



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Planning Board

Monday, January 13, 2025

6:30 PM

Council Chambers

1. Call to Order – Chair’s Opening Remarks

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, Anne Daigle and Christian Etheridge.

Planning Director, Steve Puleo, was also present.

3. [PB 24-114](#) Approval of Minutes - Meeting of November 25, 2024

Attachments: [Minutes 11-25-24 draft.pdf](#)

Christian Etheridge made a motion to approve the minutes from November 25, 2024.

Seconded by Kathleen Brown.

Vote: All in favor.

Public Hearings

4. [PB 24-109](#) #24-34 - Amendments to Code of the Town of Windham Chapter 120 Land Use Ordinance, Article 3 Definitions, and Article 4 District Standards
- The proposed amendments will add definitions for principal building location on a premise that involves Hotel development in the Commercial I (C-1) zoning district. The amendments include five (5) new definitions in Article 3 Definitions, as well as amending Article 4 Commercial I (C-1) zoning district by increasing the maximum front setback from 20 feet to 75 feet for Hotel uses and eliminating parcel restrictions using clean energy by including an “adjacent parcel” found in C-1 District Standards.

Attachments: [24-34 PB MEMO LUOAmdArticle3&4 HotelUse 122424.pdf](#)
[DefinitionsCommercial District I \(C-1\) HotelFrontSetback 120924 \(JB rev'd\).pdf](#)
[230411-Hotel Concept 2024-10-16.pdf](#)

Steve Puleo explained that Hotel was a permitted use in the C-1 district but there were currently no formal standards for it. The amendments would:

- Provide the public and emergency services with safe access to hotel uses*
- Allow corner lot premises to determine the frontage based on the primary street definition*
- Provide enough buffering from the new Veterans Memorial Drive for the future*

proposal of the Franklin Drive Subdivision

- *Allow for balance of scale between large commercial buildings and the primary street*
- *Provide definitions for the Hotel use.*
- *Provide new standards for the Hotel use*
- o *Establish the front setback for a Hotel use as between ten feet and 75 feet.*
- o *Allow solar power systems to generate more power than was required on the premise or lot where the solar energy systems were located.*
- o *Allow determination of the primary street frontage.*
- o *Require parking areas to be located in the side or rear of the principal structure.*
- o *Allow one curb cut in the front setback.*
- o *Require a two-way travel lane around the principal structure for emergency service access.*
- o *Require conformance with Buffer Yard G standards.*

Public Comment

There was no public comment. Public comment was closed.

Board Comment

- *Parking at the side and rear of the building could be far away from the main entrance for ADA parking spaces. Most of the time use of side entrances required a key card.*
- *If a street did not yet exist, who would determine the expected traffic pattern and resulting definition for it? Was there a standard associated with that? Would future abutting property uses be required to abide by the determination?*
- *The dimensional standards seemed to satisfy both public and emergency safety goals.*
- *There was some redundancy between the standards. The same thing should not be repeated in different places because it could be confusing and may not apply in all cases.*
- *Including the large scale solar array seemed like a work-around that may not be wise. Making it a conditional use could provide more oversight for future projects. The language should be more specific.*

Christian Etheridge 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 Front setback, Primary Street setback, Secondary Street setback, Primary Street, and Secondary Street. The proposal will also amend Article 4 Permitted Uses, Dimensional Standards, and District Standards allowing Hotel uses in C-1 zoning district.

Seconded by Kathleen Brown.

Vote: All in favor.

5. [PB 24-110](#)

#24-28 - Minor Subdivision - Franklin Drive Subdivision - 20 Franklin Drive - Final Plan Review - New Gen Estates, LLC

The applicant is proposing a four-lot subdivision to create lots for future commercial and residential uses. The subject property is identified as Tax Map: 18; Lot: 26-2; Zone: Commercial 1 (C-1) zoning district and located in the Chaffin Pond/ Little Sebago Lake watershed.

Attachments: [24-28 MNR SUB FB PB MEMO FranklinDriveSub_010725.pdf](#)
[24-28 MNR SUB FP RESPONSE FranklinDriveSub_010825.pdf](#)
[24-28 MNR SUB FP REV PLANS FranklinDriveSub_010825.pdf](#)
[24-28 MNR SUB FP REV APPL FranklinDriveSub_010825.pdf](#)
[24-28 MNR SUB FP SR&C FranklinDriveSub_010525.pdf](#)
[TE Comments_010225.pdf](#)
[ESC Comments_010225.pdf](#)
[ASSESSOR Comments_120.pdf](#)

Rob McSorley, from Sebago Technics was present representing the application. He explained: the application.

- Creation of four lots
 - o A multi-family residential development parcel
 - o A commercial development parcel
 - o An open space parcel containing a solar array for use of the commercial and residential parcels
 - o Future development of a residential parcel with frontage on Sandbar Road
- Extension of Franklin Drive, to be built to the commercial/industrial roadway standard with parallel parking.
- Served by Public Water
- Connected to the new sewer system
- Sidewalk connection to a trail through open space to the abutting recreational area
- Street trees and landscaping at the end of the roadway
- Stormwater from the road would be collected and directed to a treatment area.
- The roadway would require a stormwater permit from DEP.

Steve Puleo explained:

- The project was located in the Chaffin Pond and Little Sebago Lake Watersheds, and the MS4 area. Both watersheds were most at risk from development and would require additional third party review of phosphorus loading.
- Existing easements would be relocated to provide for the open space trail to access Donnabeth Lippman Park.

Evert Krikken made a motion that the Minor Subdivision application for project #24-28 Franklin Drive Subdivision project 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 Kathleen Brown.

Vote: All in favor.

Public Comment

Roger Cote, Sandbar Road – He was the President of the Sandbar Road Association and asked if there were any plans to tie the proposed three acre lot on Sandbar Road to the larger lot associated with the Franklin Drive project?

Mr. McSorley clarified they would be extending a low pressure forced main for the solar array utilities, but relative to access purposes, the grade there was too steep for a transition from that part of the property into the open space area.

Mr. Cote confirmed that meant there would be no road for access to the three acre parcel on Sandbar Road.

There was no more public comment. Public comment was closed.

Board Comment

- Making sure the paths were done needed to be written somewhere.*
- It may be good to reconsider whether the road design would work.*
- When was the appropriate time to work with the Sandbar Road Association regarding the new lot which had frontage?*

Evert Krikken made a motion to waive section 120-911 M. (5) (b) [8] of the street construction practices to deviate from the standards present in table 4 and/or appendix B as it concerned the total width of the pavement and the maximum width of the travel lane to allow them to exceed the maximum, as listed in the appendices.

Seconded by Christian Etheridge.

Vote: All in favor.

Evert Krikken made a motion that the Minor Subdivision application for the #24-28 Franklin Drive Subdivision identified on Tax Map: 18; Lot: 26-2; Zone: Commercial I (C-1) and located in the Chaffin Pond / Little Sebago Lake watershed was to be approved with conditions with the following Findings of Fact, Conclusions, and Conditions of Approval.

FINDINGS OF FACT

Jurisdiction: The Franklin Drive Subdivision project is classified as a Minor Subdivision, which the Planning Board is authorized to review and act on by §120-903A of the Town of Windham Land Use Ordinance.

Title, Right, or Interest: The applicant has submitted a copy of the deed indicating ownership by New Gen Estates, LLC, recorded in the Cumberland County Registry of Deeds, Book 40556, Page 273.

ARTICLE 4 ZONING DISTRICTS

- As shown on the Town of Windham Land Use Map approved by the Town Council, date April 9, 2024, Tax Map: 18; Lot: 26-2.*
- The property is located in Commercial I (C-1) zoning district.*

ARTICLE 5 PERFORMANCE STANDARDS

§120-511 – Buffer yards

C(3)(b) Commercial Districts (C-1, C-2, C-3, C-4, VC and WC Districts): use Buffer Yard G.

§ 120-911 - SUBDIVISION PERFORMANCE STANDARDS

§ 120-911A – Basic Subdivision layout

- (1) The parcel meets the Commercial I (C-1) zoning district dimensional standards, per §120-410E*
- The property is 38.59 acres in size.*

- The applicant has shown all required setbacks and street frontage, see sheet C-101 of the plan set.
- The C-1 district does not have a net residential density standard.
- All utility connections (water, sewer, electric, telephone, and telecommunication services) will be located underground. A utility and grading plan will be submitted for see sheets C-201 and C-301 of the plan set

§ 120-911B – Sufficient water; water supply.

- All lots will be served by public water.
- The applicant has not applied for the construction of any buildings which required water with the minor subdivision. Any future uses requiring water flow will be required to provide an “Ability to Serve” letter from the Portland Water District (PWD) confirming adequate supply and pressure.

§ 120-911C - Erosion Control and Impact on Water Bodies

- A soil erosion and sediment control plan has been submitted as part of the stormwater.

§ 120-911D – Sewage disposal

- The proposed subdivision will connect to the public sewer system managed by the Portland Water District (PWD).
- The applicant has not applied for the construction of any buildings which required water with the minor subdivision application. Future development and uses will need to comply with the Town of Windham's sewer extension standards, ensuring that all lots within the subdivision are serviced by the public sewer. Coordination with the Town and PWD will be essential to ensure all regulatory requirements are met, including any necessary permits for the sewer extension.
- The applicant has not applied for the construction of any buildings which required water with the minor subdivision. Any future uses requiring water flow will be required to provide an “Ability to Serve” letter from the Portland Water District (PWD) confirming adequate supply and pressure, including any requirements for infrastructure extensions or upgrades.
- Erosion control measures will be required during the construction of the sewer lines to prevent contamination of nearby wetlands and the vernal pool.

§ 120-911E – Impact Natural Beauty, Aesthetics, Historic Sites, Wildlife Habit, Rare Natural Areas, or Public Access to the Shoreline

- A landscaping plan is provided in the plan set and found on sheet L-100.
- The final plan shows the limits of tree clearing, and a note will be added to state that no clearing is allowed in designated areas for five years from the date of Planning Board approval.
- The project area includes a vernal pool and wetlands that have been identified as environmentally sensitive. The applicant has provided narrative (see file; 24-28_MNR_SUB_FP_REV_APPL_FranklinDriveSub_010825.pdf, Section 7), reviewed by the Town Engineer and Environmental and Sustainability Coordinator, identifying measures to protect these areas, ensuring minimal disturbance. A buffer zone will be maintained around the vernal pool and wetland areas, as required by local and state regulations.

§ 120-911F – Conformance with Land Use Ordinances
Comprehensive Plan:

- The subdivision is consistent with the goals of the 2024 Comprehensive Plan, which encourages mixed commercial and residential development in the North Windham growth area.

Land Use Ordinance:

- *There is no net residential density standard in the C-1 zoning district, meaning the subdivision complies with the zoning requirements for this area.*

Subdivision Ordinance:

- *A landscaping plan has been submitted see sheet L-100.*
- *Standard notes and the standard conditions of approval must be shown on the final plans.*
- *A digital transfer of the subdivision plan data must be submitted with the final plan for inclusion in the Town's GIS system.*

§ 120-911G – Financial and Technical Capacity

- (1) For final plan review, the applicant has estimated the cost of development at \$660,000 and will finance by the applicant's cash position.*
- (2) The applicant has provided technical capacity with development experience and has completed multiple housing and hospitality developments in other communities in southern Maine. The project team is comprised of Sebago Technics, a multi-disciplinary engineering firm with 40 years of experience. They offer a wide range of services, including land development design, landscape architecture, planning, engineering, permitting, land surveying, traffic analysis, environmental consulting, construction management, and soil science.*

§ 120-911H – Impact on Ground Water Quality or Quantity

- (1) The development will be connected to public water and public sewer, so no significant impact on groundwater quality or quantity is anticipated.*
- (2) There is no reliance on private wells or groundwater extraction, which further reduces the potential for any adverse groundwater impacts*

§ 120-911I – Floodplain Management

- *The property does not lie within a special flood hazard area as delineated by FEMA.*

§ 120-911J – Stormwater

- *The Town Engineer has reviewed the applicant's responses to his comments, see file; 24-28_MNR_SUB_FP_RESPONSE_FranklinDriveSub_010825.pdf), and is satisfied the proposed stormwater management system complies with MDEP Chapter 500 standards.*

§ 120-911K – Conservation Subdivision

- *The project is not located in Farm (F), Farm Residential (FR), or in the Medium-density Residential (RM) zoning districts.*

§ 120-911L – Compliance with Timber Harvesting Rules

- *The applicants stated the subdivision will not involve timber harvesting activity.*

§ 120-911M – Traffic Conditions and Street

- *The proposed development includes a four-lot subdivision, which is not expected to generate significant traffic volumes.*
- *Future development within the subdivision will be subject to additional traffic reviews, and a traffic impact study will be required for any further significant commercial or residential developments.*
- *The subdivision will extend Franklin Drive by approximately 390 feet to provide access to three lots, and Lot 4 will have access from Sandbar Road.*
- *The Town Engineer has reviewed and confirmed that the road design complies with Town standards, including street widths, turning radii, and emergency vehicle access.*
- *The proposed street will be a public street.*

*Conformity with Local Plans and Ordinances**1. Land Use*

- The applicant is proposing a four-lot subdivision intended for future commercial and residential uses. The subdivision will include provisions for utility connections and stormwater management systems.*
- The development includes the extension of Franklin Drive by approximately 390 feet, with Lot 4 having frontage and access from Sandbar Road. The project meets the minimum setback requirements outlined for the C-1 Commercial District.*
- The subdivision is located within the C-1 zoning district, where both commercial and residential uses are permitted.*
- A utility and grading plan will be provided during the final plan review.*

2. Comprehensive Plan

- The proposed subdivision aligns with the goals and objectives of the 2024 Comprehensive Plan.*
- Coordination with the Town and Park Department is ongoing regarding the existing pedestrian trail system. The subdivision may include provisions for improved public access or integration with the local trail network. Details will be provided in the final plan submission.*

CONCLUSIONS

- 1. The development plan reflects the natural capacities of the site to support development.*
- 2. Buildings, lots, and support facilities will be clustered in those portions of the site that have the most suitable conditions for development.*
- 3. Environmentally sensitive areas, including but not limited to wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and sand and gravel aquifers will be maintained and protected to the maximum extent.*
- 4. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the site plan.*
- 5. 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.*
- 6. The proposed use and layout will/will not be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved.*
- 7. The proposed subdivision will provide adequate sewage waste disposal.*
- 8. The proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan.*
- 9. The developer has the adequate financial capacity to meet the standards of this section.*
- 10. The proposed subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.*
- 11. The proposed location and height of buildings or structure walls and fences, parking, loading, and landscaping shall be such that it will not interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value.*
- 12. On-site landscaping does provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.*
- 13. All freshwater wetlands within the proposed subdivision have been identified on the plan.*
- 14. Any river, stream, or brook within or abutting the subdivision has been identified on any maps submitted as part of the application.*
- 15. The proposed subdivision will provide for adequate stormwater management.*
- 16. 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, §480-B, none of the lots created within the subdivision has/does not have a lot-depth to shore frontage ratio greater than 5 to 1.

17. 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.

18. 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.

19. The timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, §8869, sub§14.

CONDITIONS OF APPROVAL (REQUIRED)

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated September 30, 2024, December 23, 2204, as amended January 13, 2025 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board. Any variation from such plans, proposals, supporting documents, and representations is subject to review and approval by the Planning Board or the Town Planner in accordance with §120-912 of the Land Use Ordinance.

2. In accordance with §120-914B(5) of the Land Use Ordinance, the Construction of improvements covered by any subdivision plan approval shall be completed within two years of the date upon which the performance guarantee is accepted by the Town Manager. The developer may request a one-year extension of the construction completion deadline prior to the expiration of the period. Such request shall be in writing and shall be made to the Planner. The Town Manager may require an update to the schedule of values and the amount of the guarantee when accepting an extension of the construction period. If construction has not been completed within the specified period, the Town shall, at the Town Manger's discretion, use the performance guarantee to either reclaim and stabilize or to complete the improvements as shown on the approved plan.

3. Approval is subject to the requirements of Chapter 201 Article II Post-Construction Stormwater Ordinance. 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 June 1st of each year.

4. Prior to any land use activities on Lots 1, 2, 3, and 4, subdivision and site plan Planning Board or Staff Review Committee approvals are required.

Seconded by Christian Etheridge.

Vote: All in favor.

6. [PB 24-111](#)

#24-26 - Minor Subdivision - After-the-Fact Subdivision - Monique Drive - Final Plan Review - Robert Cloutier

The application is an after-the-fact subdivision to approve 3 lots. Upgrades to Lisa and Jules Drive to establish the required road frontage for lot 49-D5.

Subject property is identified as Tax Map: 11; Lot: 49D, 49D-3, 49D-5 and found in the Village Residential (VR) zoning district and in the Presumpscot River via Otter Brook watershed.

Attachments: [24-26 MNR SUB FP PB MEMO MoniqueDrive 010625.pdf](#)
[24-26 MNR SUB FP RESPONSE MoniqueDrive 010825.pdf](#)
[24-26 MNR SUB FP REV PLANS MoniqueDrive 010825.pdf](#)
[24-26 MNR SUB FP APPL MoniqueDrive 122324.pdf](#)
[24-26 MNR SUB FP SR&C MoniqueDrive 010525.pdf](#)
[ASSESSOR Comments 123024.pdf](#)
[ESC Comments 010325.pdf](#)
[TE Comments 010325.pdf](#)

Aaron Hunter, of Sebago Technics, was present representing the applicant. He explained they sought an after-the fact approval for three lots and proposed upgrades to both Lisa and Jules Drive so as to establish frontage for one of the lots.

- The proposal no longer encompassed several lots that had previously been included in the application.
- A portion of lot 2 had been used to create lot 3 within five years of the lot 1 conveyance, resulting in subdivision.
- No improvements were proposed to Monique Drive.
- Access to lot 3 would be through Lisa and Jules Drives, which crossed right-of-way easements, and a Central Maine Power easement. They would provide:
 - o An additional access easement on lot 3 for other parcels on the road.
 - o A hammer-head turn around.
 - o Rerouting of stormwater around the proposed hammerhead to an existing ditch and culvert, and eventually to a wetland.
- They requested a waiver from the road standards requirement of an 18 foot travel width because portions that were only half a foot less than the standard, currently existed along the frontage of lot 3.
- They requested a waiver from the road standards requirement of a 50 wide access right-of-way. The one area on Lisa Drive where it was about 36 feet wide was not on the parcel and not maintained or under control of the applicant.
- There were no access impacts to the road, which had functioned with no issues.

Steve Puleo explained:

- The only improvement proposed was the hammer-head and conveyance of some easements to allow for the common rights of other owners to have access to Jules Drive.
- The roads were maintained by common deeded road agreements. It was requested that the road maintenance agreements for Lisa and Jules Drives be amended to include the most recent lot.
- The easement area would be added to the road easement for each property owner and would allow for use of the hammer-head and repositioning of the right-of-way to include the actual pavement on Jules Drive.
- The Fire Department was satisfied with the hammer-head location for emergency vehicle access.

Evert Krikken made a motion that the After-the Fact Minor Subdivision application for project #24-26 Monique Drive Subdivision project 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 Shonn Moulton.

Vote: All in favor.

Public Comment

Laura Everett, Monique Drive – She explained they had been asked by the applicant to sign a document authorizing inclusion of their lot in the after-the-fact subdivision application. They had not signed that document and were not sure why their lot had to be included. They hadn't been told that it would be part of a minor subdivision when they purchased the lot. She didn't know if becoming part of the minor subdivision would cause issues. Why did her lot need to be included?

Steve Puleo explained Ms. Everett's lot originally had been a gift conveyance to the applicant's daughter, which was exempt from subdivision law. It was conveyed in 2018 and another split occurred from the applicant's property in 2022, before expiration of the five year period.

- Under State statute, this meant that lots 1, 2 and 3 were a subdivision and her lot was included.*
 - o No other activity, lot configuration, or aspect of development could occur unless it went through the Board for an amendment and the approved plan was recorded.*
 - o It was a legal function of the conveyance of the three lots within a 5 year period. They couldn't avoid it; it was part of subdivision law.*
 - o Ms. Everett's lot would become a conforming lot of record.*

Steve Puleo read into the record written public comment that had been submitted. It stated that a road maintenance agreement existed for them and other owners who accessed land off Lisa and Jules Drives. In the past decade there had been no update to incorporate the land of lot 3 into the agreement. The sole cost of maintaining Lisa and Jules Drives was the responsibility of owners at 4 and 15 Lisa Drive, and 10 Jules Drive.

The applicant and other property owners had not contributed to maintenance, plowing or upkeep in the past decade. The new road maintenance agreement needed to be drafted to equally distribute road maintenance responsibility between all users. It was imperative to have a new road maintenance agreement in place. One was not yet drafted or in effect. Until such time, it was irresponsible to grant approval, given the negative affect it could have to abutters and users of Lisa and Jules Drives.

They requested postponement until a new agreement was drafted and reviewed by all abutters. This was signed by the owners of 4 and 15 Lisa Drive, and 10 Jules Drive.

Board Comment

- Well locations and septic systems had not been submitted. It should be a condition of approval to have that for lots 1, 2 and 3.*
- There was a legal contract that Ms. Everett had not signed. Did it have any bearing on the application?*
- There was nothing about it being acceptable to other property owners in the conditions of approval. Their acknowledgement of the documents would be fair and equitable? Could they be included?*
- Who owned the road?*
- They had not heard that anyone was opposed to the lot being developed. It was the lack of clarification about whether they would have an additional financial burden.*
- The ordinance specifically referred to the road maintenance agreement for a subdivision. Could the Board require it for adjacent lots that happened to be on the same road?*
- Was there a recorded road maintenance agreement for Monique Drive?*

Evert Krikken made a motion to approve the waiver request of 120-911-M(5)(a)[1] to not change the existing pavement width, which was 17 feet, of the existing minor private street, Jules Drive, which provided street frontage for Lot 3 of the After-the-Fact Monique Drive Subdivision.

Seconded by Shonn Moulton.

Vote: All in favor.

Evert Krikken made a motion to approve the waiver request of 120-911 M. (5) (b) [8] to modify the existing and proposed right-of-way width, that is 36 feet, and construction elements of the existing minor private street, Lisa Drive, serving Lot 3 of the After-the-Fact Monique Drive Subdivision.

Seconded by Shonn Moulton.

Vote: Three in favor. Anne Daigle, Christian Etheridge, and Evert Krikken opposed. The tie vote postponed the application until the next Planning Board meeting.

New Business

7. #24-33 Beaulieu Drive - Reapproval of Minor Subdivision - Beaulieu Drive Minor Subdivision - 8 Beaulieu Drive - Yasin Ahmady

The applicant is requesting the reapproval of a 2006 minor subdivision plan. The applicant is proposing to construct the minor private road (Beaulieu Dr) to meet compliance with the Town's minor private street standards. Subject properties are identified as Tax Map: 5: Lots: 22B, 22B-6, 22B-6-1, 22B-10, 22B-11, and found in the Farm (F) zoning district and in the Pleasant River watershed.

Yasin Ahmady, the applicant was present. He explained:

- He got the lot in 2017, not knowing it was illegal, and had been told by town staff if he paid the previous taxes for the lot he could sell and build on it. He had paid those and the taxes and then found out the lot was not buildable or saleable.*
- He requested reapproval of the original subdivision to make it a legal lot.*

Steve Puleo explained:

- The property had been conveyed from lots that were part of a previous subdivision. Mr. Beaulieu, the prior subdivision owner, had gone through the approval process in 2002 to amend the subdivision for creation of this additional lot and another one. He then conveyed the lot 10 days before approval of the amended subdivision.*
 - o In 2004 he signed an affidavit that he had created the lot and was required to file an amended subdivision application for access and improvements to Beaulieu Drive.*
- In 2005 he applied to reconfigure his previous subdivision to include the lot that had been conveyed from lot 22 B-12. That property had not received proper subdivision review, although the Planning Board did review the division during the creation of Beaulieu Drive in 2006. At that time other lots had been split, using Beaulieu Drive for access to Lots 22B 6-1 and 22 B6.*
- Fall Ridge Road and Beaulieu Drive were still owned in fee by Mr. Beaulieu. The residents had rights of passage over them*
- Mr. Ahmady was requesting the Planning Board to approve work and conditions of approval from 2007. He requested additional waivers:*
 - o To allow the hammer-head to branch off to the left of the road, as he had no right,*

title, or interest in property on the right side.

- o To allow a driveway off of one branch of the hammer-head because drainage associated with the right-of-way extended beyond the end of the road.*
- o Not to install new street trees because he had no right, title, or interest to do so. He would keep as many existing trees as possible.*
- o Not to require him to provide stormwater management because all runoff went through the drainage swales along the reconstructed Beaulieu Drive.*
- o Not to require surface paving and drainage of Fall Ridge Road. No one but Mr. Beaulieu had fee in the road, which had been in place for years.*

Board Comment

- If someone else owned the fee in the road, how could the Board require installation of the watermain extension and the hydrant?*
- All the other homes already existed without the improvements. This should be a reasonable approach to develop one remaining lot.*

Other Business

Steve Puleo recommended holding one Planning Board workshop meeting per quarter to discuss ordinance amendments for consideration by the Ordinance Review Committee.

Adjournment

Shonn Moulton made a motion to adjourn.

Seconded by Christian Etheridge.

Vote: All in favor.