



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: CD 17-135

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**Status:** Agenda Ready

**In Control:** Town Council

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Private roads - next steps.

Over the last two years the Council has discussed whether and how to address the issues presented by continuing development on private roads. These issues center mainly around the ability to provide basic safety services on roads that are not built to the existing standards for either public or private roads.

Not counting orders referring ordinance language to the planning board, executive sessions, or other actions, the Council has discussed private road issues at least ten times in the last year and a half:

- CD 15-325      October 27, 2015
- CD 15-394      January 5, 2016
- CD 16-082      February 16, 2016
- CD 16-094      March 1, 2016
- CD 16-228      June 21, 2016
- CD 16-272      July 26, 2016
- CD 16-290      August 9, 2016
- CD 16-306      September 20, 2016
- CD 17-035      January 31, 2017
- CD 17-104      March 21, 2017

Multiple options have been discussed and weighed, some rejected as impractical or infeasible, and at least one put through the ordinance amendment process but awaiting Council action (private roads providing access to proposed subdivisions).

A memo from the town manager and planning director dated January 27, 2017 suggests breaking the larger private road issue into a few broad categories:

- Those related to development occurring through the formal subdivision approval process.
- Those related to development occurring outside the formal subdivision approval process:
  - Lot-by-lot over long periods of time (say, ten or more years), which is generally not considered to be a problem, and
  - Larger parcels systematically divided, developed, and sold by developers utilizing the exemptions allowed by state subdivision law, which has been

identified as a major source of the problem due to the intensity of development activity, traffic, lack of proper engineering and amenities normally found in approved subdivisions.

- How to keep the problem from getting worse.
- How to improve the situation over the long term.

There is a proposed land use ordinance amendment to deal with private roads providing access to proposed subdivisions that has already been sent to the planning board by the Council, and has returned with a recommendation from the planning board. The concern is that implementing this without a simultaneous action dealing with the continued development along private roads outside the subdivision approval process will only make that problem worse. What are the options?

The options for dealing with the public safety issues presented by intense and continuing development on, along, and on new private ways off existing private roads seem to fall along a spectrum from:

- Do nothing and continue to allow development to occur on, along, and off existing private roads as it is now.
- Limit the creation of new private ways along or off existing private roads.
- Limit the creation of new private ways from either existing public or private roads.
- Limit the extent of new construction that would be allowed without improving an existing private road to a given standard (either one of the town's current standards or some other set of standards).

The Council has had multiple discussions in multiple previous meetings; the purpose of this discussion at this meeting is to achieve consensus on a preferred policy option and provide staff with the guidance to develop ordinance language to implement that policy, or to accept the *status quo*, at least for the time being, and turn its (and staff's) attention to other matters.