



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Planning Board

Monday, August 14, 2017

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: Margaret Pinchbeck, Keith Elder, Bill Walker, and Nick Kalogerakis.

Planner, Amanda Lessard, was also present.

3 [PB 17-072](#) Approval of Minutes: July 24, 2017

Attachments: [Minutes 7-24-17 - draft](#)

Bill Walker made a motion to accept the minutes.

Seconded by Keith Elder.

Vote: All in favor.

Public Hearing

4 Amendment to Town of Windham Land Use Ordinance, Chapter 140. Proposed Amendments to Section 800 Site Plan Review and Section 900 Subdivision Review to change the number of required hardcopy application submissions and number of signature sheets for approved plans.

Amanda Lessard explained:

- *There was an ordinance requirement for applicants to submit 15 copies of application materials.*
- *Planning Board members had been supplied with tablets to view application information.*
- *The amendment would reduce the required number of hard copies to three, one for the application, one for engineering review, and one for public viewing. It also specified how many copies were needed for signatures and that an electronic submission was also required.*

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

Continuing Business

5 [PB 17-073](#) Amendment to Town of Windham Land Use Ordinance, Chapter 140.

Proposed Amendments to Section 800 Site Plan Review and Section 900 Subdivision Review to change the number of required hardcopy application submissions and number of signature sheets for approved plans.

Attachments: [PB Memo submission reqs packet 07-12-17](#)

The Board commented:

- *It would be helpful to have full sized plans for reference at Planning Board meetings. Requiring five copies, not three would be better.*
- *It was nice to be able to review a paper copy at home. Paper was easier to work with, and to mark up with review comments.*

Margaret Pinchbeck made a motion to recommend approval of the amendment with a change from requiring the submission of three hard copies to five hard copies.

Seconded by Keith Elder.

Vote: All in favor.

New Business

- 6 [PB 17-074](#) 17-17 River Road Subdivision. Major subdivision sketch plan review. Rick Jones to request review of a seven (7) lot residential cluster subdivision. The subject property is located at River Road and identified on Tax Map: 8A Lot: 56, Zone: Farm Residential (FR).

Attachments: [17-17 River Road Sketch 08-04-2017](#)

[River Road Subdivision Sketch Plan Application 2017_7_24](#)

[River Road Subdivision-Sketch Plan](#)

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

- *They proposed a seven lot cluster subdivision on property that was approximately 8.3 acres and accessed off of River Road. Two lots had previously been divided from the property.*
- *The lot was not part of the subdivision that had created the lots off of Park Road. It had been designated as remaining land on that plan.*
- *An access road into the lot existed off of River Road. River Road crested to the left; site distance at that point was a little over 630 feet. You could see vehicles as they crested over the top of the hill. To the right site distance was basically unobstructed.*
- *River Road had just been reconstructed and public water in the road did not pass the site so there was no ability to do infrastructure improvements to it.*
- *The Water District was not interested in extending public water to the lots, although there was a watermain in Timberhill Road.*
- *The property was located in a Farm Residential zone.*
- *Lots were proposed to be half an acre.*
- *The subdivision road would be 650 feet long.*
- *There were a little over four acres of open space.*
- *Wetlands had been mapped; the majority of the parcel had none.*
- *Soils were well drained so there were no concerns regarding septic systems and wells on the lots.*
- *DEP permitting was not required.*
- *They would design a stormwater management system as required by the town's*

ordinance.

- A streetlight was required at the intersection with River Road.
- Houses would be required to have sprinklers because they were more than 1,000 feet from a hydrant.

Amanda Lessard explained:

- The application was not considered an amendment to the previous subdivision because the full extent of the remaining land of the subdivision had never been shown on the subdivision plan. It had only been identified as remaining land. The Planning Board had not considered it as part of the review in 1974.
- Although a house had been built and accessed off of Timber Hill Road it was never part of the subdivision.
- The lot two lots that had previously been divided from the parcel had been done under the homestead exemption to subdivision so those lots were not considered part of the proposal.

The Board commented:

- It would be good to connect the subdivision road to Timber Hill Road.
- How would run-off be dealt with?
- The cul-de-sac standard could be waived but not the road standard.
- It would be good to hear more about the proposed road standard.
- A sitewalk was requested.
- A 20 foot pavement was fine for seven lots.
- If a cul-de-sac was built where would it go?

Mr. Roma replied:

- A road connection to Timber Hill would be very steep.
- A ditch would be created on the uphill side of the road to intercept road run-off. On the downhill side it would be directed into buffers and a stormwater pond.
- The road standard they proposed would be a 20 foot wide base pavement in lieu of a 24 foot wide base and finish pavement. The road construction would be to the town's standard. It was just a matter of the width of pavement.
- They would submit full engineered plans prior to a sitewalk or public hearing.
- A cul-de-sac would require a redesign of the layout.

Keith Elder made a motion to schedule a public hearing at the discretion of the applicant and staff.

Seconded by Margaret Pinchbeck.

Vote: All in favor.

Margret Pinchbeck made a motion to schedule a sitewalk at the discretion of the applicant and staff.

Seconded by Nick Kalogerakis.

Vote: Four in favor. Bill Walker opposed.

7 [PB 17-076](#)

Amendment to Town of Windham Land Use Ordinance, Chapter 140. Proposed Amendments to Sections 300, 500, and 900 relative to standards for private roads and private ways, both in subdivisions and outside of subdivisions.

Attachments: [PB Packet Private Roads 08-01-17](#)

Amanda Lessard explained the proposed amendment was that any new private road or private road extension would require the private ways providing access to it from the public way to be upgraded to meet the private road standard. Additionally, any new road built off of an existing public road would be built to the public road standard.

The Board commented:

- A concern was that the only option of going to a public standard had a large expense to it. It almost took the ability of someone to do with their property as they wished.*
- If someone put a driveway in off of a road and it ended up servicing four homes, how would that work with the proposed amendment when the definition of driveway, roads, and private roads was changed?*
- What about backlots? There were many parcels of land with the only access being a 50 foot right-of-way. By eliminating the definition of back-lot how would development of those properties and the ability to create road frontage be dealt with?*
- What effect would this have on development within the community?*
- What rights that landowners had counted on would be taken away for future disposition of land?*
- What about private roads that were not maintained in a way that is safe and passable for public safety vehicles?*
- This would require pavement of dirt roads that everyone enjoyed and you wouldn't be able to sell land at the end of the road because developing the road wasn't cost effective.*
- There should be some mechanism to require developers to pay instead of property owners.*
- This would result in dead properties that couldn't be used for anything.*

Amanda explained:

- The driveway definition would not change much in practice since the road standards were adopted in 2009. If a road had to be created to meet road frontage for a lot it was required to meet the road standards and would have been permitted by Code Enforcement. In some cases there were existing driveways that were very long and lots were created somewhere in the middle of them. The ordinance had language that said only four lots could be served by a driveway. This was meant to clarify what was a road and what was a driveway?*
- It would be reasonable to waive standards that could not be met: if the private way's right-of-way was not 50 feet wide; if the existing private way had a very steep slope; or if the tangent curve standard couldn't be met. Standards that were based only on cost were not reasonable to waive.*
- A public hearing was scheduled for August 28, 2017.*

- 8 [PB 17-077](#) Amendment to Town of Windham Land Use Ordinance, Chapter 140. Proposed Amendments to Section 300, definitions related to retail marijuana establishments.

Attachments: [PB Packet Retail Marijuana 08-07-17](#)

The Board commented:

- The definitions didn't match up with the use component of the ordinance which talked about cultivation and dispensaries but not retail and social clubs. Some of the definitions couldn't happen in the town.*

Amanda Lessard explained:

- There was currently a town moratorium on retail marijuana establishments. The*

legislature was still working to implement rules regarding the voter approved referendum for marijuana use. The Council had decided in lieu of continually renewing the moratorium, they would create the definitions and not list them anywhere in the land use ordinance, essentially prohibiting the uses until it was clear what the State did.

- *A public hearing was scheduled for August 28, 2017.*

Other Business

9 Adjournment

Bill Walker made a motion to adjourn.

Seconded by Margaret Pinchbeck.

Vote: All in favor.