on the neighboring and abutting properties.

CONCLUSIONS (Final Plan Review)

1. The plan for development reflects the natural capacities of the site to support development.

2. *Buildings, lots, and support facilities will 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 be maintained and protected to the maximum extent.*
4. *The proposed site plan has sufficient water available for the reasonably foreseeable needs of the site plan.*
5. *The proposed site plan 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 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 provide adequate sewage waste disposal.*
8. *The proposed site plan conforms to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.*
9. *The developer has the adequate financial capacity to meet the standards of this section.*
10. *The proposed site plan will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.*
11. *The proposed site plan will 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 not interfere with or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonably affect its value.*
13. *On-site landscaping does 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 been identified on the plan.*

CONDITIONS OF APPROVAL (FINAL PLAN REVIEW)

1. *Approval is dependent upon and limited to the proposals and plans contained in the application dated June 17, 2024 as amended July 22, 2024, 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, supporting documents, and representations is subject to review and approval by the Planning Board or the Town Planner in accordance with or §120-815 of the Land Use Ordinance.*
2. *In accordance with §120-815C(1)(b) of the Land Use Ordinance, the Construction of improvements covered by any site plan approval shall be completed within two years of the date upon which the performance guarantee is accepted by the Town Manager. If construction has not been completed within the specified period, the Town shall, at the Town Manager's discretion, use the performance guarantee to either reclaim and stabilize the site or to complete the improvements as shown on the approved plan.*
3. *Maine Subdivision Law Section 4402.6 exempts the division of a new or an existing structure into three (3) or more dwelling units... where the project is subject to municipal site plan review. This approval will constitute a subdivision requiring the applicant to record the signed plan at the Cumberland County Registry of Deeds according to §120-912G.*
4. *The development is subject to the following Article 12 Impact Fees, to be paid with the issuance of a building: Recreation Impact Fee, Open Space Impact Fee, Public Safety Impact Fee; and Municipal Office Impact Fee. All fees will be determined and collected for any building, or any other permits necessary for the development, §120-1201C.*
5. *Per §120-814A(2)(d) of the Multifamily Development Standards, the applicant shall provide the 25% calculation of the fenestration of the front façade of the building to the*

Planning Director for review and approval prior the Board endorsement of the plan.

Seconded by Christian Etheridge.

Vote: All in favor.

New Business

5. [PB 24-062](#) #24-13 - Major Subdivision - Cross Ridge Subdivision - Lockland Drive and Flintlock Drive - Final Plan Review - PTG Properties Inc.
The application is to create eight lots for single-family dwelling use. All lots will utilize existing private roadways for access, frontage and utilities. No new roadways or extensions are being proposed. Tax Map: 22; Lot: 20-5, 23-3, 23-3B, 23-6, 23-7, 23-8, 23-9, 23-10, 23-11, 23-12; Zone: Farm Residential (FR) zoning districts in the Pleasant River watershed.

Attachments: [24-13 MJR SUB PRLM PB MEMO CrossRidgeSubdivision 070224.pdf](#)
[24-13 MJR SUB PRLM APPL CrossRidgeSubdivision 030424.pdf](#)
[Supplemental Waiver Request Form - Cross Ridge Subdivision.pdf](#)
[24-13 MJR SUB PRLM PLANS CrossRidgeSubdivision 030424.pdf](#)
[24-13 MJR SUB PRLM SR&C APP RESP CrossRidgeSubdivision 050124.pdf](#)
[24-13 MJR SUB PRLM SR&C CrossRidgeSubdivision 040224.pdf](#)
[FireChiefComment_062524.pdf](#)
[PTG Properties Consent Agreement EXECUTED.pdf](#)
[Stormwater BMP letter - Cross Ridge.pdf](#)
[24-13 PublicComment Andrew 071824](#)
[24-13 PublicComment Caswell 071824](#)
[24-13 PublicComment Kellner 071824](#)
[24-13 PublicComment KnoxCrouanas 071824](#)
[24-13 PublicComment Lopes 071824](#)
[24-13 PublicComment McAlevey 071724](#)
[24-13 PublicComment Poirier 071824](#)
[24-13 PublicComment Stilwell 071824](#)
[24-13 PublicComment Tideswell 071724](#)
[24-13 PublicComment Nadeau 071824](#)
[24-13 PublicComment Sieg 071924](#)
[24-13 PublicComment Ancherbach 071924](#)

Steve Puleo explained the review was for an after-the-fact application of an eight-lot single family subdivision, which was the subject of an administrative consent agreement.

- *Mary Costigan, Attorney for the Town, was present in regard to the administrative consent agreement.*
- *Attorney, Durward Parkinson, was also present to represent the Planning Board.*
- *The applicant had control over some of the parcels in the application.*

- The administrative consent agreement outlined certain requirements to be met for the minimum standards of the State law.
 - The applicant proposed to install two cisterns for fire safety.
 - The Fire Department was comfortable that the roads were adequate for emergency access.
 - Erosion control measures were required during construction of road improvements along Cross Ridge Drive and Lockland Drive.
 - The applicant proposed a road to a property that was located in the Town of Gray. The road would not meet all of the major private road standards and so staff had requested the development to be limited to one single-family house.
 - There were three waiver requests:
 1. The requirement for street trees planted every 50 feet, because the existing trees along Flintlock Drive would remain.
 2. The requirement for two street connections to serve the subdivision
 3. The requirement to meet street design standards, and to allow the existing private roads to remain.
 - Completeness of the application would be determined by the consent agreement.
 - There was a master road agreement provided by the applicant, which involved many of the lots. The lots were required to participate in the agreement and the agreement was part of the deeds.
- Attorney Costigan, from the firm of Bernstein Shur explained:
- The after-the-fact application resulted from an enforcement action against the applicant for a subdivision violation.
 - The consent agreement required the landowner to file an application for Planning Board review.
 - There were specific requirements focusing on public safety, stormwater, etc. The applicant could only be held responsible for other concerns if those things were still under his right, title, interest or control.

Evert Krikken made a motion that the major site plan application for project #24-13 Cross Ridge Subdivision project was found complete in regard to 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 Shonn Moulton.

Vote: All in favor.

Dustin Roma, of DM Roma Consulting Engineers, was present representing the application. He explained they had worked closely with the town for a long and deliberate process to get to the document. There had been much discussion and review from different departments, staff, and Town Council.

Public Comment

Joe Kellner, Cross Ridge Drive– He saw the product of mutual error as to the town and developer. The subdivision was not up to standards at the time, or effective since 2020. His concern went to a few issues. The roads, in their current condition, represented a safety hazard. It was not possible for two fire trucks to pass each other. The roads were falling apart, and not sufficient to handle traffic. He did not think they would stand up and the financial burden would fall on residents. The consent agreement was disingenuous and unfair to residents. There had been no opportunity for them to comment. The town had an obligation to make it right. Additional construction without improving roads to today's standards was not good. An easement into Gray would be difficult to enforce. He

did not believe it was something the neighbors or he wanted. Neighbors needed a say on how the homeowners' association was formed.

Bill Andrews, Alpine Drive – He agreed with Mr. Kellner. He asked the Board not to accept the waiver request for two entrances because of the public safety impact. There was a day-to-day issue on safety with one entrance, and a school bus, and if emergency people were coming it would be chaos. Cross Ridge to the Alpine and Keystone intersection was one of worst parts and was not being addressed. It wouldn't allow a fire truck to come down or two vehicles to pass while there was pedestrian traffic. He encouraged the Board not to allow the waivers. The way past decisions were being handled was creating a financial impact.

Harry Tideswell, Cross Ridge Drive – He agreed with Mr. Kellner and Mr. Andrews. Would the questions he had submitted be answered? He had questions regarding the consent agreement, verbiage, and discourse. It was also unacceptable that they had no contribution on the consent agreement. He believed the consent agreement called for public discourse prior to acceptance of the development review team with homeowners that were affected by it. Their opinions in advance were discounted.

Paragraph one specifically stated that the homeowners would be involved with the process before approval, via the maintenance agreement and/or homeowners road association documents. He had a sincere problem with the weight of it going back to the consent agreement. No inputs were solicited from homeowners who had endured the safety issues. Reference was made, multiple times, in the consent agreement and the engineer's plan to a road maintenance agreement that hadn't been followed at any level. The record should be corrected to Lockland, not Lockwood. All waivers should be disallowed. What was the screening criteria used to screen the retained counsel's firm? In their experience with conflict resolution, was the end determination a consent agreement that was tying the Planning Board's hands, that Town Council had already signed for, that the people who were impacted by the consent agreement had zero input into?

Mike Dionne, Lockland Drive – He had concerns with the waivers and agreed with his neighbors; the roads were in need of repair and very narrow. He'd had a gas leak. The Fire Department came out, with five trucks. It took 25 minutes for them to leave the neighborhood because they couldn't pass each other and couldn't back into people's driveways. They had to drive all the way through the neighborhood, down to Flintlock, and around the circle to get out of the neighborhood. It had started out as a small neighborhood but there were now 47 houses. A better system of roads was required if they were putting anything else in it. In winter there was a hard time passing because of snowbanks. Roads existed with blind corners. A tree, almost in the middle of the Cross Ridge Drive made the road about eight feet wide. There was no way fire truck could get through that in an emergency. Even with cisterns it would be congested. He urged the Board not to allow the waivers.

Dave Morris, Cross Ridge Drive – He asked, why go forward and allow more mistakes to happen? The development was in shambles. The concrete and lumber trucks that would be brought in would destroy roads and leave them to pay for it. He didn't comprehend why they would consider the waivers on what would be required to move forward. It made no sense to him. Could someone explain how things got dropped down to what they were now? He had been told they would have to put in a separate entrance and now the Board would say not to worry about that. Why was the standard being reduced? Now would be the time to say from this day forward and have requirements to make it happen. It was the time to require road improvements to be able for the applicant to do his proposed

construction.

There was no more public comment. Public comment was closed.

Christian Etheridge made a motion to hold a site walk prior to any further conversation so the Board could make a good decision on this.

Seconded by Kathleen Brown.

Vote: All in favor.

Board Comment

- The Board wasn't deciding on anything yet. They would take everything into consideration when the time came.
- At the site walk, it was important that they were able to see the areas the consent agreement addressed. Could the plan be delineated, so the Board would know what was done by a prior Planning Board approval?
- Which roads were suggested for the homeowners' association to incorporate?
- The site walk was so the Planning Board could see what was being talked about. Abutters would be notified and welcome to attend, but no questions could be asked of the Planning Board.
- There would be another chance for people to speak and they could submit comment to the planning director.
- The waiver request was not specific on what parts of the road currently didn't meet standards. It would be helpful, for the roads that were part of the project, to identify the parts of the road which were not in compliance with the current ordinance. This would provide the Planning Board with much needed information regarding how much they were asked to waive. Was it too narrow; one foot or 54 feet, or all of it? The geometric standard, the section standards, the base?
- The only thing the consent agreement talked about was layer of asphalt at the beginning of the road. It didn't say in the consent agreement that because that was the only part requested, nothing else applied.
- Who owned Lockland Drive, Winchester Drive, Idlewood Drive, and Flintlock Drive? The applicant had right, title, and interest.
- It was important to understand the purpose of the waiver. What parts of the road didn't comply with what part of the standard? What would need to change to make it compliant with the standard? Where was that not possible? Had anyone asked if any of the homeowners would be willing to give up a foot or two of their front yard to have a road that met all the standards? Was the road generally wide enough to comply with standards? It would be interesting to know where the points were.
- A waiver was requested for an attachment. The Board member didn't think you could waive an attachment.
- Waiver standards made a distinction between section 800 and 900 waivers. The Board needed to know specifically what section.

Attorney Costigan explained the consent agreement did say the plan had to be presented to the Planning Board and had to be approved. You couldn't require the applicant to do something where they didn't have right, title, or interest. Additional requirements for the road were possible if they were feasible and within the applicant's control.

Shonn Moulton made a motion to table the application until the August 26, 2024, Planning Board meeting.

Seconded by Christian Etheridge.

Vote: All in favor.

6. [PB 24-063](#) #24-22 - Conditional Use - MDOC Women's Mental Health Addition - 17 Mallison Falls Rd. - Final Plan Review - Maine Correction Center.
The application is to include the addition of a 3,896 SF Women's Mental Health building to the Maine Correctional Center. The addition provides a separate medical space within the Women's Unit. Tax Map: 3; Lot: 5; Zone: Industrial (I) zoning districts in the Presumpscot River watershed.

Attachments: [24-22 AMND MJR SP CU PB MEMO MDOCWomensHealth 071124](#)
[24-22 AMND MJR SP CU APPL MDOCWomensHealth 071624](#)
[24-22 AMND MJR SP CU COND USE APPL MDOCWomensHealth 061424](#)
[24-22 AMND MJR SP CU PLANS MDOCWomensHealth 071624](#)
[24-2 AMND MJR SP CU SR&C APPL RSPN MDOCWomensHealth 071524](#)
[24-22 AMND MJR SP CU SR&C MDOCWomensHealth 071024](#)
[AssessorComments 071024](#)
[TEComments 070924](#)

Owen's McCullough, from Sebago Technics, was present representing the application. He explained that the women's mental health care facility would be located within the Windham Correctional Facility.

Steve Puleo reviewed the application, which was an amendment to 2019 approvals for a site plan and conditional use.

- The facility would provide medical space within the womens' unit.
- As part of a minor change request, heating pipes had been installed in anticipation of the building. DEP approval had been obtained as part of that project.
- The proposed building would be located where pavement currently existed.
- Existing stormwater conditions would not be altered.
- Impervious surfaces would be reduced by approximately 1,600 square feet.
- Existing vegetation and distance acted as a buffer yard for the project.
- There was no additional parking demand on the project.
- There was adequate access for emergency services.
- Traffic would be reduced by the ability to treat patients on-site as opposed to moving them to a hospital.
- The building would be fully sprinklered. Emergency access was provided by an existing perimeter road.
- Commercial district design standards didn't apply in an industrial zone and the project was exempt because it was a public building.

Evert Krikken made a motion that the major plan application for project #24-22 MDOC Women's Mental Health Addition project was found complete in regard to 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 Christian Etheridge.

Vote: All in favor.

Public Comment

There was no public comment. Public comment was closed.

Board Comment

- *Were third party inspections during construction always done?*
- *There seemed to be enough leeway in the buffer yard standard to not require trees and plantings. In general, though, buffer yard standards required some vertical feature.*
- *Would the building be visible?*

Anne Daigle made a motion that the major plan application for the #24-22 MDOC Women's Mental Health Addition identified on Tax Map: 3; Lot: 5; Zone: Industrial (I) and located in the Presumpscot River watershed was to be approved with conditions with the following Findings of Fact, Conclusions, and Conditions of Approval.

FINDINGS OF FACT

Jurisdiction: The MDOC Women's Mental Health Addition project is classified as a Conditional Use, which the Planning Board is authorized to review of the 3,896 SF building addition and act on by §120-805A(2)(a) , §120-903A of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted a copy of a Property Deed between Jesse Holden and William Ash, dated May 4, 1920, and recorded on May 18, 1920, at the Cumberland County Registry of Deeds in Book 1051 and Page 179.

ARTICLE 4 ZONING DISTRICTS

- *As shown on the Town of Windham Land Use Map approved by the Town Council, date April 9, 2024, Tax Map: 3 Lot: 5 is located in the Industrial (I) zoning district in the Presumpscot watershed.*
- *Per §120-413C(2), the application is permitted as a conditional use in the Industrial (I) zoning district.*

*ARTICLE 5 PERFORMANCE STANDARDS**§120-511 – Buffer yards*

C(3)(c) Industrial District: use Buffer Yard A, see exhibit below.

- *The project is located interior to the prison site and is located 1,400 feet from Route 302 and Mallison Falls Road and over 800 feet from side and rear property lines. The project area far exceeds buffer yard setbacks. The building will be approximately 18 feet tall, well below the maximum height of 35 feet.*
- *The nature of the project makes it consistent with the buffer yard requirements by being located at a significant distance from property lines, blending in with existing site development, and maintaining natural buffering and vegetation that currently exist.*

*§120- 812 – MAJOR SITE PLAN PERFORMANCE STANDARDS**§120-812A – Utilization of the Site*

- *The site addition is approximately 3,896 SF in size.*
- *The applicants are proposing to construct a Women's Mental Health addition to the fully developed Maine Department of Corrections prison.*
- *The addition will be located within the existing developed footprint that is currently pavement and will not change the developed area of the prison.*
- *The location is serviced by existing utilities and within the secured area of the prison.*

§120-812B – Vehicular Traffic

- *The proposed addition will not generate any new traffic and will operate internally to*

the existing prison.

§120-812C – Parking and Loading

- *The proposed addition will not require any new parking or place any added demand on existing parking.*
- *The addition will be accessed from the existing interior perimeter road. A service drive from the secure interior perimeter will be provided to the side door of the building and will accommodate for emergency access, maintenance, and supply delivery.*

§120-812D – Pedestrian Traffic

- *Pedestrian traffic is limited to the secure movement of prison officers and residents to and from the building and facility.*

§120-812E – Stormwater Management

- *The addition is entirely located within the existing developed footprint of the prison and will not alter the existing stormwater.*

(1) The proposed plan for the addition includes a roof drain that connects to the existing closed storm drainage system.

- *The project is located in Windham's MS4 urbanized area. The stormwater plan must comply with §201-21, post-construction stormwater management plan compliance. The existing facility is already meeting these requirements.*

§120-812F – Erosion Control

(1) The plan states that all areas disturbed during construction and not restored with impervious surfaces shall receive loam and seed.

(2) All erosion and sedimentation control measures shall be installed in accordance with "Maine Erosion and Sedimentation Control BMPs" as noted on the plan set.

§120-812G – Water Supply Provisions

(1) The project site is an existing facility serviced by public water. The proposed project will not result in the need for additional water capacity since the project will serve existing residents.

§120-812H – Sewage Disposal Provisions

- *The project site is an existing facility serviced by public sewer. The proposed project will not result in the need for additional sewer system capacity since the project will serve existing residents.*

§120-812I – Utilities

- *A site utility and grading plan has been provided for sketch plan review.*
- *The project site shall be serviced by underground public utilities including water, sewer, power, and communications.*

§120-812J – Groundwater Impacts

- *The project involves no groundwater discharges.*

§120-812K – Water Quality Protection

- *The proposed addition is entirely located within an existing developed footprint of the prison and will not alter stormwater. The construction of the addition and the associated pavement reduces the site's overall impervious surface by approximately 1,614 SF, thus improving the water quality.*

§120-812L – Hazardous, Special and Radioactive Materials

(1) The proposed addition does not include the handling, storing, or using any materials

identified by the federal or state as hazardous, special, or radioactive.

§120-812M – Shoreland Relationship

- The site is not within a shoreland zoning district.

§120-812N – Technical and Financial Capacity

(1) The project is being funded through existing allocated state funds for the prison. The total estimated cost for the project is \$6,000,000.

(2) The applicant has hired SMRT, Inc. and Sebago Technics, Inc. who to design the project. Both are established design firms with substantive experience. The building will be constructed by Cianbro Corporation, the contractor who has completed all of the prison improvements to date.

§120-812O – Solid Waste Management

- Solid waste will be limited due to the nature of the facility. Medical waste will be placed in separate, secure containers and general waste will be placed in secure trash bins at designated areas within the building. Solid Waste is removed by MDOC that currently services the prison.

§120-812P – Historical and Archaeological Resources

- The site is currently being utilized as a prison and there are no historical or archaeological resources on site.

§120-812Q – Floodplain Management

- The proposed site does not fall within a FEMA 100-year floodplain.

§120-812R – Exterior Lighting

(1) The exterior light and photometric plan has been indicated on the plan set. Existing light pole-mounted lights will remain were approved with the initial site plan application.

(a) The proposed lighting fixtures are shielded.

(2) The applicant shall connect all light poles and other exterior light fixtures underground.

§120-812S – Noise

(1) The proposed facility shall not exceed 65 dB between 7:00 AM to 10:00 PM and 55 dB between 10:01 PM to 6:59 AM.

(3) No construction activities are allowed between the hours of 10:00 PM and 6:00 AM.

§120-812T – Storage of Materials and Screening (Landscape Plan)

- The project proposes no outdoor storage and is fully located within an existing developed footprint of the prison.
- The applicant has detailed within the site plan a healing garden for the residents.

CONDITIONAL USE REVIEW

The applicant shall provide evidence that the project will conform with §120-516 Conditional Use (see criteria below).

§120-516(H)(1) - Property Value

- The proposed project involves work with an existing correctional facility that has been in existence since 1919. Given the longevity of the facility, the small addition is not anticipated to impact area property values.

§120-516(H)(2) - Wildlife Habitat

- The proposed project is within the already developed footprint of the existing prison and thus will not impact any wetlands or other environmental features. The proposed site will also reduce impervious surface.

§120-516(H)(3) - Botanical Species

The proposed project is within the already developed footprint of the existing prison and thus will not impact any rare or endangered botanical species. The project is a

secured prison and maintains its own security and first response. Should additional support be needed, the State of Maine utilizes mutual aid with the municipal communities and State Police.

The building will be fully sprinkled, and emergency access is provided via the perimeter road and secure gated access.

The proposed use will not utilize any equipment that will generate vibrations.

§120-516(H)(4) - Potable Water

See above in Major Site Performance Standards, §120–812G.

§120-516(H)(5) - Sewage Disposal

See above in Major Site Performance Standards, §120–812H.

§120-516(H)(6) - Traffic

See above in Major Site Performance Standards, §120–812B.

§120-516(H)(7) - Public Safety

§120-516(H)(8) - Vibration

The project will not emit any noxious or odorous matter.

This project will not create dust or any other form of air pollution.

§120-516(H)(9) - Noise

See above in Major Site Performance Standards, §120–812S.

§120-516(H)(10) - Off-Street Parking and Loading

See above in Major Site Performance Standards, §120–812C.

§120-516(H)(11) - Odors

§120-516(H)(12) - Air Pollution

§120-516(H)(13) - Water Pollution

- *See above in Major Site Performance Standards §120–812J and*

§120-516(H)(14) - Erosion and Sediment Control

See above in Major Site Performance Standards §120–812F.

§120-516(H)(15) - Hazardous Material

See above in Major Site Performance Standards, §120–812L.

§120-516(H)(16) - Zoning District and Performance Standards

See above in Major Site Performance Standards, §120-413C(2).

§120-516(H)(17) - Solid Waste Management

See above in Major Site Performance Standards, §120–812O.

§120-516(J) – Inspections

The Review Authority (Planning Board) may require the provision of third-party inspection during the construction of the proposed use. The applicant shall be responsible for all third-party inspections and an escrow account for the inspections.

CONCLUSIONS

1. *The plan for development reflects the natural capacities of the site to support development.*
2. *Buildings, lots, and support facilities will 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 be maintained and protected to the maximum extent.

4. The proposed site plan has sufficient water available for the reasonably foreseeable needs of the site plan.

5. The proposed site plan 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 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 provide for adequate sewage waste disposal.

8. The proposed site plan conforms to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.

9. The developer has adequate financial capacity to meet the standards of this section.

10. The proposed site plan will not alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

11. The proposed site plan will provide for adequate storm water management.

12. The proposed location and height of buildings or structure walls and fences, parking, loading and landscaping shall be such that it 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 provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.

14. The proposed use will depreciate the economic value of surrounding properties.

15. The proposed use will not damage significant wildlife habitat or spawning grounds identified by the Maine Department of Inland Fisheries and Wildlife or by the Town of Windham's Comprehensive Plan.

16. The proposed use will not damage rare or endangered botanical species as identified by the Maine Department of Conservation or by the Town of Windham's Comprehensive Plan.

17. The proposed use has access to potable water and will not burden either a groundwater aquifer or public water system.

18. The proposed use has adequate capacity to dispose of sewage waste.

19. The proposed use has adequate sight distance as established by the current Maine DOT Highway Entrance and Driveway Rules.

20. The proposed use will not overburden police, fire, and rescue services, as determined by the response time, accessibility to the site of the proposed use, and numbers and types of emergency personnel and equipment presently serving the community.

CONDITIONS OF APPROVAL (REQUIRED)

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated June 7, 2024, as amended July 22, 2024, 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, supporting documents, and representations is subject to review and approval by the Planning Board or the Town Planner in accordance with §120-516I and §120-815 of the Land Use Ordinance.

2 In accordance with §120-815C(1)(b) of the Land Use Ordinance, the Construction of improvements covered by any site plan approval shall be completed within two years of the date upon which the performance guarantee is accepted by the Town Manager. If it has not been completed within the specified period, the Town shall, at the Town Manager's discretion, use the performance guarantee to either reclaim and stabilize the

site or to complete the improvements as shown on the approved plan.

3. *Approval is subject to the requirements of the Post-Construction Stormwater Ordinance, Chapter 201 Article II. 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 June 1st of each year.*

4. *The development is subject to the following Article 12 Impact Fees, to be paid with the issuance of a building: §120-1206, Public Safety Impact Fee; and §120-1207, Municipal Office Impact Fee. All fees will be determined and collected for any building, or any other permits necessary for the development, §120-1201C.*

Seconded by Shonn Moulton.

Vote: All in favor.

Other Business

7. Adjournment

Evert Krikken made a motion to adjourn.

Seconded by Shonn Moulton.

Vote: All in favor.