

Windham Planning Board
8 School Rd.
Windham, ME 04062

Wednesday, July 17, 2024

RE: File # PB 24-062 “#24-13 - Major Subdivision - Cross Ridge Subdivision - Lockland Drive and Flintlock Drive - Final Plan Review - PTG Properties Inc.”

Chair Govoni and members of the Planning Board:

My name is Joe Kellner. I am a resident of 21 Cross Ridge Drive in Windham. This testimony is in opposition to the proposed new development within the subdivision. The neighborhood consists of two major roads, continuing to several minor roads (“the Neighborhood”).

Let me start by saying my testimony is not reflective of a believe that there shouldn’t be growth. Nor is it in any way designed to demonstrate any harbored ill will toward the developer, the property owner, or the town. There are, however, fundamental issues at play that need to be addressed.

To begin, here are several statements of fact:

1. The neighborhood was not constructed in accordance with subdivision standards that were in effect at the time of construction, nor within the standards (ordinances) that were subsequently released for private roads. These subsequent standards were in existence for much of the later construction in the neighborhood.
2. Mr. Gilman and PTG properties engaged in various property transfers among family and friends. While the purpose of that approach is not clear, what is clear is that it led to subdivision standards not being enforced initially in the development of the neighborhood.
3. Although the roads are a continuation of Mr. Gilman’s property (75 Lockland Dr.), Mr. Gilman did not perform maintenance on the roads, nor did he engage in the creation of an association that would bear responsibility. Instead, there were deeded covenants added during property transfers. These covenants are inconsistent. Many residents did not sign the initial agreement. Some residents have responsibility for pavement.
4. In 2018, Mr. Gilman received a stop order on construction based on the standards not being met for construction.
5. Information obtained through a FOAA request demonstrated disagreement between an outgoing and incoming code enforcement officer on how the situation had been handled.
6. The condition of the roads through the neighborhood range from good to poor. However, most roads do not meet the subdivision standards. Notably, the main thoroughfares of Lockland and Cross Ridge are rapidly deteriorating. This includes poor drainage, lack of appropriate underlayment, insufficient widths, lack of appropriate setbacks, and a generally substandard design. Because of this, any repairs to these sections do not last. Further, various areas of the roads are substantially sinking or shifting.
7. General road maintenance has been handled by a core group of volunteers due to the lack of action on the part of the owner.

The consent agreement signed in January has various stipulations for Mr. Gilman. Among these are to put 1.5" of pavement on a section of Cross Ridge Dr. and Lockland Dr. and installation of two fire cisterns. While this consent agreement was with Mr. Gilman to allow him to apply for new permits, the agreement has direct impacts on everyone in the neighborhood. Mr. Gilman will be allowed to develop and profit, while the residents of the neighborhood will need to sustain any of the added infrastructure. **The residents were not notified of this consent agreement, and no feedback was sought as to how it would impact them financially or practically.**

Next, placing 1.5" of pavement over a failing, sinking, and improperly designed road section will provide enough support to get the houses built and then **it will fail again, creating hazards to those that enter and exit the neighborhood and inhibiting the job of public safety should a response be required.**

Based on these facts, I recommend the following:

- 1) No further construction should be allowed beyond any point in the neighborhood that is not brought up to current subdivision standards. Should all roads leading to the new construction be brought to current code, I would have no objection to the development.
- 2) Given it is clear the town erred in the enforcement of subdivision standards, and because of the risk that presents to residents / taxpayers, the town should consider taking ownership of, at minimum Cross Ridge and Lockland Drive. This will also help mitigate liability risk to the town should a sentinel event occur due to an injury or loss of property as a result of the failing infrastructure.
- 3) The Town must improve communication with the residents of the Neighborhood, and should not be entering into agreements that bind these residents without them being party to the agreement.
- 4) The residents of the Neighborhood should form an appropriate association in support of the remaining private roads.
- 5) The connecting road between Sentry Drive, and the property PTG Properties owns in Gray will only serve to further degrade the condition of the roads, and should not be approved, again without fully meeting the existing ordinances for private roads.

In closing, it would be an error for the Planning Board and Town Council to approve moving forward with these issues without properly addressing the fundamental issues at hand.

Sincerely,

Joe Kellner

CC: Steve Puleo, Director of Planning
Barry Tibbetts, Town Manager
Town Council