



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Planning Board

Monday, September 13, 2021

6:30 PM

Council Chambers

REVISED - Final Agenda

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 Colin Swan.

Town Planner, Steve Puleo, was also present.

3 [PB 21-050](#) Minutes August 23, 2021

Attachments: [Minutes 8-23-2021 - draft.pdf](#)

Kaitlyn Tuttle made a motion to approve the minutes of the August 23, 2021, meeting.

Seconded by Marge Govoni.

Vote: All in favor.

New Business

- 4 [PB 21-051](#) 21-16 Gunpowder Mill Subdivision. Major Subdivision sketch plan review. Major Subdivision sketch plan review. Robie Holdings, LLC requested a sketch plan review for a 15-lot conservation subdivision application. The property is located on Gunpowder Mill Road and identified on Tax Map: 5 Lot: 2C, Zone: Farm Residential (FR). *Note: Public comment during the sketch plan review is not allowed unless requested by the Planning Board.*

Attachments: [SKETCHPLAN MEMO GunpowderMillSubdivision 21-16 09-9-21.pdf](#)
[SKETCH-APPLICATION GunpowderMillSubdivision GunpowderMillRd.pdf](#)
[SKETCH-REVISED PLAN GunpowderMillSubdivision GunpowderMillRd.pdf](#)
[SKETCH-Plan GunpowderMillSubdivision GunpowderMillRd.pdf](#)
[STAFF COMMENTS DRT 08-27-21.pdf](#)

The application was postponed until the September 27, 2021 Planning Board meeting, at the applicant's request.

- 5 [PB 21-052](#) 21-17 Cooper Ridge Road Subdivision. Major Subdivision sketch plan review. Scott and Lea Hennigar requested a sketch plan review for a five-lot conservation subdivision application. The property is located on Cooper Ridge and identified on Tax Map: 10 Lot: 23, Zone: Farm (F).
Note: Public comment during the sketch plan review is not allowed unless requested by the Planning Board.

Attachments: [SKETCHPLAN MEMO CooperRidgeRdSubdivision 21-17 09-7-21.pdf](#)
[SKETCHPLAN RESPONSE TO COMMENTS CooperRidgeRdSubdivision 21-17 09-7-21.pdf](#)
[SKETCHPLAN REVISED PLAN CooperRidgeRdSubdivision 21-17 09-7-21.pdf](#)
[Pheasant Ridge Amendment 07-2014.PDF](#)
[SKETCH-PLAN_HennigarSubdivision_CooperRidgeRoad.pdf](#)
[Cooper Ridge Subdivision DRT meeting 08-27-21.pdf](#)

Chair, Keith Elder disclosed that he knew applicant, who was in the same business. He had no financial interest in the project.

Marge Govoni made a motion that the Planning Board Chair could attend and participate in all meetings for Cooper Ridge Road subdivision.

Seconded by Colin Swan.

Vote: All in favor.

Travis LeTellier, of Northeast Civil Solutions, was present representing the applicant. He explained:

- They proposed a 14 +- acre conservation subdivision with five lots, although the number of proposed lots may increase.*
- 50% of the land was proposed to be open space. Wetlands and streams were in the open space primary conservation areas. There were no secondary conservation areas on the property.*
- Cooper Ridge was an existing gravel driveway and would be upgraded to a minor private road. If the number of subdivision lots was increased, they would meet the major private road standard. Five existing lots were currently accessed by Cooper Ridge. A turn-around would be provided halfway up the road and it would end in a cul-de-sac.*
- Each lot would have a private well, septic system, and private sprinkler system.*
- They requested a waiver of the requirement for a high intensity soil survey.*
- Stormwater treatment of the road and lots would be developed but was not yet completed.*
- The applicant was interested in extending a right-of-way from the end of the road for possible future connection to the abutting property.*

The Board commented:

- Would there be sidewalks. Would the road be paved?*
- Would a right-of-way extension to the back property affect the open space ratio?*
- Could you have ten lots on a road without pavement?*
- Was town water possible instead of wells?*
- School buses wouldn't go down a private road. The intersection with Route 302*

should be considered for parents parking in vehicles while waiting for school buses. There also should be someplace for kids to wait if they weren't in a vehicle. It was a safety issue.

- What was the difference with a waiver for a high intensity soil survey; what was lost/gained?
- The right-of-way from the Pheasant Ridge was property only 25 feet wide.
- Could there be future extension of the private dirt road?
- There should be an easement if the right-of-way to the back was ever extended.
- There was no interest in an extension to the easement for Pheasant Ridge if it couldn't be used.
- It would be good to color code the primary and secondary conservation areas on the plan. Secondary conservation areas had to be provided.

Marge Govoni made a motion to schedule a site walk and public hearing.

Seconded by Kaitlyn Tuttle.

Vote: All in favor.

6 [PB 21-053](#)

21-18 Kelli Lane 2nd Amended Subdivision. Amended Subdivision review. Janet Morrell requested an amendment to an approved subdivision for after-the-fact approval of a 2004 transfer of 5,372 square feet from Lot 3 to an abutter. The property is located at 6 Kelli Lane and identified on Tax Map: 14 Lots 22-3 and 22, Zone: Farm Residential (FR).

Note: Public comment during the amended subdivision review is not allowed. The Board may decide to approve the amendments during the meeting or schedule a public hearing at a later date.

Attachments: [AMENDEDSUBDIVISION MEMO KelliLaneSubdivision 21-18 09-03-21.pdf](#)
[AMENDEDSUBDIVISION APPLICATION KelliLaneSubdivision 21-18 09-03-21.pdf](#)

Matthew Ek, of Sebago Technics, was present representing the applicant. He explained:

- In 2004, A portion of subdivision lot 3 had been conveyed to an abutter without a subdivision amendment.
- The net density had been affected, but it still exceeded the minimum requirement.

The Board commented:

- The requested amendment didn't negatively affect any lot sizes or ordinances.

Kaitlyn Tuttle made a motion that The Final Subdivision application for Kelli Lane Subdivision, Second Amendment on Tax Map: 14, Lot 22-3 was to be approved with conditions with the following findings of fact and conclusions.

FINDINGS OF FACT

911. - SUBDIVISION REVIEW

911.A. – Basic Subdivision layout

- The total land area of the first amended subdivision is 540,637 SF, and the road area occupancies 58,639 SF.
- The net residential area is 481,998 SF, and the net residential density is 50,000 SF per dwelling unit allowing a maximum number of dwelling units of 9.64. In 1987 Planning

Board approved an eight (8) lot subdivision, and this amendment proposal will not change the number of approved lots.

- *As mentioned in the introduction, the land transfer resulted in Lots 3 reduction from 56,387 SF to 51,015 SF, exceeding the minimum lot size in the Farm District (F) of 50,000 SF.*
- *All eight (8) lots of the subdivision are improved with single-family homes.*
- *This application is to correct and record the land transfer from the convey of 2004.*

911.B. – Sufficient Water

- *This amendment subdivision request will not change the demand for water supply for domestic needs.*

911.C. - Erosion Control and Impact on Water Bodies

- *The application does not include new development, and no soil disturbance or soil erosion will occur.*

911.D. – Sewage Disposal

- *The application does not include new development and no change to the existing sewage disposal of Lot 3.*

911.E. – Impact Natural Beauty, Aesthetics, Historic Sites, Wildlife Habit, Rare Natural Areas or Public Access to the Shoreline

- *This amended subdivision application does not involve new development as such no impacts the natural beauty, aesthetics, historic sites, wildlife habit, rare natural areas or public access to the shoreline are expected.*

911.F. – Conformance with Land Use Ordinances

Comprehensive Plan:

- *The plan does meet the goals of the 2017 Comprehensive Plan.*

Land Use Ordinances:

- *The minimum lot size of 50,000 SF for standard lots in the F zoning district.*
- *Lots meet the lot frontage requirement of 100 feet for the F Zone.*
- *The net residential density requirement is 50,000 SF.*
- *The net residential density calculations are shown on the amended subdivision recording plan.*

Subdivision Ordinance

- *The Tax Map and Lot numbers are shown on the amended final plan*
- *The data of the amended subdivision plan shall be compatible with the Town's GIS system and provided to the Town prior to release or the signed recording plan.*
- *The building setback requirements are shown on the final plan submission for all lots.*

911.G. – Financial and Technical Capacity

- *The applicant has provided evidence of financial capacity and has retained Sebago Technic, Inc for professional and technical services as part of the amended subdivision application.*
- *The subdivision amendment will not require site work or the installation of new roads or utilities.*

911.H. – Impact on Ground Water Quality or Quantity

- *The "after the fact" land transfer between Lot 3 and the abutting property will not*

impact groundwater.

- *The subdivision amendment will not require site work or the installation of new roads or utilities.*

911.I. – Floodplain Management

- *The subject properties are not in a mapped FEMA Floodplain boundary area. The purpose of the "after the fact" amended subdivision review is to correct the land record.*

911.J. – Stormwater

- *Surface drainage and stormwater management are not affected by land transfer.*

911.K. – Conservation Subdivision

- *Subdivisions in Farm or Farm Residential zoning districts require Conservation or Country subdivisions.*
- *The original subdivision approval and the land conveyance pre-existed the creation of the Conservation Subdivision ordinance.*

911.L. – Compliance with Timber Harvesting Rules

- *The amendment to the subdivision will not involve timber harvesting activity.*

911.M. – Traffic Conditions and Street

- *The amended subdivision will not negatively affect the traffic condition or the street network of the area.*

CONCLUSIONS (N/A)

1. *The proposed amended subdivision will not result in water or air pollution.*
2. *Buildings, lots, and support facilities will/will not be clustered in those portions of the site that have the most suitable conditions for development. (N/A)*
3. *Environmentally sensitive areas, including but not limited to, wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and sand and gravel aquifers will be maintained and protected to the maximum extent.*
4. *The proposed amended subdivision has sufficient water available for the reasonably foreseeable needs of the site plan.*
5. *The proposed amended subdivision will not cause soil erosion or reduce the land's capacity to hold water so that a dangerous or unhealthy condition results.*
6. *The proposed use and layout will not be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved.*
7. *The proposed amended subdivision will provide for adequate sewage waste disposal.*
8. *The proposed amended subdivision conforms to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.*
9. *The developer has the adequate financial capacity to meet the standards of this section.*
10. *The proposed amended subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.*
11. *The proposed subdivision will/will not provide for adequate stormwater management. (N/A)*
12. *The proposed location and height of buildings or structure walls and fences, parking, loading, and landscaping shall be such that it will/will not interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value. (N/A)*
13. *On-site landscaping does/does not provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by*

adequate landscaping. (N/A)

14. All freshwater wetlands within the proposed amended subdivision have/have not been identified on the plan. (N/A)

15. Any river, stream, or brook within or abutting the subdivision has/has not been identified on any maps submitted as part of the application. (N/A)

16. The proposed amended subdivision will provide for adequate stormwater management.

17. If any lots in the proposed amended subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision has a lot of depth to shore frontage ratio greater than 5 to 1. (N/A)

18. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.

19. For any proposed amended subdivision that crosses municipal boundaries, the proposed subdivision will/will not cause unreasonable traffic congestion or unsafe conditions concerning the use of existing public ways in an adjoining municipality in which part of the subdivision is located. (N/A)

20. The timber on the reconfigured properties was not harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.

CONDITIONS OF APPROVAL

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated August 19, 2021, supporting documents and oral representations submitted and affirmed by the applicant and conditions. If any, imposed by the Planning Board and any variation from such plans, proposals and supporting documents, and representations are subject to review and approval by the Staff Review Committee or the Town Planner in with Section 913 of the Subdivision Ordinance.

2. The applicant shall record the Planning Board signed the amended subdivision plan and provide the Planning Department with a copy of the record plan in a hard copy and an electronic format as required in Section 911.C.2.(7).

Seconded by Marge Govoni.

Vote: All in favor.

Other Business

- 7 [PB 21-054](#) Town of Windham Planning Board - Remote Meeting Participation Policy. Public hearing, discussion, and a vote to adopt a remote meeting participation policy.

Attachments: [PB Memo Remote Participation 09-09-2021.pdf](#)
[Maine 130 - Chapter 290 Public Law.pdf](#)
[Planning Board Remote Meeting Policy.pdf](#)

Steve Puleo explained, in June 2021 the Governor had signed a law requiring meetings to be held in person unless there was a circumstance allowing remote technology.

- That meant the Board could utilize remote participation in meetings if they established a procedure for implementing the remote meeting process when a meeting was being held in person.
- The intent of the law was to allow for the public and Board members who might be

physically impaired or disabled to participate in meetings remotely.

- The policy was required to be adopted by the Board.*
- Sufficient advance notice of the meeting was needed so a Zoom link could be provided to the public, enabling the public to participate in the meeting.*
- All votes would be held as a roll call.*
- If a Board member would be absent, but the meeting quorum could be met without that member, the preference was not to use remote technology. In a case where it was needed to obtain a quorum then remote participation was an option.*
- The policy would stay in effect until it was rescinded*

The Board commented:

- If it was needed, why couldn't the Planning Board member Zoom in without advance notice.*
- State law seemed to say, if the Board couldn't attend a meeting because of a snowstorm, the remote meeting would be allowed without that notice.*
- If they gave notice and a member was going to attend from the computer, then did it automatically mean anyone could participate via Zoom, even if it wasn't a public hearing?*
- Public comment was not accepted unless it was a public hearing. Why did the public need to be able to do a Zoom meeting for times when they couldn't comment anyway?*
- The Board member had a problem approving a process when they don't know what the process was. The School Board had tried it and it didn't work. A person had to be at the other end of the Zoom because everyone couldn't hear. There was a time delay, and someone had to relay what was being said. Exactly how would it work?*
- It sounded like only one planning member would be on Zoom if it wasn't a public hearing.*
- If it was a public hearing, someone would still have to coordinate the meeting participation.*
- When a Board member wouldn't be present, could the full Board do a Zoom meeting?*

Marge Govoni made a motion to accept the remote meeting participation policy for the Town of Windham Planning Board.

Seconded by Kaitlyn Tuttle.

Vote: All in favor.

8 Adjournment

Colin Swan made a motion to adjourn.

Seconded by Marge Govoni.

Vote: All in favor.