



Town of Windham
Office of the Town Manager
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Windham, ME 04062

Barry A. Tibbetts, Town Manager
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MEMORANDUM

To : Town Council
From : Barry Tibbetts, Town Manager
Date : May 21, 2020
Re : Access to Backlots

In 2017 the Town made amendments to the Land Use Ordinances. One particular change was the, "removal of backlot standards (from Section 500. Performance Standards), so that building on a backlot will now require frontage."

Based on an inquiry from a resident concerning a backlot, staff has had a preliminary discussion and has indicated that some parameters and adjustments to the Land Use Ordinance may be appropriate.

Concerns by staff related to these items:

- 1) This would apply to access from a public and/or private road and allow access to only two homes.
- 2) This access would meet the maximum right of way and width requirements as determined by the Planning Board.
- 3) An addition of a third home would require a fully upgraded public road.
- 4) A driveway longer than 500' would require a width adjustment for fire truck safety.
- 5) Any other determinations by the Planning Board. With these being addressed, amongst other items, the Planning could review for changes.

Additionally, the section for backlots existing prior to 2012 is problematic for it allows for additional dwelling units to use that right of way frontage and only the extension of the right of way needs to meet a road standard, it doesn't appear to require an upgrade. This should be reviewed by the Planning Board.

Barry A. Tibbetts

From: Michael R. Pednault
Sent: Friday, May 8, 2020 8:22 PM
To: TownCouncil; Jarrod Maxfield; Nicholas Kalogerakis; David Douglass; Brett Jones; Tim E. Nangle; David Nadeau; Clayton Haskell
Cc: Amanda L. Lessard
Subject: Proposed Land Use Ordinance Amendments related to Private Roads

Dear Councilors,

I'm writing in regards to the proposed Land Use Ordinance Amendments related to Private Roads, more specifically the removal of Section 552.C (within the current ordinance):

"New Streets with direct connections to Public Streets. **No new Private Roads will be permitted to directly access a Public Street.** New Streets with direct access to a Public Street must be built to the applicable Local Street standard and offered to the Town for acceptance as a Public Street."

I'm strongly requesting that the Council add to their next available agenda and vote on the removal of Section 552.C solely and the other more complicated Private Road amendments can be discussed when things get back to normal.

During the 01/14/2020 Council meeting the discussion item CD 20-016 included an attached Planning Board recommendation letter dated 12/23/2019. As written in that letter the Planning Board unanimously agreed that "no private roads off public streets needs to go away" and "Five members of the public commented on the proposed amendment. All were in favor of eliminating the restriction of no new private roads off public streets.". During that Council meeting Amanda reiterated these statements during her briefing and went on to state that "we haven't seen a road come in outside of subdivision review to meet that standard because it is very costly, which is why that's been the majority of public comment we've heard about that particular standard". The proposed amendments were not voted on during that meeting because it was determined that more changes were needed as a whole.

These amendments have not been on the Council agenda since that 01/14/2020 meeting. From my understanding, discussions of these ordinance amendments are on pause due to the COVID-19 pandemic. Furthermore, I see on the next Council meeting agenda that the Private Roads ad hoc committee may be decommissioned...

My family owns a parcel of land with only 50 feet of road frontage along Pope Road where we would like to build our forever home. We would like to build a Private Road (Minor) that is defined in the ordinance to meet the road frontage requirements in our zone, however we are not allowed to because of the current language in Section 552.C. Under the current ordinance, we can't build our ONE single-family home on our land because we can't afford to build a Public Road as currently required.

Considering the previous and abundant support for the removal of this section by the Council, the Planning Board, and the Public, enacting this specific/individual amendment would personally benefit my family with our plans to build our forever home this year. We are active members of the community and I enjoy volunteer coaching my 10-year old son's basketball, soccer, and football teams here in Windham. We would like to begin construction as soon as possible; your consideration on this matter would be greatly appreciated and supported by not only my family, but many other members of our Town.

Thank you for your time and consideration.

Michael Pednault | Maine Licensed Architect

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Barry A. Tibbetts

From: Michael R. Pednault <mpednault@gawronturgeon.com>
Sent: Friday, May 8, 2020 9:22 PM
To: David Nadeau; TownCouncil; Tim E. Nangle; Jarrod Maxfield; Nicholas Kalogerakis; David Douglass; Brett Jones; Clayton Haskell
Cc: Amanda L. Lessard
Subject: Re: Proposed Land Use Ordinance Amendments related to Private Roads

Thank you for the reply David.

Our lot is only big enough for a total of 3 dwelling units, however due to the placement of where we'd like to put our home (right in the middle), the configuration of our lot would only allow for one other lot for a total of two and therefore never a subdivision.

Having said that, building a Public Road simply does not make sense for my situation and would unfairly put the burden of maintenance costs on the tax payers of Windham. How would building a public road for one (or two maximum) homes benefit the town?

A private road built to the standards that are within the current ordinance would still require a hammerhead and enough space for emergency vehicles to access my home and turn around. A public road is simply unnecessary for my or the towns needs for my situation. I understand that my situation is unique and that requesting the change to the ordinance for me is unrealistic.

If you read through the details of my email and watch all of the previous Council and Planning Board meetings pertaining to these amendments, I'm not the only one who wants this specific language removed from the ordinance. I'm simply requesting that that single provision be removed as the majority have stated and agree that it needs to go.

That section will be omitted from the ordinance regardless of the other amendments, I'm simply asking for it to be removed now since the pandemic is prolonging the changes to be enacted.

Thanks again,
Mike Pednault

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From: David Nadeau <davidnadeau@windhammaine.us>
Sent: Friday, May 8, 2020 8:51:46 PM
To: Michael R. Pednault <mpednault@gawronturgeon.com>
Subject: Re: Proposed Land Use Ordinance Amendments related to Private Roads

Michael

You can build a public road minimal length and put a hammer head which you can get frontage from. It would only need to be built to the length needed for your frontage. You could then put your driveway off of that. This would allow you to have your forever home, but if any other lots where to be built the road would have to be extended for all the lots would have frontage, protecting the town. Think of what you are asking for change asking. Change the rules for one person, now is that what the town is suppose to do.

Thanks

David J. Nadeau
Windham Town Council

On May 8, 2020, at 8:22 PM, Michael R. Pednault <mpednault@gawronturgeon.com> wrote:

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Michael Pednault | Maine Licensed Architect

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