



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Planning Board

Monday, November 25, 2024

6:30 PM

Council Chambers- 8 School Road

1. Call To Order

2. Roll Call and Declaration of Quorum

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

Planning Director, Steve Puleo, was also present.

3. [PB 24-107](#) Approval of Minutes - October 28, 2024

Attachments: [Minutes 10-28-2024 - draft.pdf](#)

Shonn Moulton made a motion to approve the minutes from October 28, 2024.

Seconded by Rick Yost.

Vote: Four in favor. No one opposed. Evert Krikken abstained.

Public Hearings

4. [PB 24-106](#) #24-32: Amendments to the Code of the Town of Windham, Chapter 120, Article 3 Definitions and Article 5 Performance Standards. The amendment to the Code of the Town of Windham Chapter 120 Land Use Ordinance modifies Article 3 Definitions of retail sales, automotive sales, and retail sales, outdoor. The proposal amends Article 5 Performance Standards, Retail sales, outdoor to address recreational vehicles outdoor display and sales areas.

Attachments: [24-24_PB_MEMO_LUO_AMD_Articles_3_5_111424.pdf](#)
[ARTICLE 3 and ARTICLE 5 \(JB rev'd SJ 11-21-24\).pdf](#)

Steve Puleo explained the amendments were intended to correct definitions of Retail Sales, Automotive and Retail Sales, Outdoor and to coordinate the performance standards with those changes.

- The amendment would remove Recreational Sales as a use under Retail Sales, Automotive and change it to a principal use under Retail Sales, Outdoor.*
- Trailers were included as a use under recreational vehicles.*
- Planning Board review and authority would be added to make it a principal use for major site plan application review.*
- Removing recreational vehicles and trailers from the definition of Retail Sales,*

Automotive would make the town consistent with the State's definition of automobile sales.

- *Would the Board consider defining Automobile and Light Truck, because a definition for those didn't currently exist in the ordinance?*

Public Comment

There was no public comment. Public comment was closed.

Board Comment

- *The Board should adopt Automobile and Light Truck statutory definitions.*
- *Permitting should travel with the land because it had a certain value to ownership.*
- *Vehicular Passageway should be defined.*
- *How did the ordinance distinguish between accessory and principal use? Was it clear enough to applicants?*
- *It was fine to allow motorhome vehicles in the C-3 zone.*
- *It should be defined that you couldn't put vehicle sales in vehicular travel lanes or preapproved parking spots.*
- *In general, everything that related to approvals should be kept in section 800, and not spread throughout the ordinance. If something had to be included in section 805 regarding classification of projects, the determination should be included in section 805 and not from section 500.*
- *Why was retail being inserted; were they not concerned with wholesale? Why not just call it Sales?*
- *The State's definition of automobile sales could simply be referenced in the town's ordinance, rather than including it word for word.*
- *Should rear setback be included in the amendment to Outdoor Sales in section 500?*
- *The Outdoor Sales approval should go with the applicant, in the event that a future owner wanted to sell something different.*
- *It was the Planning Department, not the Planning Board which accepted the application.*

Board recommendations were:

- *Define Automobile/Light Truck as stated in the State's statute.*
- *Define Vehicle Travel Way.*
- *Allow the approval to run only with the applicant, not the land.*
- *Change section E, relative to Planning Board to Planning Department.*
- *Link the applicability standard for Major Development by adding Principal Retail Outdoor Sales to the applicability standard in Article 8.*
- *Strike the word Retail.*
- *Suggest an amendment to Retail Sales to include Wholesale sales.*
- *Strike motorhome from the Outdoor Sales definition.*
- *Simplify the list under the definition of Outdoor Sales.*
- *Add rear setback to the amendment to Outdoor sales in section 500.*

Kathleen Brown made a motion to recommend with comments approval of the proposed amendments to the Code of the Town of Windham Chapter 120 Land Use Ordinance modifies Article 3 Definitions of retail sales, automotive sales, and retail sales, outdoor. The proposal amends Article 5 Performance Standards, Retail sales, outdoor to address recreational vehicles outdoor display and sales areas.

Seconded by Shonn Moulton.

Vote: All in favor.

New Business

5. [PB 24-103](#) #11-06 Amended Major Subdivision - Canada Hill Subdivision - Highland Cliff Road - Blessed by Four, LLC
 The application is for the first amended Canada Hill Subdivision and focuses on completing unbuilt stormwater management features from the 2012 approval, such as berms, level spreaders, and culvert repairs. It also includes modifications to an underdrained filter pond to prevent overflow onto Highland Cliff Road Tax Map: 4: Lots: 9, 9-1, 9-2, 9-3, 9-5, 9-6, 9-8, 9-10, 9-11, 9-12, 9-13, 9-14; Zone: Farm (F) zoning district, and in the Inkhorn Brook watershed.

- Attachments:** [11-06_AMD_MJR_SUB_PB_MEMO_CanadaHill_112024.pdf](#)
[11-06_AMD_MJR_SUB_SR&C_CanadaHill_111424.pdf](#)
[11-06_AMD_MJR_SUB_REV_PLNST_CanadaHill_112124.pdf](#)
[11-06_AMD_MJR_SUB_RESPN_CanadaHill_112124.pdf](#)
[11-06_AMD_MJR_SUB_APP_CanadaHill_103024](#)
[11-06_AMD_MJR_SUB_PLNST_CanadaHill_103024](#)

Tim Michaud, from Terradyn Consultants, was present representing the application. He explained that Canada Hill Subdivision had been approved in 2012 and a second subdivision phase had been proposed.

Some permitting and infrastructure issues from the phase one approval were still outstanding, and phase two was unable to proceed. This application regarded completion of those issues.

Mr. Michaud discussed their progress toward meeting the requirements of the original 2012 Findings of Fact.

Steve Puleo reviewed:

- *The town had used the applicant's phase one performance guarantee to have the road paved before it deteriorated further.*
- *Some of the Best Management Practices (BMPs) under the stormwater permit had not been completed as designed, or functioned as intended.*
- *BMPs on multiple lots were not installed.*
- *The infiltration underdrain pond on lot one was not sized appropriately.*
- *New BMPs had been designed and presented to DEP as an amendment to the stormwater permit.*
- *The issues were complicated because of the length of time since the approval. Lot owners had to fully understand what would occur to get the stormwater up and running for the subdivision and to have the BMPs complete and functioning.*
- *The Home Owners' Association had been formed but not yet conveyed to property owners.*

Board Comment

- *They would have two years to complete the work. Could this delay phase two?*
- *How long would the work take to do after all the approvals were in?*

Adjournment

Evert Krikken made a motion to adjourn.

Seconded by Shonn Moulton.

Vote: All in favor.