



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Planning Board

Monday, August 23, 2021

6:30 PM

Council Chambers

1 Call To Order

2 Roll Call and Declaration of Quorum

The meeting was called to order by Chair, Keith Elder. Other members present were: Marge Govoni, Kaitlyn Tuttle, and Rick Yost.

Planning Director, Amanda Lessard, and Town Planner, Steve Puleo, were also present.

3 [PB 21-047](#) Approval of Minutes: July 26, 2021

Attachments: [Minutes 7-26-21 - draft.pdf](#)

Marge Govoni made a motion to approve the minutes of the July 26, 2021, meeting.

Seconded by Kaitlyn Tuttle.

Vote: All in favor.

Public Hearings and Continuing Business

4 [PB 21-042](#) Amendments to Town of Windham Land Use Ordinance, Chapter 140, Sections 400 Zoning Districts, 500 Performance Standards and 800 Site Plan Review, and the Official Land Use Map for the creation of two new zoning districts, Windham Center (WC) and Village Residential (VR), and changes to curb cut, drive-through facility, medical office, and commercial district design performance standards related to the new districts.

Attachments: [PB packet Windham Center 07-29-2021.pdf](#)
[WindhamCenter ProposedMap 04-2021.pdf](#)
[WindhamCenter ProposedZoningChangesMap 04-2021.pdf](#)
[Zoning District Uses Table WC 1-5-20.pdf](#)
[Zoning Standards WC 4-21.pdf](#)
[WC TC Presentation 06-15-2021.pdf](#)
[William Livengood Windham Center Zoning 08-09-2021.pdf](#)
[Susan Dries Village zoning Windham center 08-09-2021.pdf](#)
[Craig Broadbent Rezoning of Hall Road 08-09-2021 .pdf](#)
[Evert Krikken WC VR zoning districts 08-14-2021.pdf](#)
[Dave Stevens Proposed Windham Center 08-18-2021.pdf](#)
[Jean Skinner Zoning 08-23-2021.pdf](#)

Amanda Lessard explained:

- *The Long Range Planning Committee had recommended the amendments to address inconsistencies between the Comprehensive Plan and growth areas in town. The current zoning was not allowing growth to happen at a scale and types of uses envisioned by the Comprehensive Plan. State law required zoning to be consistent with the Comprehensive Plan and it wasn't now.*
- *There were not currently any zoning districts in town that were comparable to what was proposed.*

- *The proposed Village Residential (VR) district was located on the west side of the Pleasant River and would be predominantly residential with limited small businesses to support neighborhoods.*
 - *Additional allowed uses would be:*
 - o *Two-family and multi-family (maximum four (4) units)*
 - o *Art studio*
 - o *Child Care (maximum 50 children)*
 - o *Personal business*
 - o *Parks*
 - *The minimum lot size would be reduced to 40,000 square feet with a 20,000 square foot residential density.*
 - *The minimum side and rear setback would be 15 feet.*
 - *Required road frontage would be reduced.*

- *The proposed Windham Center (WC) district was located on the east side of the Pleasant River and would be residential with more commercial and civic uses; improved walkability; and art, public, and educational spaces.*
 - *Additional allowed uses would be:*
 - o *Two-family and multi-family*
 - o *Art studio*
 - o *Theater*
 - o *Banks with a limited square footage*
 - o *Restaurants with limited square footage*
 - o *Retail Sales with limited square footage*
 - *The minimum lot size would be 30,000 square feet if the property was served by a well and 20,000 square feet with public water. Residential density would be 15,000 square feet.*
 - *The proposed height limit would be 45 feet.*

- *Setbacks would be 20 feet front, ten feet side and rear.*
- *Piggery, poultry facility, campground, and golf course would be prohibited uses.*
- *Compliance with commercial design guidelines would be required.*

- *Street trees, acceptable from a specific list, would be required.*
- *New streets would be required to meet the public standard.*
- *Sidewalks on existing public streets or payment of an impact fee would be required.*
- *Pitched roofs would be required.*

Public Comment

Bill Livengood, Pope Road – He lived in a historic house, with 12 acres of hayfield and woods. The area was clearly rural, and the reason they had moved to Windham. It was also in the area where development was to be incentivized. Under the proposal, there could be a fitness center, bank, and theater, without a special exception. His point was there were still some historic and rural areas in Windham Center which deserved to be protected.

He supported the idea of a walkable community, but it would be difficult to do when the area was partially developed. The town would have to step up substantially to reconstruct and straighten roads and put in shoulders and sidewalks. More intensive development shouldn't be permitted if they didn't have to install sidewalks.

Mr. Livengood was really concerned with the impact of the zoning changes to those who had no intention of selling their property, although this would make the marketability of his property higher it would increase their taxes.

Steve Quinlan lived in the area being rezoned; he was skeptical of the idea. He hoped the area really did become walkable, and bike lanes would be very important. If it went through, drive-throughs were a bad idea. These would generate noise pollution and traffic.

Sharon Emerson, Windham Center Road – She was totally opposed to a place for theaters, banks, and restaurants. She could drive five miles to those. She didn't want to open her window and look into someone else's house.

David Clark, Swett Road – His property had been in the family since the 1960s and he had several concerns. Several years ago, the town had a meeting concerning open space. He hadn't heard any more about that and this seemed to throw that out the window. Everyone was bent on turning Windham Center into North Windham. The priority should be fixing North Windham first.

The roads were busy now and would get busier still with more business on them. They couldn't sustain all the development traffic. A few years from now, backed up traffic would be the norm. More thought should go into how they wanted to make things.

David Lyden, Androscoggin Street – He asked, what was the goal of the three growth targets? How many residents did they want? Growth at what cost? Why have smaller lot sizes, to what end?

Clayton Haskell owned 217 acres in the zone. He was not totally in favor of reducing lot sizes. The Pleasant River was already impacted. Higher density would put more units and impervious surface for water to drain into the river. The high school, Windham Center, and town hall drained a good portion of it into the river. This wasn't a good

proposal for the area. It was the only area of town not yet touched by large development. He had a real concern that they were trying to do something with the area that the area couldn't handle. He had sat on the Planning Board and the Long Range Planning Committee, been there and done that. He hoped the Board would take what people were saying to heart. People enjoyed the area. This wouldn't fit in or help Windham one bit.

Cyndy Smutz, High Street – She told the Board to listen to everyone. They were saying too many people, too much development, smaller lot sizes, historic neighborhoods. She had moved to Windham to get away from Portland. It frightened her when different portions of the town were all saying the same thing. They wanted to live where there was grass and trees growing. They didn't need sidewalks. They lived in great places. It was something to think about.

Ed Vee, Sterling Drive – He agreed with everyone and had bought his lot because it was in a Farm zone. He didn't want to see light and noise pollution increased, more noise and people.

Phyllis Bott, Swett Road – She had grown up in a tight neighborhood in Portland. She loved her neighborhood now. She could look at a farm and loved the quiet. It was not safe to walk on the street now. If they put more houses in the neighborhood it wouldn't be walkable anymore. Sidewalks wouldn't matter. She hoped this wouldn't go through.

Brain Lingerma lived off of Lisa Drive. He said the speed limit was 45 to 50 miles per hour. If they made the neighborhood walkable, how safe would it be? He'd bought his land with the specific purpose of sitting outside in the quiet. If they kept developing, there wouldn't be a quiet place to sit outside. He hoped the Board would keep that in mind when making their decision.

Doreen lived on High Street. She stated, if it was hard to travel to North Windham because of traffic and the mess, people would spend their tax dollars in Gorham. It was food for thought.

Dustin Roma, Emerson Drive – He had grown up in Windham Center. The area of proposed change was pretty large. He didn't disagree that some of the proposal was appropriate if it was targeted. The area was currently dominated with larger subdivisions and larger lots in well-established neighborhoods.

If it was a blank map they were starting with it may have a better opportunity for success. They wouldn't realize their goal. It could potentially create opportunity but wouldn't be part of a master plan neighborhood. There were not a lot of parcels available to create big development under the proposed zoning. 50 feet of frontage in the proposed Windham Center zone was way too small, especially if lots were not on public water. This needed to be more targeted.

Patty Lyons-Buck – She explained her uncle had hayed the field across the street. They should try to preserve open fields. She hated to see another city built here.

Glenn lived off of Sterling Drive – He said this would increase traffic on River Road. He had seen hundreds of near-misses. The speed limit would cause accidents on River, Windham Center, and Pope Roads. It endangered lives on River Road, especially if they put houses there.

Evert Krikken, Park Road – His house had a flat roof and he understood a requirement for roof pitch had been added. In his opinion, flat roofs fit with the neighborhood. He had

not found the requirement for specific building styles or for maintaining specific architectural styles of buildings in the Comp Plan. He submitted that adding a requirement like that to the zoning ordinance was perhaps not appropriate because it restricted the type of architecture that people could choose.

The Board commented:

- Sidewalks should be mandatory in a walkable area.
- Drive-throughs caused cars to queue on the roads.
- The proposal was overzealous for the area and should be toned down in terms of what would be allowed. The density was way too much for the area, making it close to a downtown.
- This did comply with the Comp Plan, and growth would happen somewhere. This may be the best spot for it. But it was a large area and seemed a bit drastic. It would cause a huge change in lifestyle from what people were used to. It would be better to focus on the VR zone for now. WC needed more consideration for what the land was now.
- The area should be narrowed down to within a half mile or quarter mile of the Route 202 corridor. It already had those type of uses and was a great place to put them.
- The square footage for business should be limited.
- Retirement facilities shouldn't be included because of the required transportation at all hours.
- Low impact businesses would fit.
- There was some concern regarding the density.
- There was no infrastructure to support traffic for restaurants and theaters in the WC district.
- Windham Center Road was terrible. If there was no plan for infrastructure, who would set it up?
- The town needed to invest in some of its policies.
- Some of the allowed uses should be limited.

Rick Yost made a motion to forward a positive recommendation to Town Council with limitations:

1. It should be limited to the Route 202/River Road Corridors.
2. The size of businesses should be limited to 1,000 square feet.
3. Theaters should be allowed, not cinemas.
4. Sidewalks should be mandatory.
5. Drive-throughs should not be allowed.

Seconded by Marge Govoni.

All in favor.

- 5 [PB 21-043](#) Amendments to Town of Windham Land Use Ordinance, Chapter 140, Sections 300 Definitions, 400 Zoning Districts and 500 Performance Standards, for the creation of Affordable Housing Standards to apply in the Commercial 1 (C-1), Commercial 2 (C-2), Medium-Density Residential (RM), Village Commercial (VC) and Windham Center (WC) Districts.

Attachments: [PB Memo AffordableHousing 07-29-2021.pdf](#)
[Affordable Housing draft.pdf](#)
[Windham Housing Listening Sessions Summary Paper 07-28-2020.pdf](#)

Amanda Lessard explained:

- *The Comprehensive Plan encouraged development of affordable and work force housing.*
- *The proposed amendments intended to create an opportunity for this type of growth by increasing density and building heights and reducing setbacks. Non-profit housing organizations needed such incentives to make these types of projects cost effective.*
- *This was a known need in the community. Westbrook Development Corporation had hosted affordable housing needs listening sessions for Windham residents. Public comment had been that more senior housing and housing for single income families with children was needed.*
- *Affordable housing units were required to meet certain criteria:*
 - o *Residents must meet income requirements.*
 - o *The monthly cost to residents couldn't exceed 30% of their income.*
 - o *The units must be guaranteed affordable for 30 years if the unit was rented, or for ten years if it was owned*

Public Comment

David Lyden, Androscoggin Street – He stated that when he read it, it sounded like a vehicle to let projects like High Street and Androscoggin Street slip through. The exceptions for public water and sewer sounded like they had been cherry-picked for it. He questioned whether the motives were pure.

Evert Krikken, Park Road – He understood that in the WC zone the setback would be reduced and the allowable height could be increased by 20% and was having a hard time squaring the idea of keeping a more rural New England look with a building that could, potentially be five stories in height. He was concerned that the standards being applied to non-affordable housing and single-family units were out of whack with those being proposed for multi-family and commercial. He requested a broad allowance for architectural types, essentially no restrictions on roof pitch, building materials, and those types of things. He also requested consideration to reduce some of the building height for some developments because they did not fit with the character of anything that was currently in the Windham Center neighborhood.

Regarding affordable housing standards in commercial zones, was it allowable to have mixed use, commercial on the first floor and affordable units on top floors? Mixed use development would transform the area into something with residential aspects. It could work better with transportation and traffic would be easier because there was more access. Had there been analysis in various districts of the lots that were available to know what the net effect would be, given the land options.

Cyndy Smutz, High Street – She understood there were two types of housing for multi-units, some were affordable housing, and some were apartment buildings. Was there a difference between the two in what could be built as a town? There were so many units, so many square feet, such a height. Was it true for both types of housing? If affordable, was there a limit on how many projects could go into a smaller neighborhood? There was already affordable housing on Depot Street and they had heard about putting two more in. She wasn't opposed to affordable housing; plenty of people needed it.

Dustin Roma – He'd read through the document and agreed it was clearly written for projects like Avesta and Westbrook Housing. He didn't see how an individual or seasoned development company could comply with all the standards, guarantee affordability for 30 years, and do all the reporting. Those were projects that needed development tax credits to be able to guarantee all the obligations to the State.

This would clearly benefit that kind of a project. Increased density was warranted for something like that. The Board may want to consider reduced parking standards because the retirement community did not need the same type of parking as typical residential development. He cautioned that height and setback bonuses should be consistent across the Board, regardless of use.

Gavin, Androscoggin Street – He suggested a good way to incentivize low income housing was to reduce height or include setbacks for market rate housing. That would create market pressure toward incentivizing low income housing. They should be incentivizing the construction of affordable units that could be owned.

Paige, Androscoggin Street - They had a Medium Density Residential zone on one side of the street, and a Village Center zone on the other. Would the required setback for when there was construction on the edge of a zone still be in place? How was the 30 year guarantee regulated?

Andy Palmer, High Street – He lived in a Village Center zone and hadn't liked it when they had rezoned it. Now they had packed 20 apartments at the end of High Street, 31 more were coming, eight on Androscoggin and three more across the street from him. Density would be even higher if they decided to make them low income. They were already packed in quite enough.

Rebecca Longley, High Street – She knew there was a housing crunch. A lot of her clients were in Windham and Portland. They didn't want to come to Windham because there was no transportation. Would there be busses running by their houses? How would they turn around on Depot Street; those were small areas. Kids ran around, they knew each other and had a comfortable little community. It wouldn't be that little village area when it started to change.

There was no access to medical treatment, therapists, nothing. 99% of her clients couldn't afford a vehicle. Would there be some kind of public transit? Other resources would be needed. What about the light pollution it would bring to the area?

*There was no more public comment. The public hearing was closed.
Board Comment*

- In general, the Board member was opposed. He thought it stigmatized the projects and people who lived there and thought voucher programs much better served the need.*
- The Board member was in favor of it. The Westbrook Housing buildings were very nice. They needed to start somewhere and had to do what the government was willing to do. Funding could be several years out.*
- This was a good step forward. Transportation and other issues had to be considered; the picture was bigger than just affordable housing.*
- It was a great idea, but there was not currently the needed infrastructure or community that would fit with it at this particular time.*

Marge Govoni made a motion to recommend approval of the proposed amendments to the Land Use Ordinance related to Affordable Housing standards.

Seconded by Kaitlyn Tuttle including comments as discussed by the Board.

Vote: Two in favor. Keith Elder and Rick Yost opposed.

New Business

- 6 [PB 21-044](#) 21-11: 11 Androscoggin Street Apartments. Major Site Plan and Major Subdivision sketch plan review. Mr. James Cummings is proposing a lot split to construct an 8-unit apartment building. The property in question is located at 11 Androscoggin Street and identified on Tax Map: 37, Lot 13, Zone: Village Commercial (VC).

Attachments: [SKETCH MEMO 11AndroscogginStree-Apartments MSPMSUB 21-11 08-17-21.pdf](#)
[Revised APPLICATION MajorSiteSubPlan 11AndroscogginSt 21-11](#)
[Revised PLANS MajorSiteSubPlan 11AndroscogginSt 21-11](#)
[APPLICATION MajorSiteSubPlan 11AndroscogginSt 21-11](#)
[PLANS MajorSiteSubPlan 11AndroscogginSt 21-11](#)
[PublicComments 11 AndroscogginSt-Apartments 08-09-2021.pdf](#)
[Doreen Thorpe-Mattson PublicComment 08-23-2021.pdf](#)
[EoinHiggins Public Comments 08-23-2021.pdf](#)

Dustin Roma, of DM Roma Consulting Engineers, was present representing the applicant. He explained:

- *The lot in question was .9 acres, steeply sloped with an existing single family house on it. They proposed to create a lot around the single family house and use the remaining land for an eight unit apartment building and associated parking.*
- *A sewer pump station existed in front of the site.*
- *The watermain would require extension to serve the apartment building.*
- *The roadway would likely be extended into a hammerhead to serve the apartment's parking lot.*
- *Net residential density supported the proposal.*
- *There was a hydrant within 1,000 feet of the site.*
- *Traffic for the apartments would likely result in six or seven peak hour trips.*

Board Comment

- *How many bedrooms would each apartment have? Two bedrooms meant more cars on the road.*
- *How could the Board allow an eight unit complex on the road?*
- *Sidewalks and parking were major concerns.*
- *Why were the building and parking lot situated as they were on the lot?*

- [PB 21-045](#) 21-12: 68 High Street Subdivision. Minor Subdivision sketch plan review. Mr. James Cummings is requesting a review of a proposed 3-lot subdivision by creating one single-family lot and a duplex lot for development. The lot with an existing two-unit building will remain as a two-unit dwelling. The property in question is located at 68 High Street and identified on Tax Map: 37, Lot 21, Zone: Village Commercial (VC).

Attachments: [SKETCH MEMO_68HighStreet_MinorSub_21-12_08-17-21.pdf](#)
[Revised APPLICATION_MinorSubSketchPlan_68HighStreet_21-12](#)
[Revised PLANS_MinorSubSketchPlan_68HighStreet_21-12](#)
[APPLICATION_MinorSubSketchPlan_68HighStreet_21-12](#)
[PLANS_MinorSubSketchPlan_68HighStreet_21-12](#)
[EoinHiggins_PublicComments_08-23-2021.pdf](#)
[Longely and Palmer_PublicComments_08-23-2021.pdf](#)

Dustin Roma, of DM Roma Consulting Engineers, was present representing the applicant. He explained:

- *The site was just under one acre and had an existing duplex on it. They proposed to use the existing High Street frontage to create three lots; one for a new duplex; one for a single-family house; the third for the existing duplex.*
- *There were steep slopes on the property.*
- *A drainage swale from the catch basins on High Street drained onto the property.*
- *The project would be served by public sewer and public water.*
- *Utilities would be underground.*
- *There were existing sidewalks.*

Board Comment

- *How would the three lots be accessed?*

8 [PB 21-046](#)

21-13: Vintage Drive Subdivision. Major Subdivision and Major Site Plan sketch plan review. PTG Properties, LLC is requesting an amendment 2020 approved minor subdivision known as PTG Properties Subdivision. The proposal is to revise the location of Vintage Drive ROW and lot lines of lots 3 and 4. The proposal is to develop Lots 3 and 4 with 30 residential dwelling units, and Lots 1 and 2 will remain for future commercial developments. The property in question is located at 626 Roosevelt Trail Street and identified on Tax Map: 52, Lot 24. Zone: Commercial District 1 (C1).

Attachments: [SKETCH MEMO_VintageDriveSub_MSP-MSUB_21-13_08-17-21.pdf](#)
[Revised APPLICATION_MajorSubSiteSketchPlan_VintageDrive_21-13](#)
[Revised PLANS_MajorSubSiteSketchPlan_VintageDrive_21-13](#)
[APPLICATION_MajorSubSiteSketchPlan_VintageDrive_21-13](#)
[PLAN_MajorSubSiteSketchPlan_VintageDrive_21-13](#)

Dustin Roma, of DM Roma Consulting Engineers, was present representing the applicant. He explained:

- *The site was a previously approved four-lot subdivision.*
- *This amendment proposed 30 dwelling units in four and six unit buildings. The units were expected to be three bedroom units, likely in condo ownership.*
- *A stormwater permit from DEP was required.*
- *The location and orientation of Vintage Drive would change, although a proposed connection to an abutting residential project would not be moved.*
- *The future use of the two lots on Roosevelt Trail was not yet determined.*
- *Proposed on-street parking had been modified based on the location of curb cuts.*

- The subsurface wastewater disposal systems would be engineered for over 2,000 gallons per day; the type of system was not yet determined.
- A stormwater permit would be required from DEP.

The Board commented:

- Would the traffic impact study reflect the abutting proposed residential development?
- How far apart were the entry drives for this project and the one abutting?
- Would the project have sidewalks, plantings, and green space?
- Where was the access to lot 1. Would it be a public road?

9 [PB 21-048](#)

21-15: Turning Leaf Drive Commercial Development - Major Site Plan and Amended Subdivision - Sketch Plan Review. Baker Brook Farm Creamery, LLC is requesting a sketch review to split the lot and the construction of two commercial buildings. The application is proposing to build a new commercial road dividing the new lots. One of the new lots will be improved with retail agricultural store and creamery production facility and retail ice cream shop with drive-through service. The two buildings will share a common existing parking area and loading/service area accessed by the new commercial road. The property in question is located on Turning Leaf Drive and is identified on Tax Map: 14, Lot 9 B12. Zone: Commercial 1 (C1).

Attachments: [SKETCH MEMO BakerBrookFarmCreameryLLC MSP-ASUB 21-11_08-17-21.pdf](#)
[SKETCH-APPLICATION Major SitePlanAmendedSub Turning Leaf Drive 21-15_08-02-21.pdf](#)
[SKETCH-PLAN Major SitePlanAmendedSub Turning Leaf Drive 21-15_08-02-21.pdf](#)
[DRT MeetingComments 08-12-21.pdf](#)

Keith Elder disclosed that the applicant and he were neighbors. He also had some materials on the property. He had not priced out the project but would welcome the chance to look at it. He believed he could remain impartial and offered to abstain from any vote on the project.

No one expressed concern regarding the disclosure.

Dustin Roma, of DM Roma Consulting Engineers, was present representing the applicant. He explained:

- Turning Leaf Drive was located off of Roosevelt Trail and served as the sole access to the Shops at Sebago and Stock House Restaurant and Brew Pub.
- The existing parking lot was currently used on Saturday mornings for a farmers' market and sometimes customers for the shops and restaurant parked there.
- There was an existing DEP permit for the parking lot and road extension.
- They proposed to build out a portion of the road extension and to construct a new commercial road through the property.
- Two commercial buildings, each about 9,000 square feet, and each having a drive-through, and an agricultural appearance, would be constructed.
 - o One building, for Blue Seal Feeds, would be accessed from the end of the existing parking lot. The first floor would be retail and warehouse space, the second office space. The drive-through would be utilized for customers picking up supplies.
 - o The other building would be an ice cream production facility, with a retail component and drive-through for ice cream pick-up, located parallel to Turning Leaf Drive.

- *Loading areas would be located in back of the buildings.*

Board Comment

- *The new commercial street seemed like it may be congested.*
- *Would there be any plantings to buffer the abutting day care center?*
- *Did the existing restaurant and shops have rights to use the parking lot?*

10 PB 21-049

21-14: Newbury Ridge Lot 2 - Minor Subdivision Amendment. Daigle Financial and Development, LLC is requesting an amendment to an approved minor subdivision. The applicant proposal is to modify the approved building envelop for Lot 2 to allow locating the building envelop and leach field in the rear portion of the lot. The driveway would cross over an area reserved for a stormwater management buffer. The buffer area would be expanded to include additional land southeast of the driveway. The property in question is located at 8 Newbury Ridge Road and is identified on Tax Map: 9, Lot 34-2. Zone: Farm Residential (FR).

The applicant had withdrawn the application.

Other Business

11 Adjournment

Marge Govoni made a motion to adjourn.

Seconded by Kaitlyn Tuttle.

Vote: All in favor.