



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Planning Board

Monday, July 22, 2019

7:00 PM

Council Chambers

1 Call To Order

2 Roll Call and Declaration of a Quorum

The meeting was called to order by Chair, David Douglass. Other members present were: Michael Devold, Keith Elder, Kaitlyn Tuttle, Nick Kalogerakis, and Colin Swan.

Planner, Jenn Curtis, and Planning Director, Amanda Lessard, were also present.

3 Approval of Minutes: July 8, 2019

There were no minutes to approve.

Public Hearing & Continuing Business

- 4 [PB 19-066](#) 19-08 State of Maine Correctional Center Renovations. Conditional use and major site plan review. State of Maine, Department of Corrections to request review of the construction of approximately 200,000 square feet of new buildings. The subject property is located at 17 Mallison Falls Road and identified on Tax Map: 3, Lot 5 Zones: Industrial (I), Stream Protection (SP), and General Development (GD).

Attachments: [19-08 Correctional Center Renovations_Final_07_18_19](#)

[Submittal to Town 2019-06-03](#)

[Final Plans 2019-06-03](#)

[16405 SWP PHASE 2 - Stormwater Management Report](#)

[Engineer Comments 7-16-19](#)

Owens McCullough was present representing the applicant. He explained:

- *The Site Location of Development and National Resources Protection Act permits had been filed with DEP.*
- *Army Corp of Engineers had approved the Wetlands Alteration permit.*
- *The project was the modernization and replacement of some buildings. New utilities, lighting, security fencing, sewer, infrastructure, landscaping and stormwater management would be added.*

Public Comment

Gary Plummer, Windham Resident – As a State Senator and Representative, he had

worked for the project. He was pleased to see improvement for the existing facility. Would there be enough money to complete the project as planned?

Mr. McCullough explained adaptations had been made to stay within the budget and the project would be phased.

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

Board Comment

- How many phases would there be?*
- If financing was uncertain how would the project demonstrate financial capacity?*
- How would the project address the glare that emanated from the LED lights? How would it be adjusted if it were to be bothersome?*

Continuing Business

- 5 [PB 19-067](#) 18-24 Land of Nod Road Subdivision. Major subdivision preliminary plan review. Grondin Corporation to request review of a 30 lot residential cluster subdivision. The property in question is located at 120 Land of Nod Road and identified on Tax Map: 7, Lot: 29, Zone: Farm (F).

Attachments: [18-24 Land of Nod Prelim 07-17-2019](#)

[2019-07-01_BINDER-Prelim Mjr Sub App Resubmission-Land of Nod Rd 16236](#)

[2019-07-01_16236 LAND OF NOD PLANS](#)

[2019-07-01_SECTION 6_16236 SWR - FULL](#)

[Peer_Review_GP 7-11-19](#)

Jim Seymour, an engineer with Sebago Technics, was present representing the applicant.

- They had submitted lot grading, finished floor elevations, driveway locations, septic nitrate plumes, well locations, the ground water study and the traffic study.*
- Outstanding items had been: well yields, septic systems, and road design. Those items had been addressed but not yet submitted to the Board.*
- They had submitted to DEP and held a neighborhood meeting. Neighbor concerns had focused on the trails, roads, septic, wells, and stormwater.*

Waivers

The applicant had requested a waiver from Street Line Monumentation Performance Standard. They proposed to put granite monuments along one side of the road and capped rebar on the other.

Amanda Lessard stated the Public Works Director had said it wasn't necessary to have granite monuments on both sides of the road.

Keith Elder made a motion to waive the Street Line Monumentation Performance Standard requirement.

Seconded by Nick Kalogerakis.

Vote: All in favor.

The applicant had requested waivers from Street Construction and Design Standards because in the future there may be potential for the road to be joined to a road in an abutting subdivision. That road design had been granted the same waivers.

Keith Elder made a motion to waive the Street Construction and Design Standards.

Seconded by Nick Kalogerakis.

Vote: All in favor.

Board Comment

- *Would the existing trail system be kept?*
- *Could future access be provided for to the Riding to the Top property?*

Keith Elder made a motion that the preliminary subdivision application for project 18-24 Land of Nod Road Subdivision 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 Nick Kalogerakis.

Vote: All in favor.

Consensus of the Board was that the subdivision had standing and if there were ordinance amendments before final approval was granted those amendments would not affect the application.

Amanda Lessard stated there may be a need for additional waiver request for the stormwater standards.

Keith Elder made a motion to table the preliminary subdivision application approval.

Seconded by Michael Devoid.

Vote: All in favor.

6 [PB 19-068](#)

Amendment to Town of Windham Land Use Ordinance, Chapter 140, Section 400 District Standards and Section 900 Subdivision Review. Proposed changes related to subdivision development in the Farm and Farm Residential zoning districts by requiring subdivisions be designed as either a Conservation Subdivision or a Country Estate Subdivision.

Attachments: [PB packet Conservation Subdiv 07-17-19.pdf](#)
[Windham CONCEPT Conservation 04292019.pdf](#)
[Windham CONCEPT Country Estate 04292019.pdf](#)
[F-FR Zoning handouts 07-10-19.pdf](#)
[GrowingGreener.pdf](#)
[Thesis Final Bosworth Compressed.pdf](#)
[Majestic Woods Phase 2 9-2015 signature sheet.PDF](#)
[Majestic Woods Phase 3 Subdivision Plan.pdf](#)
[Swett Road Cons Subdiv Color.pdf](#)
[Swett Road Cons Subdiv Existing Resources Inventory C-1.0.pdf](#)
[Swett Road Cons Subdiv Sketch Plan C-1.1.pdf](#)
[Lynda McDonald ConservationSubdiv 07-22-19.pdf](#)
[Elaine Pollock Planning Board July 23 Conservation Subdivisions.pdf](#)

Amanda Lessard explained:

- The amendments were meant to be an enhanced look at cluster subdivision standards.
- It was an approach to conservation, habitat protection, and a clearer process to subdivision design. First, an inventory and analysis would be required; priority conservation areas would be established; then setbacks from roads, wetlands, and priority conservation areas; and finally building envelopes and lot lines.
- Significant changes increased land in open space, eliminated maximum lot sizes, and reduced minimum lot sizes.
- Public comment had been: the proposed lot size was too small, and it wouldn't look rural.
- Board concern was the proposal didn't address the rate of growth and there was no change to the net residential density.
- An alternative to the Conservation Subdivision was the Country Estate subdivision with an eight acre minimum lot size.
- The Planning Department had held a public forum.
 - o There was no consensus regarding the correct amount of density.
 - o There was public concern regarding property rights; needing more focus on conservation of open space; and incentivizing development.

Board Comment

- Cluster subdivision was a cheaper way for a developer to put in more houses.
- Why weren't they adjusting Rural, not Farm and only allowing cluster in rural? Push growth into certain areas, tiny lots didn't belong in rural.
- How would the open space be maintained? Who would have rights to allow recreational uses in it?
- Eight acre lots for Country Estates seemed quite large. It was not a long term solution.
- The Farm zone should be three or four acre lots.
- Country Estates should be three or four acre lots.
- Cluster should be in Rural zones only.
- Setbacks would help it feel more rural.
- Some people liked neighborhoods; there was a demand for cluster development.
- Giving options for the layout was important. It was nice that the Board would have a say.
- Requiring a larger lot size was concerning.
- Would this limit an owner's ability to not go through subdivision, but to split off a 1.84

acre lot?

- Cluster subdivision should be required to have public water.
- If the goal was to redirect growth, Conservation Subdivisions shouldn't be allowed in a Rural area.

Consensus of the Board was to allow public comment.

Bill Walker, previous Planning Board member – Rural character should be defined as more than open space. The Board had heard that people didn't want cluster subdivision in a Farm zone. With two acre lots the density would be determined by the contour of the land and the environment you were building in. Suburbia and tight densities didn't equal rural character. County Estate was the right idea, but maybe not eight acres. There should be an impact fee for subdivision in a Farm zone. That money could be channeled to a land trust that could purchase land and keep it open. More land preserves should be identified. Development in rural areas should be disincentivized. Infrastructure had to be developed so density could go where it belonged.

Tom Tyler, Buckfield Drive – Eight acre lots were too much. He was concerned with the proposed rezoning map. Why arbitrarily draw lines around development and propose to rezone it? Leave the Farm as it was and don't change it.

Scott McDonald, Inland Farm Road – He owned land in a Farm zone, where you needed two acre lots. It was proposed to be changed to Residential. He had enough land to give to each of his sons; if the zoning changed, he wouldn't. At some point he may want to farm but he wouldn't be able to. Why weren't other people's concerns being addressed? Why not give the guy who owned the property a say in what happened?

Dennis Brown, Pond Villa – It was premature for the Planning Board to make recommendations on a small piece of complex issues. There was a struggle between how the town looked and personal landowners. Rural land was being lost; there were a number of things that could be done quickly while the town was resolving issues so it could be done right.

Gary Plummer, South Windham – The change in lot size would affect land values, had that been addressed? Why was it necessary to change from Farm to Rural? It seemed Farm honored the traditions that had gone on in Windham. If you didn't want to see development in Farm or Rural maybe subdivisions shouldn't be allowed at all. They shouldn't try to do it piece-meal.

Lynda McDonald, Studio Drive – One third of their Inland Farm property had been developed into lots over the years. When they went to the Planning Board, they had to change things and they didn't like what they ended up with. Then they divided the property, people liked how it had been done. She would love for her grandkids to get the land. If you just left things alone landowners would do a good job with less control.

Bill McDonald, Studio Drive – Their property was proposed to be Residential. His living was agricultural. Changing the zone would affect his and other existing businesses in a drastic way. Why not look into the impact of what the change would do? It wasn't fair.

Susan Bronson, Johnson Road – Taking a look at the full picture was important. You couldn't look at one piece in isolation. Permit limits were needed to preserve spaces that you wanted to keep Rural.

Cory McDonald, Inland Farm Road – They had heard the majority want to keep rural

Windham rural. He did too. The Town had an opportunity to buy a large rural tract of land, the Clark Farm. It had been defeated at referendum. People wanted to stay rural, but they wanted to do it on the backs of property owners. Did they expect to get something for nothing? The zoning line on the proposed map had been drawn around his property. His landscape business wouldn't be an allowed use. There had been no allowances for family.

There was no more public comment.

Michael Devoid made a motion to not recommend approval of the proposed amendment to Sections 400 and 900 of the Land Use Ordinance related to Conservation Subdivisions and Country Estate Subdivisions.

Seconded by Keith Elder.

The Board discussed including their individual recommendations regarding the amendments in communication to Town Council.

Vote: All in favor.

Other Business

7 Adjournment

Nick Kalogerakis made a motion to adjourn.

Seconded by Keith Elder.

Vote: All in favor.