



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Planning Board

Monday, November 13, 2017

7:00 PM

Council Chambers

1 Call To Order

2 Roll Call and Declaration of Quorum

The meeting was called to order by Vice-Chair, Keith Elder. Other members present were: Margaret Pinchbeck, Bill Walker, and Nick Kalogerakis.

Planner, Amanda Lessard, was also present.

3 [PB 17-099](#) Approval of Minutes: October 23, 2017

Attachments: [Minutes 10-23-17 - draft](#)

Margaret Pinchbeck made a motion to approve the minutes from October 23, 2017.

Seconded by Nick Kalogerakis.

Vote: Three in favor. Bill Walker abstained.

Public Hearing

4 17-22 Zoning Map Amendment. Bryan Mills to request an amendment to the Zoning Map to change the zoning of a portion of Tax Map 5 Lot 1-1 from Farm Residential to Medium-Density Residential. The subject property is located on River Road and identified on Tax Map: 5, Lot: 1-1, Zone: Farm Residential (FR) and Medium Density Residential (RM).

Dustin Roma, a Civil Engineer with DM Roma Consulting Engineers, was present representing the applicant.

- They requested rezoning for a parcel located off of River Road.*
- The property had two zones. Multi-family residential use was allowed on the front portion of the lot, but not the back.*
- They felt a medium density residential zone was appropriate.*
- The area was on the fringe of the South Windham Growth Area, as designated by the Comprehensive Plan.*

Public Comment

Tracy Mullet, River Road – Her concern was developing the area because of how heavily traffic driven it was. The traffic flew through there; it was very busy. People drove through the traffic light. How would it affect the existing traffic

issue? More traffic and congestion had occurred when the restaurant went in across the street. They parked on the road sometimes. It would double the people and the cars. Why couldn't it be a little development of single homes? She didn't know why they wanted to do multi-family homes where traffic was already a mess.

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

Continuing Business

- 5 [PB 17-098](#) 17-22 Zoning Map Amendment. Bryan Mills to request an amendment to the Zoning Map to change the zoning of a portion of Tax Map 5 Lot 1-1 from Farm Residential to Medium-Density Residential. The subject property is located on River Road and identified on Tax Map: 5, Lot: 1-1, Zone: Farm Residential (FR) and Medium Density Residential (RM).

Attachments: [PB Memo Zone Change TM 5 L1-1 11-06-17](#)
[Zone Change Application - TM 5 L1-1 - 2017 10 10](#)
[Rezoning Map5 Lot1 2005](#)

Amanda Lessard explained that a zone change request for the property had been considered in 2005. At that time the area had been zoned Industrial. The request had been to change the zone from Industrial (I) to Medium Density Residential (RM). Town Council had decided to change it to Farm Residential (FR).

The Board commented:

- *If the zone were changed they would have to change it for everyone in the area who requested it.*
- *They should not make a change that would benefit one person.*
- *Single-family homes would do as well there as multi-family.*
- *This looked as though it was an area that wanted more development, based on the Comprehensive Plan.*
- *They should align it with the whole area if it were done.*
- *If the boundary line had followed property lines it would probably already be in Medium Density Residential with frontage on River Road.*
- *Was there any agriculture going on within that Farm Residential zone?*
- *Down Main Street toward Gorham; and down River Road toward Westbrook; and up 202 towards the High School; and on the east side of River Road, it was all developed housing. As long as they were developing in a character that was harmonious with the surrounding area and there was no impediment on agricultural activities there was no issue with it.*

Mr. Roma explained:

- *There were two parcels that had been approved as subdivisions, which were never built.*
- *CMP had a transmission line there.*
- *The land was vacant.*
- *There were multi-family buildings in that corridor. As you drove down Route 202 towards the river the density increased where the properties had access to sewer.*
- *He believed it would fit from a density perspective. They hadn't eliminated the possibility of single-family homes on the property.*
- *Multi-family housing would have to come back to the Board and they could address all the concerns.*

- It was very difficult to develop property when there was a zone line running through it and the two halves had to be developed differently.
- Public water was available to the site.

Nick Kalogerakis made a motion to approve of the proposed zoning map amendment to rezone a portion of the property identified as Tax Map 5; Lot 1-1, from FR to RM.
Seconded by Bill Walker.

Vote: Three in favor. Margaret Pinchbeck opposed.

New Business

- 6 [PB 17-100](#) 17-23 Durant Homestead. Major subdivision sketch plan review. Matt Hancock Properties, LLC to request review of a twenty-six (26) lot residential cluster subdivision. The subject property is located at 60 Chute Road and identified on Tax Map: 6 Lot: 25, Zone: Farm (F).

Attachments: [17-23 Durant Homestead Sketch 10-07-2017](#)

[Durant Subdivision Sketch Application Revised 10-25-2017](#)

[Durant Subdivision Sketch Plan 10-23-2017](#)

[Durant Homestead Vacation 10-2012](#)

[DURANT HOMESTEAD 09-2007](#)

Dave Fowler was present representing the applicant. He explained:

- A 25 lot subdivision had been approved for the property in 2007. That project had been terminated.
- They now proposed a 26 lot cluster subdivision.
- They would request a waiver for the requirement of public water. The per lot cost for public water may be cost prohibitive.
- The proper separation for septic and water had been determined for each property.

Kirk Ball, of Acheron Engineering, explained:

- They had laid the road out to disturb the least amount of wetlands. In doing this they had to bisect the open space.
- Clarification was requested regarding the inclusion of the right-of-way of the road as part of the contiguous area. It may be possible to reconfigure some lots and the open space.
- They requested a waiver for the requirement of a public water supply. They were over the threshold by just 35 feet.
- The second hammerhead into the subdivision would be very close to the cul-de-sac. They requested a waiver of the requirement for the second hammer-head.
- They were exploring an exemption from DEP's site law if they attached a conservation easement to 50% of the open space.
- Did they need to provide a right-of-way to a large neighboring parcel? That lot had significant frontage on Webb Road. It would impact the nondevelopable/developable land calculations.

The Board Commented:

- The Fire Chief wanted sprinklers if there was no public water.
- Would there be public access to the open space?
- There should be connectivity to abutting property.
- Some concern was expressed regarding pockets of open space that were not

accessible.

- *It was acceptable not to have the second hammer-head.*
- *As long as the open space could be accessed it needn't be contiguous.*
- *Was site distance adequate?*
- *Recreational uses in the open space should be allowed. The snowmobile trail should be continued.*
- *A sitewalk was requested.*

Public Comment

Lou Golder, Chute Road – His biggest concern was run-off. Would the 26 drilled wells compromise abutter wells? What about the stormwater buffer? How would surface water get to the pond? What about a traffic light at the intersection? Would there be a homeowners' association? How long would it take to be built?

Mr. Fowler explained:

- o *DEP required a stormwater buffer which could not be disturbed.*
- o *They were proposing to restrict development on the residential lots for infiltration. This would be deed restricted.*
- o *The pond would be specifically used to treat stormwater from the road. Both sides of the road would be ditched to collect stormwater.*
- o *Traffic counts would be done at the Chute Road intersection.*

Other Business

7 Adjournment

Bill Walker made a motion to adjourn.

Seconded by Margaret Pinchbeck.

Vote: All in favor.