



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Planning Board

Monday, February 11, 2019

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: Keith Elder, Bill Walker, Drew Mayo, Kaitlyn Tuttle and Michael Devold.

Planner, Amanda Lessard was also present.

3 [PB 19-014](#) Approval of Minutes: January 28, 2019

Attachments: [Minutes 1-28-19 - draft.pdf](#)

Keith Elder made a motion to accept the minutes of the January 28, 2019 meeting.

Seconded by Bill Walker.

Vote: All in favor.

Public Hearings

4 18-28 Windleigh Ridge Subdivision (formerly Nash Road Subdivision). Minor subdivision final plan review. Daigle Financial & Development LLC to request review of a three (3) lot residential subdivision. The property in question is located at 3 Nash Road and identified on Tax Map: 9, Lots: 34, 34-B1, and 34-B2, Zone: Farm (F).

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

- They proposed a three lot subdivision, located on about 7.8 acres.*
- The realigned subdivision road would be 370 feet long. A land swap with the adjacent property would enable relocation of the property entrance for adequate site distance on Nash Road.*
- Stormwater would go to a roadside ditch, through a culvert, and to a level lip spreader.*
- A note had been added to the plan regarding planting and maintenance of the area where trees had been cut.*

Public Comment:

Holly Tubbs, Nash Road – She explained the depth and yield of a well on Nash Road. She had concern about the ledge on the property and blasting. Her property had radiant heat embedded in cement floors. She requested a copy of the pre-blast inspection. A culvert should be required at the Nash Road intersection. Site distance toward Windham

Center Road was not confirmed. Had the new entrance been approved by Public Works?

The applicant had obtained waivers even though the road had been put in and trees had been cut before permit approval. The land pitched toward Nash Road. It was dangerous to have water sheeting across it.

Mr. Roma replied:

- A watermain extension wasn't feasible.*
- They knew there was ledge in the area. Underground power would be buried. The road culvert would not need blasting. They would try to site houses so blasting wouldn't be needed. If they had to blast they would conduct pre-blast surveys and could provide what was required for any blasting as part of building permits.*
- They would be intercepting a lot of water as it headed toward Nash Road.*
- Before the property was acquired it had been divided into separate lots which were in turn sold to the applicant as lots of record. His intention was to develop it as three lots with a right-of-way. The trees had been cut in anticipation of the development. Then they found out the driveway was not in a safe location.*

Amanda Lessard explained the town's Engineer and Public Works Director had said the site distance met requirements at the location of the proposed road. It was the only location where the Public Works Director would issue a permit.

Margaret Pinchbeck, Nash Road – She asked where the road name had come from. She lived on Windleigh Farm. It had been Windleigh Farm for as long as anyone could remember. They had nothing to do with the subdivision. The land had never been owned by the same people as far back as she could tell. She didn't like the name because it made it seem like they had something to do with it.

Ms. Pinchbeck had attended the site walk and thought they didn't have site distance from the existing driveway. They had to go up to the crest of the hill. She was concerned with the unsafe behavior of drivers on Nash Road. The clearcutting had left no buffer right up to the property line.

She did not understand why it was not a four lot subdivision. A fourth lot was involved with the land swap. Erosion control on the road had not been done. She thought they would have to blast for basements.

Mr. Roma explained:

- When they work on names they usually went to the town and talked to assessing. They looked at the area and tried to select things that had to do with the area of development. It was likely included in a list of options. They were not opposed to changing the road name.*
- They had made a small change to hug the road further up the hill and had widened the exiting lane. That made a big difference in improved visibility.*

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

Drew Mayo made a motion to take the agenda items out of order.

Seconded by Bill Walker.

Vote: All in favor.

5 18-37 Roosevelt Trail Self-Storage. Major site plan final plan review. Keith Harnum to request review of 18,000 square feet of public warehousing in three (3) buildings. The subject property is located at Roosevelt Trail and identified on Tax Map: 12 Lot: 67-3, Zones: Commercial 1 (C-1).

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

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

Meeting went into Recess

Meeting Reconvened

Continuing Business

- 6 [PB 19-011](#) Amendment to Town of Windham Land Use Ordinance, Chapter 140, Sections 600 Mineral Extraction and 800 Site Plan Review. Proposed changes related to mineral extraction operations.

Attachments: [PB packet Mineral Extraction 01-23-19.pdf](#)
[Town of Cumberland - Mineral Extraction Ordinance.pdf](#)
[Brianna Schoen FLA Mineral Extractions 20190128.pdf](#)

Amanda Lessard explained:

- *A workshop had been held with members of the Mineral Extraction Committee so the Planning Board could understand decisions that had been made for the Committee's recommendations.*
- *The intent of the recommendations had been to bring the town ordinance more in-line with the State regulations. The recommendations were more restrictive than the State in regard to hours of blasting; dust control; stormwater management; annual inspections; reclamation plans, and performance guarantees for replacement wells.*
- *The Board's charge was to make recommendations on the proposed amendments to Town Council.*

The Board discussed the recommended amendments.

- *Applicability and exemptions*
- *Where mineral extraction should be allowed*
- *Aquifer protection*
- *Depth to groundwater table*
- *Appropriate road standards*
- *Town-wide referendum*
- *New operations or expansions*

David Douglass made a motion that the Planning Board put forth in favor of the amendment to the Town of Windham Land Use Ordinance, Chapter 140, Sections 600 Mineral Extraction and 800 Site Plan Review, proposed changes related to mineral extraction operations, be put forward as written with the recommendations:

1. *That zoning, with a focus on aquifer overlay and lakes most at risk, defined by the DEP, be part of that zoning.*
2. *Extraction depth below the high water table be as written.*
3. *Roads be as written.*
4. *That the definition of applicability and how it was written be clarified by the town's*

attorney.

5. That the amounts for exemptions be reconsidered by the Council.

6. A change in language to 606.7 be from "residences" to "existing residences".

Seconded by Bill Walker and Keith Elder.

Vote: All in favor.

Meeting went into recess.

Meeting reconvened.

- 7 [PB 19-012](#) 18-28 Windleigh Ridge Subdivision (formerly Nash Road Subdivision). Minor subdivision final plan review. Daigle Financial & Development LLC to request review of a three (3) lot residential subdivision. The property in question is located at 3 Nash Road and identified on Tax Map: 9, Lots: 34, 34-B1, and 34-B2, Zone: Farm (F).

Attachments: [18-28 Windleigh Ridge Final 02-06-19.pdf](#)
[Peer Review Windleigh Ridge 02-01-2019.pdf](#)
[Final Minor Subdivision Plan Application 2019 1 22.pdf](#)
[Windleigh Ridge Subdivision Plan Set 2019 1 22.pdf](#)

The Board expressed concern regarding the ownership issue resulting in a three lot subdivision vs. a four lot subdivision.

Bill Walker made a motion to waive the public dead end street performance standard requiring a cul-de-sac as long as the road stayed in its current configuration.

Seconded by Keith Elder.

Vote: Five in favor. Michael Devold opposed.

Bill Walker made a motion to waive the center lane radius requirement.

Seconded by Keith Elder.

Vote: All in favor.

Keith Elder made a motion to waive the sidewalk shoulder performance standard.

Seconded by Bill Walker.

Vote: Five in favor. No one opposed. Michael Devold abstained.

The application was tabled until:

- The ownership issues were clarified, and a legal opinion was obtained.
- Peer review comments regarding the ditch/culvert and tree replanting were added to the plan.
- There was a new road name.

- 8 [PB 19-013](#) 18-37 Roosevelt Trail Self-Storage. Major site plan final plan review. Keith

Harnum to request review of 18,000 square feet of public warehousing in three (3) buildings. The subject property is located at Roosevelt Trail and identified on Tax Map: 12 Lot: 67-3, Zones: Commercial 1 (C-1).

Attachments: [18-37 Roosevelt Trail Storage Final 02-07-19.pdf](#)
[Peer Review Harnum Self Storage 01-27-2019.pdf](#)
[Harnum Self Storage Plans 2019 1 22.pdf](#)
[Harnum Stormwater Report.pdf](#)
[Harnum Major Site Plan Application.pdf](#)

Mr. Roma explained:

- They proposed an 18,000 square foot storage facility in a C-3 zone, located on a 1.4 acre lot with frontage on Route 302.
- Stormwater would be collected by storm drains and go a stormwater management basin, located along the Route 302 frontage.
- They would create a landscaped berm along the property frontage, rather than having a fence.
- The gated entrance had been located at the back of the site.
- The buildings would comply with the design guidelines. The roof would be a 5:12 pitch. The sides of buildings facing Route 302 would have a sandstone façade with green trim and roofs. Faux windows would be back lit.
- The site would be paved.
- The rear aisle had a turning radius suitable for a 30 foot box truck.
- Fire trucks would access the back aisle.
- DOT had said the driveway had been used recently enough that they were not concerned.
- They didn't expect to generate any pedestrian activity on the site that would require a sidewalk.

Amanda Lessard stated:

- The deed did not appear to reference the existing easement for access over the drive and where the grading and landscaping would be.
- The Fire Chief had requested turning movements around the perimeter of the buildings for emergency vehicle access.

Board Comment:

- It was preferable to have fire trucks drive around the perimeter. Otherwise, they couldn't turn around and would have to back out onto Route 302.
- There should be a sidewalk for future use.
- There should be some provision for trucks to pull off the access road so they wouldn't block traffic for a future project that might be located in back.
- There should be articulation of the building facades.
- The landscaped berm around the stormwater management was good.
- The roadside façade with back lit faux windows was good.
- There wasn't concern with articulation.
- Where was snow storage?
- Maybe articulation could be achieved by cupulas or by raising the center section of roof.
- The stormwater management and a widened drive land may conflict with a sidewalk.

Drew Mayo made a motion to cancel the requirement for a sidewalk.

Seconded by Keith Elder.

Vote: Five in favor. No one opposed. Bill Walker abstained.

Other Business

9 Adjournment

Drew Mayo made a motion to adjourn.

Seconded by Michael Devoid.

Vote: All in favor.