



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Draft

### Planning Board

---

Monday, August 27, 2018

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: Keith Elder, Bill Walker, Griffin Bourassa, Drew Mayo, Kaitlyn Tibbetts, and Michael Devoid.*

*Planner, Amanda Lessard, was also present.*

3 [PB 18-072](#) Approval of Minutes: August 13, 2018

**Attachments:** [Minutes 8-13-18 - draft](#)

*Bill Walker made a motion to accept the minutes of the August 13, 2018 meeting.*

*Seconded by Keith Elder.*

*Vote: Six in favor. No one opposed. David Douglass abstained.*

### Public Hearings

4 Amendment to Town of Windham Land Use Ordinance, Chapter 140, Sections 500 and 900. Proposed changes include removing residential sprinkler requirements from the Dead End Street Standards, and clarifying when additional water storage capacity for firefighting purposes is required in subdivisions.

*Amanda Lessard explained Town Council had forwarded ordinance amendments to the Planning Board for review and recommendation.*

- The amendment would remove the residential sprinkler requirement from ordinance sections 500 and 900 for private dead end streets, over 1,000 feet in length.*
- It also included a clarification that the need for additional water storage capacity for fire-fighting purposes in subdivisions occurred when the subdivision was located more than 1,000 linear feet from a Portland Water District (PWD) hydrant.*
- It added a submission requirement that a preliminary plan for a major subdivision required written approval of the proposed fire protection measures from the Fire Chief.*

### *Public Comment*

*There was no public comment. The public comment was closed.*

## **Continuing Business**

*Bill Walker made a motion to take agenda items out of order.*

*Seconded by Drew Mayo.*

*Vote: Six in favor. Michael Devoid abstained.*

5      [PB 18-069](#)      18-13 Ruby Meadows. Major subdivision final plan review. Ruby Meadows, LLC to request review of a 15 lot residential subdivision. The property in question is located at Albion Road and Pope Road and identified on Tax Map: 10, Lot: 78, Zone: Farm (F).

**Attachments:** [18-13 Ruby Meadows Final 08-23-2018](#)  
[Peer Review Ruby Meadows 08-17-2018](#)  
[Ruby Meadows LLC L23150CN](#)  
[Portland Pipe Line 2018-08-11 ltr P Hollis with plan](#)  
[Ruby Meadows SW PBR-66090](#)  
[Ruby Meadows - Final Subdivision Plan Application - 2018 7 23](#)  
[Ruby Meadows - Plan Set \(7-23-18\)](#)  
[Peer Review Ruby Meadows 07-09-2018](#)  
[Ruby Meadows Subdivision - Response to Comments 2018 7 6](#)

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

- *They had provided correspondence to Portland Pipeline (PPL) regarding the proximity of the pipeline at the end of the right-of-way.*
- *The plans showed the 30 foot cleared area near the shared driveway for lots 13 and 14. Covenants would make the homeowners' association responsible to keep vegetation cleared in that area*
- *The town engineer's comments had been addressed.*
- *Cost of the Albion Road moratorium restoration would be included in the performance guarantee but not as a line item. .*

*Board Comment:*

- *Portland Pipeline wanted a 50 foot setback from the nearest pipeline for any building to be shown on the final plan.*

*Bill Walker made a motion that the final plan application for project 18-13 Ruby Meadows Subdivision 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 Drew Mayo.*

*Vote: All in favor.*

*Bill Walker made a motion that the final plan application for project 18-13 Ruby Meadows Subdivision on Tax Map: 10, Lot: 78 was to be approved with conditions with the following*

*findings of fact and conclusions and the additional plan note for Portland Pipeline:*

#### **FINDINGS OF FACT**

##### **A. POLLUTION**

- *No portion of this subdivision is within the mapped 100 year floodplain.*
- *This subdivision is not located over a significant sand and gravel aquifer.*
- *A hydrogeologic assessment must be submitted as part of the Preliminary Plan when the subdivision is not served by public sewer and the subdivision has an average density of more than one dwelling unit per 100,000 square feet. The Planning Board granted a waiver from this submission requirement.*

##### **B. WATER**

- *The three (3) lots on Albion Road and the ten (10) lots on the proposed road will be served by public water for domestic use.*
- *An email dated June 12, 2018 from Robert Bartels, PE, of the Portland Water District includes a map noting the location, type, and size of the public water mains near the sites and states that it is possible to make a connection into a public main only after proper review and approval by PWD.*
- *An Ability to Serve letter dated July 6, 2018 from Robert Bartels, PE, of the Portland Water District approves the water system as designed.*
- *Two (2) lots on Pope Road will be served by private wells. The ordinance requires that the subdivision must be served by public water if the closest water main is within a distance equal to 100 feet multiplied by the number of lots in the subdivision. The existing public water main terminates at the intersection of Albion Road and Pope Road. The Planning Board granted a waiver from this standard.*
- *Existing fire hydrants are located on Albion Road near the Lot 13 and Lot 14 lot line, and at Pope Road at the intersection of Albion Road.*
- *At the Development Team Meeting on May 1, 2018 Fire Chief Brent Libby requested a new hydrant on the proposed street approximately 1,000 feet from the existing hydrants. Proposed hydrants should be shown on the plan.*
- *In an email dated June 29, 2018, Town Engineer Jon Earle P.E., requested a moratorium restoration detail for the water main and water service connection that conform with Chapter 210 Streets and Sidewalks.*
- *An Albion Road trench repair detail is shown on Sheet D-2 of the revised preliminary plan dated July 6, 2018.*
- *A letter dated August 11, 2018 from Kenneth P. Brown of the Portland Pipeline Corporation was submitted with the final plan submission, anticipates that the project will be able to meet PPCL's construction guidelines of a 50 foot setback from the nearest pipeline.*
- *In an email dated August 17, 2018, Town Engineer Jon Earle P.E., encouraged incorporating the location of the PPCL pipelines onto the subdivision plan and road plan/profile sheets.*

##### **C. SOIL EROSION**

- *An erosion and sedimentation plan, prepared by DM Roma Consulting Engineers, dated June 18, 2018, has been submitted as part of the Preliminary Plan. Notes and details are shown on Drawing D-1.*
- *A stormwater management plan that meets the water quality and quantity standards as well as the flooding standard of Section 3 DEP Chapter 500 Stormwater Management must be submitted as part of the Preliminary Plan. If this project requires a Maine Department of Environmental Protection (DEP) Chapter 500 Stormwater Permit, it must be submitted with the Final Plan.*

- Freshwater wetlands have been identified on the plan. This project requires a Maine Department of Environmental Protection (DEP) Natural Resources Protection Act (NRPA) Tier-1 permit for wetland alterations. The permit must be submitted with the Final Plan. Five areas of wetland impacts are shown on Sheets PP-1 and LD-1.
- Note 16 on the July 6, 2018 revised subdivision plan states the total amount of wetland impact associated with the proposed development.
- The DEP NRPA Permit #L-23150-TC-C-N approved on August 22, 2018 was included with the final plan submission.
- The DEP Stormwater Permit by Rule approved on July 3, 2018 was included with the final plan submission.
- This project is in the NPDES (National Pollutant Discharge Elimination System) area as designated by the Environmental Protection Agency for the Town of Windham. As a result, there will be additional construction inspection requirements and ongoing requirements for reporting of stormwater infrastructure maintenance if the area of development is greater than one (1) acre. See Condition of Approval #2.
- A stormwater management plan has been submitted as part of the June 18, 2018 Preliminary Plan submission. The project proposes to treat the 9.33 acres of total developed area with one (1) underdrained filter basin, four (4) bioretention cells, forested buffers and roofline drip edges around each house.
- The forested buffer should be shown on the subdivision plan.
- Notes should be added to the subdivision plan that all buildings will require the installation of a roof drip edge filter for stormwater treatment and that the forested buffer should be permanently marked prior to the start of construction.
- The stormwater management plan also includes an inspection, maintenance and housekeeping plan. The owner is responsible for the maintenance of all stormwater management structures and related site components until such time that a homeowner's association is created.
- In an email dated June 29, 2018, Town Engineer Jon Earle P.E., notes that there appears to be a typo in Table 1 peak runoff SP-1 25-yr storm. Chapter 500 water quality standard have been met but he requested that the lot by lot summary of impervious and developed areas be shown on the subdivision plan. He also requested additional ground topography for the footprints for each of the filter basin and bioretention cells rather than relying on the LIDAR aerial survey, and proposed grading for bioretention cells 3 and 4.
- The applicant responded to review comments on July 6, 2018 and submitted a revised stormwater management plan and a revised plan set. The revised subdivision plan shows a lot development table, the forested buffer is shown on Lot 14. Note 12 requires permanent marking of the buffer prior to the start of construction. Note 8 specifies that houses require a roofline drip edge.
- In an email dated July 9, 2018, Town Engineer Jon Earle P.E., had no further comment and acknowledged that ground topography of the stormwater filter basins and rain gardens would be provided with a final plan submission.
- In an email dated August 17, 2018, Town Engineer Jon Earle P.E., asked if ground survey had been completed in the footprints of the constructed stormwater BMPs and requested updated stormwater treatment calculations that account for the additional disturbed areas created by a 30' cleared area along Lots 12, 13, and 14 at Albion Road.

#### D. TRAFFIC

- Most of the subdivision lots will have access from the new 975 foot subdivision street, a paved public street. Section 550.C states that no new private road shall be permitted to directly access a public street.
- The proposed street right-of-way abuts the property line to provide access to future development on the abutting parcel. The purchase and sale agreement states that an easement will be provided to the seller's remaining land. This easement should be noted

on the plan.

- *Three of the lots will have access on Albion Road, and two lots will have access on Pope Road. Lots 13 and 14 will share a driveway entrance on Albion Road. Sight distance in each direction for the proposed street and the driveways on the existing public streets should be shown on the Preliminary Plan.*
- *The preliminary plan submission dated June 18, 2018 states that the site distance at the proposed roadway is 535 feet looking right and 465 feet looking left which meets the Town standards for the posted speed limit of 35 mph on Albion Road.*
- *Lots 3 and 12 must have driveway access from the proposed subdivision street. This requirement should be noted on the plan.*
- *At the Development Team meeting on May 1, 2018, it was stated that Albion Road was recently paved and would need to comply with the moratorium road restoration standards for the proposed street openings.*
- *Section 911.M.3.d states that streetlights may be required at intersections with existing public streets. The Town of Windham Streetlight Policy, adopted June 25, 2013, states that streetlights should be at intersection with private roads that serve more than 10 lots.*
- *Based on the distance to uses that would generate pedestrian trips, sidewalks are not required. When sidewalks are not required for local streets, Section 911.M.5.b.6.ii requires that the applicant construct a sidewalk or a street with a widened shoulder. One (1) additional foot of paved shoulder, on each side of the street, shall be added to the required minimum shoulder width. The Planning Board granted a waiver from this standard.*
- *A traffic impact analysis is required for subdivisions projected to generate more than 140 vehicle trips per day and should be submitted with the Preliminary Plan. The Planning Board granted a waiver from this submission requirement.*
- *The preliminary plan submission dated June 18, 2018 states that the proposed 15 residential lots are expected to generate 15 peak hour trip ends.*
- *A road plan and profile, prepared by DM Roma Consulting Engineers, dated June 18, 2018, shown on Sheet PP-1. The roadway cross section for a minor local street is shown on Sheet D-2.*
- *In an email dated June 29, 2018, Town Engineer Jon Earle P.E., noted that the sight distance is noted in the narrative but should also be shown on the plan.*
- *The applicant responded to review comments on July 6, 2018 and submitted a revised plan set that show sight distances and estimated traffic to be generated by the subdivision as 150 daily trips. The revised subdivision plan notes a proposed access, utility and stormwater easement over lot 13 for the benefit of Lot 14. Note 15 on the plan provide an access, utility and maintenance easement to the remaining land of the seller.*
- *The final plan submission shows a 30' cleared area along Albion Road on Lots 12, 13, and 14. Note 17 states that all trees shall be removed and no trees planted in the 30' cleared area.*
- *In an email dated July 9, 2018, Town Engineer Jon Earle P.E., stated that language should be included in the draft declaration for the maintenance responsibility for the additional vegetation proposed to be cleared.*

#### E. SEWERAGE

- *The development will be served by individual private subsurface wastewater disposal systems.*
- *Soil test pit analysis prepared by Mark Cenci, LSE of Mark Cenci Geologic, Inc dated May 8, 2018 and June 15, 2018 show that each lot has adequate soils to support a private septic system. Test pit locations are shown on the plan. There is no test pit shown on the Lot 11. TP 19 thru 22 included with Mark Cenci's June 15, 2018 additional wastewater disposal investigation aren't shown on the plan. Plan Sheet PP-1 shows TP*

23 on Lot 11 and TP 24 on Lot 12, but those soil profiles were not included in the preliminary plan submission.

- The applicant responded to review comments on July 6, 2018 and submitted a revised plan set that shows a test pit on each lot.

#### F. SOLID WASTE

- Residents of the single family dwellings will participate in the Town's pay-per-bag garbage program.
- Development of these lots should not produce an undue burden on the Town's ability to collect and dispose of solid waste.

#### G. AESTHETICS

- The site is currently undeveloped. It is wooded and includes wetland area dispersed across the parcel.
- The property abuts a Portland Pipeline Company Easement. Windham Drifters maintains a snowmobile trail in the easement.
- There are no documented rare botanical features or significant wildlife habitat documented on the site.
- Street trees are required at least every fifty (50) feet (§ 911.E.1.b) and are shown on Sheet PP-1.
- Limits of tree clearing are shown on the preliminary plan. Note 14 on the final plan states that clearing of trees is not allowed in areas where tree cover is depicted on the plan for a period of at least five (5) years from the date of Planning Board approval.

#### H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
  - The plan does meet the goals of the 2017 Comprehensive Plan.
- Land Use Ordinance:
  - All lots meet the minimum lot size (80,000 square feet) and frontage (200 feet) for lots in the F zoning district.
  - Net residential density calculations are shown on the Plan.
- Subdivision Ordinance:
  - Standard notes and the standard condition of approval must be shown on the plans.
  - The Tax Map and Lot numbers provided by the Tax Assessor must be shown on the Final Plan.
  - Subdivision plan data compatible with the Town GIS was submitted as part of the Final Plan submission.
  - A Draft Declaration was included with the Final Plan submission and specifies the rights and responsibilities of each lot owner with respect to the maintenance, repair, and plowing of the subdivision streets, open space and stormwater infrastructure.
- Others:
  - Chapter 221 Street Naming and Addressing: Viola Lane, the name approved by the Town Addressing Officer, is shown the Final Plan.
  - Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 urbanized area.

#### I. FINANCIAL AND TECHNICAL CAPACITY

- A letter dated April 19, 2018 from Michael Lyden, Loan Officer at Maine Capital Group was submitted as evidence of financial capacity.
- The applicant has provided information on the licensed professionals working on this project as evidence of technical capacity

#### J. RIVER, STREAM OR BROOK IMPACTS

- This project is located within the Colley Wright Brook watershed.
- The project will not adversely impact any river, stream, or brook.

#### CONCLUSIONS

1. The proposed subdivision will not result in undue water or air pollution.
2. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed subdivision will not cause an unreasonable burden on an existing water supply.
4. The proposed subdivision 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.
5. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed subdivision will provide for adequate sewage waste disposal.
7. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed subdivision conforms with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer has adequate financial and technical capacity to meet the standards of this section.
11. The proposed subdivision is not situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed subdivision is not situated entirely or partially within a floodplain.
14. All freshwater wetlands within the proposed subdivision have been identified on the plan.
15. Any river, stream, or brook within or abutting the subdivision has been identified on any maps submitted as part of the application.
16. The proposed subdivision will provide for adequate storm water management.
17. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.  
N/A
18. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
19. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will/will not cause unreasonable traffic congestion or unsafe conditions with

*respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located. (N/A)*

*20. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.*

#### CONDITIONS OF APPROVAL

*1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated April 23, 2018, as amended August 22, 2018 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the Planning Board or the Town Planner in accordance with Section 913 of the Subdivision Ordinance.*

*2. Approval is subject to the requirements of the Post-Construction Stormwater Ordinance, Chapter 144. Any person owning, operating, leasing or having control over stormwater management facilities required by the post-construction stormwater management plan must annually engage the services of a qualified third-party inspector who must certify compliance with the post-construction stormwater management plan on or by May 1st of each year.*

*Seconded by Griffin Bourassa.*

*Vote: All in favor.*

**6**

[PB 18-070](#)

Amendment to Town of Windham Land Use Ordinance, Chapter 140, Sections 500 and 900. Proposed changes include removing residential sprinkler requirements from the Dead End Street Standards and clarifying when additional water storage capacity for firefighting purposes is required in subdivisions.

**Attachments:** [PB Memo Residential Sprinklers 08-22-18](#)

*Board comment:*

- *They were not in favor of removing the requirement with the town's road issues and the number of private roads that were not adequate.*
- *Removing the requirement was a definite life safety issue.*
- *Construction materials used in new construction had only three to five minutes of fire impingement. Today's building materials burned faster and fire growth substantially increased. Sprinklers could keep that in check and allow more time for people to get out.*
- *They were relying on volunteers. It took time for them to get to the station and more time to the scene.*
- *After the first 1,000 feet another truck was needed in line which took more resources and personnel and longer to get water.*
- *What was the average time to get an ambulance crew back from the hospital?*
- *Were commercial buildings required to be sprinkled?*
- *Why did a house that was 500 feet from a hydrant not need a sprinkler? Sprinklers only benefitted people beyond 1,000 feet from hydrant and the rest of the town was what it was.*
- *Why wasn't a cistern a better option for people because it gave a fire hydrant with 10,000 gallons of water at their disposal to fight fire? A cistern or pond was not different than living near a hydrant because a lot of houses did not have sprinklers in them anyway.*

- o *If someone wanted to sprinkle their own home it was a cost to them, they had the right to put in what they wanted.*
- *Movement away from the current ordinance was a step back in terms of public safety.*
- *The major point of residential sprinklers as well as an immediate flow of water were a benefit that a cistern would not offer at an increased risk to life safety.*
- *The current unmodified ordinance was the safest possible option.*
- *The cost of a sprinkler system for a 2,000 to 2,400 square foot house was between \$8,000 to \$10,000.*
- *Both the National Fire Protection Association (NFPA) and International Building Code (IBC) required sprinklers. It was only because of the State's modification of those codes that the town didn't.*
- *It was a question of life safety. The goal of the fire department was to preserve life. The ordinance should be left as it stood.*
- *The amendment should go further and be town-wide for residential construction whether it was within the limits or not.*
- *What was the current status of the dry hydrants and cisterns?*

*Chief Libby explained:*

- *The Fire Department had a mix of full time, per diem and on-call staff. At night there were four staff, two per diem and two full time. During the day there were two full time administrative staff and the potential for six per diem.*
- *Their call volume was approximately 3,000 calls a year, about eight per day. The majority were ambulance calls that required a minimum of two people. If they sent all three ambulances out they were down to looking for people to come from home. It was a challenge.*
- *A private, single lane dirt road would be completely obstructed by the time hoses were set up and trucks came in to start shuttling water.*
- *About half the town did not have public water.*
- *New building construction and combustible materials in homes burned hotter and faster now. The intent of sprinklers was life safety. The average response time to a fire was seven to eight minutes. That provided time for unrestricted fire growth and could result in flashover which was not survivable. Sprinklers could provide containment, or keep a fire in check for those seven to eight minutes. Life safety and the ability to control a fire would be improved and the resources needed would be reduced.*
- *He saw no benefit to amending the ordinance.*
- *The average time to get crew back after a trip to the hospital was an hour and a half.*
- *Currently commercial property over 4,000 square feet, not on a hydrant, had to be sprinkled. As adjusted for the next 60 days it was 10,000 square feet or more.*
- *With a house that was 500 feet beyond a hydrant, if one person showed up with a truck they could try and contain it from the yard with a hydrant until others got there. 1,000 feet down a private dirt road a truck would have 1,000 gallons to use and would then be out of water. In a subdivision, a cistern or dry hydrant was a possibility. The downside was that maintenance became the town's responsibility. They were required to be tested annually and maintained. If they leaked they were out of service.*
- *Currently, the town had 11 dry hydrants and two cisterns. One of the cisterns had a small leak. Two dry hydrants had been completely replaced and the rest needed repair.*
- *Life safety was a hard thing to compromise. At this point the goal was to maintain what they had and to give those areas further away from public water a chance to contain fire and preserve life.*
- *The additional submittal requirement of what they were proposing in subdivisions would clear up some administrative items and create a level playing field of what was expected in the process.*

*Amanda Lessard explained another alteration to the ordinance language addressed when additional water storage capacity was required.*

*Bill Walker made a motion recommend keeping the existing sprinkler ordinance as is with the exception of adding section 910. C. 1, a requirement for providing information on the system that would be provided with the subdivision.*

*Seconded by Griffin Bourassa.*

*Board comment:*

- *It should be expanded to include any new residential construction.*
- *The term adequate water supply was vague, there should be actual numbers.*

*Amanda Lessard said that section 911 B. 1. clarified when additional water storage capacity was required. It had been the fire department's practice when it was more than 1,000 linear feet from a water district hydrant.*

*Chief Libby suggested using the rural calculations in NFPA, section 1142 as a basis for the decision of adequacy.*

*Bill Walker, as the motion maker, and Griffin Bourassa, as the second accepted the amendment to the motion.*

*Amanda read the motion, "To make a recommendation to the Council to keep the existing sprinkler requirements and add the amendments to section 910.C.1 and 911.B. 1. c. 4 with comments that there is a general feeling to expand the requirement for residential sprinklers and that reference could be made to NFPA, section 1142 and NFPA 13."*

*Vote: Six in favor. Keith Elder opposed.*

## **New Business**

7      [PB 18-071](#)      18-24 Land Of Nod Road Subdivision. Major subdivision sketch plan review. Grondin Corporation to request review of a 35 lot residential cluster subdivision. The property in question is located at 120 Land of Nod Road and identified on Tax Map: 7, Lot: 29, Zone: Farm (F).

**Attachments:** [18-24 Land of Nod\\_Sketch\\_08-23-2018](#)

[Land o Nod -Grondin-pre-app application pkt- 8-6-18](#)

[Land of Nod sketch plans](#)

*Jim Seymour, from Sebago Techincs, was present with the applicant, Ken Grondin. He explained:*

- *The project was on Land of Nod Road across from Morgan Lane. The lot was about 65 acres in a Farm (F) district.*
- *They proposed a 35 lot cluster subdivision with dedicated open space for public access.*
- *A site location of development permit would be required from DEP.*
- *The proposed road would be approximately 2,300 to 2,400 feet long with extended shoulders for pedestrian access. There would be a possible connection to an abutting project at the mid-point.*
- *Two cisterns were proposed, one near Land of Nod Road and the other half way into*

the subdivision.

- *Stormwater ran to the north and south.*
- *There were wetlands and some vernal pools on site.*
- *They proposed open space around the perimeter.*

Mr. Grondin explained:

- *One third of the house lots would be in the field that was located at the entrance. Two thirds would be in the wooded area, which would provide less visibility to the road.*
- *There would be a landscaped berm on each side of the entrance sign so it looked good.*
- *Lots would be sold to local contractors to provided consistency and quality of design.*

Board Comment:

- *How much were wetlands impacted?*
- *The project could connect to Cobb Farm Road.*

Mr. Seymour responded:

- *The only wetland impact was at the stream crossing.*
- *He had reached out to the applicant for the abutting project regarding the road connection.*
- *He would check out Cobb Farm Road.*

Bill Walker made a motion to allow public comment.

Vote: All in favor.

Public Comment:

Mike Lessard, Land of Nod Road – He had concerns. The road was dangerous because of hairpin turns and it would make the road more dangerous. People went off the road, even in the summer. What was the impact with all the septic systems? It was a wet area. Water had gone over Land of Nod Road in the spring. It would need pretty heavy culverts; there was a lot of water involved. He was interested in the traffic flow through Land of Nod. There were a couple of really dangerous places.

Karen Lougee, Cobb Farm Road - She had huge concerns regarding an easement coming through the road. What would the impact of starter homes be on property values? She was shocked at the number of houses that were being proposed. Then she had realized how many other developments were being done in an approximately three mile radius, 86 houses in just that area. The Comp Plan said a sustainable number of dwellings per year, through 2030, was 94. It would be almost there in a three mile radius. She didn't feel the residents had enough time to look at concerns.

Lou Garza, Land of Nod Road– Traffic on the road should be lower than 25 mph. There were plenty of accidents on the road; the hairpin corners were something else. He was concerned with new development and the requirement for water. Some on the road had barely one gallon per minute. If all the new homes were added what would happen with that? Would there be an issue to existing homeowners?

Martin Lynch – Land of Nod Road – Cobb Farm went through his property. He had all of the concerns that had been brought up. He didn't begrudge someone from developing land; it was their right. He was concerned with the large number and how the houses would look. He had bought his property because he wanted to be away from a lot of houses. He felt the property would be diminished from all the houses coming in and the

aesthetics of the area. He was concerned about the large number of houses.

*Sarah Bronson, Executive Director of Riding to the Top – The Riding to the Top property abutted two lots on the plan. She shared other concerns and thought it was really great for the developer to preserve open space. Connectivity of trails up to Canada Hill was a wonderful resource. Maybe they could not develop so many homes there or develop trails and connectivity that the public would have access to.*

*Micki Van Summer, Tucker Drive – She lived down the street from another proposed development. 20 years ago she had moved out of Portland to be in the country. Highland Cliff Road was dangerous. They had car accidents on the sharp turns. Unless that changed it would get worse. Land of Nod Road was even worse than Highland Cliff and that was just for public safety. It would change their quality of life; they would not be in the country anymore if all the developments came in.*

*Tom Juenemann, Land of Nod Road – Land of Nod had a very sharp turn in front of his house and it was not unusual for a car to land in his front yard. That meant they would hit trees. He had slid off the road and it was very tricky and narrow. If there was to be significantly more traffic on it someone would have to widen it and put some safety measures in.*

*Julie Lunt-Farley, Land of Nod Road – She was not there to prohibit someone from using their land as they wanted to. It would significantly affect her land value and ability to build. The road was dangerous as it was. They drove it every day. They had gotten the speed limit reduced by their house because of hairpin turns. If it was deemed to be unfit it wouldn't necessarily prohibit the project. She was concerned about the amount of dump trucks, the blasting. She wasn't opposed to something going there. She was concerned about the quality of life. They were already adding portables to the middle school. Starter homes were typically new families. What would the impact be to the schools? There were water issues behind house with water quality as well as a little pond off of Land of Nod. She would be interested to see studies on the watershed. Riding to the Top had facility trails so she was concerned with the programs they offered. There were a lot of things to consider.*

*Mr. Grondin said he respected all the concerns and could meet with anyone one on one. There should be no blasting because the soils were granular. There would be some construction traffic. They would recycle soils, screen and crush on site to eliminate trucks coming in and out. There would be a landscape buffer; he took pride in that. Two thirds of the houses would be in the woods. He was accessible and could meet with anyone.*

*Mike Lessard, Land of Nod Road – What was Mr. Grondin's opinion of traffic on Land of Nod Road, off 302 down towards the bottom? People slid off that in winter. There was traffic and noise, what did he propose to do about that? Would he look into it?*

*Ed Milsop, Land of Nod Road – There was a good stretch by the culvert where there was a two foot drop off of the shoulder. He had seen whitecaps over the road into the brook. The brook started at the swamp and went to the prison. What if the sewer water got into that from leach fields?*

*Michelle Newton, Cobb Farm Road – She was trying to get some clarity on how the process worked. Did the Planning Board have any say over the rate of growth? There was some type of long range planning commission. Whose job was it? 35 starter homes, 30 kids at \$10,000 per kid, it wouldn't bring that in from taxes. There is already*

*not enough to pay teachers. Who decided how fast it could grow?*

*David Foster, Highland Cliff Road – He had come expecting to be in a rural area. He had been out walking his dogs and saw kids in strollers. The traffic concerned him. He thought a cluster subdivision lot size was 40,000 square feet. In the Comp Plan one of the four main points was keeping rural Windham rural. This went completely against that. It was a shame.*

*Cindy O'Brien, Land of Nod Road – Two access points were required for 30 houses or more. If fewer than 30 houses were done they could have bigger lots. That would be more favorable for all of them.*

*Public Comment was closed.*

*Board Comment:*

- *There should be discussion with abutters regarding relocation of the trails.*
- *The Board heard a lot about the two roads. Maybe they should make a recommendation to Town Council regarding them.*
- *What was the combined number of lots from the two abutting projects?*
- *What distance was it to the closest water main? People were worried about low flow rates already. What made sense for the area?*
- *The responsibility of the Board was to uphold the ordinance. If they saw something that was detrimental to the community they could try to find a way to improve it.*

*Ultimately, if the rules allowed it they had to let them do it.*

*Amada Lessard explained:*

- *Cluster subdivision allowed lots from 30,000 to 50,000 square feet. It took the same number of houses allowed in a traditional subdivision and put them on smaller lots so half the land would be preserved as open into perpetuity.*
- *The abutting project was 22 lots.*
- *The closest water mains were over a mile away. The ordinance standard was to extend water 100 feet for every lot in a subdivision.*
- *Windham didn't have a growth ordinance.*
- *The Comp Plan set a vision for the community over the next ten to twenty years.*
- *The Long Range planning committee was charged with making revisions to land use or to implement the Comp Plan vision.*

*Mr. Seymour reviewed people's concerns:*

- *Hairpin turns – The entrance had excellent site distance. They would have traffic engineers review it and take into consideration all the roads that fed into that location.*
- *Septic systems – They would do a nitrate study for all the lots. Permitting would be through both the town and DEP.*
- *Property values: He didn't think there was anything in the subdivision ordinance related to property values.*
- *Wildlife - They had to get feedback from Inland Fisheries & Wildlife as well as DEP.*
- *Stormwater – The town had a strict ordinance regarding storm water quantity and quality.*
- *Roads – They would have conversations with town officials and engineers regarding overall concerns on Highland Cliff and Land of Nod Roads.*

*Bill Walker made a motion for a public hearing.*

*Seconded by Griffin Bourassa.*

*Vote: All in favor.*

*Bill Walker made a motion for a sitewalk.*

*Seconded by Drew Mayo.*

*Vote: All in favor.*

*Board Comment:*

- *Provide a rough idea on the plan of where the trails were.*
- *Don't bury the old house in the gravel pit.*
- *It should be clear that this project and the abutting project weren't dependent on each other.*

## **Other Business**

### 8 Adjournment

*Bill Walker made a motion to adjourn.*

*Seconded by Keith Elder.*

*Vote: All in favor.*