



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Final

### Planning Board

---

Monday, June 12, 2017

7:00 PM

Council  
Council Chambers

---

#### Call To Order

#### Roll Call and Declaration of Quorum

*The meeting was called to order by Chair, David Douglass. Other members present were: Margaret Pinchbeck, Keith Elder, and Nick Kalogerakis.*

*Planning Director, Ben Smith, was also present.*

#### Approval of Minutes

[PB 17-056](#) May 31, 2017

Attachments: [Minutes 5-31-2017 - draft](#)

*Keith Elder made a motion to approve the minutes as written.*

*Seconded by Nick Kalogerakis.*

*Vote: Three in favor. No one opposed. Margaret Pinchbeck abstained.*

#### New Business

[PB 17-057](#)

Attachments: [17-15 Acorn Lane Duplexes Sketch 06-07-17](#)  
[Acorn Lane Duplexes Sketch Plan Submission](#)

*Jeff Amos, an engineer with Terradyne Consultants, was present representing the applicant. He explained the project:*

- The site was approximately 15.5 acres. The lot represented about half of an old, reclaimed gravel pit.*
- The site was in a Residential Medium (RM) zone. The allowable net density equated to approximately 44 units.*
- Acorn Lane was proposed as the primary entrance. A second point of access was required.*
- They would provide a traffic study to evaluate all area intersections.*
- The site would be served by public water. A new hydrant was proposed for the project.*
- Power would be underground.*
- A series of shared septic systems was proposed. None would exceed a flow of 2,000 gallons per day. Those would be located in the green space along the*

*perimeter of the site.*

- A wetland delineation would be done.*
- A topographic survey would be done.*
- The proposed road would follow the rim of the old gravel pit.*
- They proposed a sidewalk.*
- They proposed a mailbox kiosk.*
- They proposed a community garden area with a gazebo and some active recreation area.*
- The development would require a DEP stormwater permit.*
- They would request a waiver of the high intensity soil survey. The soils were highly permeable. Test pits would be dug along the rim for the septic system as well as in the stormwater area.*

*Ben Smith explained that he had received some written comment from abutters. It would be provided to the Board as part of the information packet for the public hearing.*

#### *Public Comment*

*Bill Gray, Stagecoach Lane – He was interested about who would pay for the traffic study. Who was the study trying to satisfy? If it was trying to satisfy the person paying for it that was counterproductive. Within the last week he had been involved in an accident in the area. There were dangerous intersections there. Overloading them more would make them more dangerous. People trying to avoid the intersection would go through different parts of the neighborhood. Traffic would be an issue.*

*What was the legal basis for use of that piece of land? He had looked at his deed. It did refer to a piece of property and it talked about all the neighbors in Varney Mills Estates having the right to use all the roads in Varney Mills Estates to travel. In the deeds it referenced the right-of-ways and described the lot as the exception to the right-of-ways.*

*Jeff Soper, Dusty Rhoades Lane – One of the roads referred to by Mr. Amos was Dusty Rhoades Lane. He had no problem with that, but would they get hot-top? He was one of the right-of way owners, along with Mr. Martin, and Mr. Brooks. His concern was maintenance of the road and whether it would be up to town standards. His waterline was also within the utility right-of-way. The meter pit was out by Varney Mill Road.*

*Michael Martin, Dusty Rhoades Lane – He was the other owner on Dusty Rhoades Lane. Dusty Rhoades Lane was a 50 foot by 100 foot wide easement. If they did decide to use it as a second access would 50 feet be enough to make the sidewalks and everything that was needed? He also had a commercial garage and an in-law apartment that came off of the same property.*

*Therese Burns, Acorn Lane – She lived adjacent to Acorn Lane Extension. Her concern was Acorn Lane as a primary access. It went into a residential neighborhood that would impact probably 60 houses. She wondered why they weren't considering Acorn Lane as a secondary emergency access and having the primary access on a road instead of in a development.*

*Jennifer Pooler, Acorn Lane – She seconded what Ms. Burns had said. She added there were other options to going through their small, very quiet neighborhood where*

her ten year old could rollerblade at any time of day without 80 cars barreling through. If the builders could consider going across the other half of the gravel pit, she thought eminent domain was mentioned in the applicant for potential future development. The other neighborhood, Briarwood, had maybe four houses between Varney Mill Road and the developments in behind Briarwood. It would affect a lot fewer houses, a lot fewer children.

Jayne Trainer, Stagecoach Lane – She had the same concerns and seconded what was said. She wanted to be kept informed of the timeline of the project and any sort of information that may be given to them. When the traffic study happened they should be informed of that and make sure they got another post card for any sort of opportunity to participate. They should be let know when the information was available. She didn't want to come off as negative; she was concerned about the way new neighbors would enter in their cars.

Ben Smith explained:

- The Planning Department sent a postcard when they accepted a new application. That was the post card that everyone got, the town's acknowledgement of receipt of the application.
- Another postcard would be sent when a public hearing was scheduled for the project.
- It was possible to sign up on an email list to receive Planning Board agendas or call the Planning Department.
- The town sent postcards to anyone within 500 feet of a project or anyone who had interest in a project within 500 feet of a project. There was common land that abutted, so everyone in the subdivisions with common land that abutted was notified.

Gary Bruce, Running Brook Road – Would they keep the woods, or would they clear to the property line?

Stephen Amero, Forbes Lane – His concern was for the safety of the children. There were a lot of them. If Acorn Lane extension was approved there would be a lot of trucks, a lot of traffic. He understood it had to go somewhere but he didn't know why it had to go through their neighborhood. There would be a lot more children once it was built.

Rebecca Cuniff, Forbes Lane – She wondered how far off her property line the septic would be. Would it be right on her property line where her kids were playing because they wouldn't be able to play in the street?

Stephen Amero, Forbes Lane - The soils should be investigated. The history of the pit was that it was shut down a number of years ago. They had to sue to stop it. He believed the dirt that left was replaced with stuff that wasn't dirt, that wasn't naturally occurring. For the point of access, he could see the cost factor from a development, but that wasn't even covered. Mr. Brooks property and Dusty Rhoades was a great option. His big question was clearing related to the septic systems. They would have to clear every tree and everything that grew to put in septic. He assumed there would be a plan when they impacted the green space. They were very close. His other concern was the grade. Topographically speaking it was about 80 feet to the bottom of the pit. His hope was that it would go to Varney Mill. That would be suited for the people. Were there any proposals to develop the abutting property?

Leela Pollard, Acorn Lane – She lived right where all the traffic would come through.

*They had two young children. Her concern was that her children could no longer cross the street to get the mail. They watched them, but they would have to be with them if this went through. She was not thrilled that potentially 88 cars could be going through every morning and every afternoon. That was their biggest concern. They wondered what kind of housing it would be. Had it been considered to be the kind of housing they had so it was more of a neighborhood as opposed to a complex?*

*Willow Martin, Varney Mill Road – She wondered what resources might be offered to some of them around the area. Would natural gas be an option for that neighborhood and might it be offered to some of the locals. She knew they had mentioned underground power and they had some issues with power outages at times so that might be nice as well.*

*Stephen Amero, Forbes Lane - Another thing to consider was that was where the primary bus stop for the neighborhood was. That was a major concern for everybody. So if it did become the primary they were pumping 100 cars right through the bus stop.*

*Rebecca Cuniff, Forbes Lane –In the morning she went the opposite way because with the bus stop and kids it was so congested and there were so many kids and there were cars in the winter. Adding that many more kids meant that many more cars.*

*Mr. Amos responded:*

- The applicant would pay for the traffic study. Traffic studies, like other engineering submittals were required to hit very objective standards. The question of how many people went through the intersection would be answered. Counts would be done at the necessary intersections and from there it would be applied to the accident data. Regardless of who was doing it they had to meet the same requirements. Bill Brey, at Traffic Solutions, was well respected and he certainly wouldn't change the results based on who he was doing it for.*
- Wayne T. Wood was the surveyor for the project. He was researching the right-of-ways and when he put the boundary plan together he presented it to them and let the applicant know what his rights were to points of access and those types of things.*
- There was a minimum of work to get to that point. They looked at the property to see how many units they could support. Before they spent a lot of time and money and studies they got comments from everybody involved and then proceeded redesigning it based on what was said and satisfying the engineering concerns, public works, fire/rescue, and the ordinance requirements.*
- The primary access would be from Dusty Rhoades Lane. The entrance road would need to meet some type of town standard. It would be paved. 50 feet was enough space.*
- The soils were highly infiltrative. Everything infiltrated into the ground. They planned on taking everything into the internally draining pit and meeting DEP and town requirements.*
- Acorn Lane was proposed as the secondary access.*
- The applicant did not own the other side. He had no interest in purchasing it.*
- There would be a sitewalk. During that time there was often an opportunity to talk about the issues that were seen on the site.*
- Clearing limits had not been determined. Part of the idea of the lay-out was to regrade the pit so they had use of it.*
- The septic systems were proposed to be green space area between the development and areas closest to the lots. Those would not be designed to be any*

bigger than they had to be. They would save whatever trees they could along the boundary.

- If Dusty Rhoades Lane was the primary access they would be bringing a new eight inch water line into the site. If it went by something existing they could tap into it.
- Having a primary and secondary access should alleviate some concerns regarding traffic through the neighborhood.
- There would be test pits on the site. They would be digging both in the bottom of the pit to determine the depth to groundwater as well as potential septic system sites and any of the stormwater sites on the property. They would have more test pits than would be required in a high intensity soil survey. If there was any evidence of stumps or non-native materials they would know.
- There had been no discussion regarding natural gas. They could have discussions with the neighbors.
- The kind of housing was a question for the developer.

Michael Martin, Dusty Rhoades Lane – Acorn Lane had been the primary access. All of a sudden they were taking over Dusty Rhoades and that would be the primary access. There were two people, an owner and an easement. There should definitely be some discussion with both of those people as far as the layout of his property would change dramatically putting a road into it. Who would he talk to as a property owner to find out his legal rights? He didn't want to hire a lawyer to find out that they could or couldn't take over his property. Was it fair that it was his responsibility to hire a lawyer?

Therese Burns, Acorn Lane - She didn't know what the difference was between primary and secondary access.

Mr. Amos responded:

- Mr. Martin could discuss the aspects of his road and driveway connection with him. They wanted to make sure that it worked.
- There was not a lot of difference between primary and secondary depending on how the Board chose to proceed. Typically the primary went straight in and was the most convenient way for everyone to go. Sometimes a secondary access was limited. Sometimes they were gated. Sometimes they were emergency exists only.

The Board commented:

- Could there be differentiation between primary and secondary?
- Could the access onto Acorn Lane be unpaved?
- It might help the Board to see a copy of Mr. Martin's deed.
- A right-of-way should be provided from the end of the road to the abutting property line.
- Provide follow-up if test pits showed some sort of fill.
- Traffic was a big concern.
- A graveled Acorn Lane would be very dusty.
- Limited access would create other issues.

Margaret Pinchbeck made a motion to schedule a public hearing.

Seconded by Nick Kalogerakis.

Vote: All in favor.

Margaret Pinchbeck made a motion to schedule a site walk.

*Seconded by Nick Kalogerakis.*

*Vote: All in favor.*

### **Other Business**

### **Adjournment**

*Nick Kalogerakis made a motion to adjourn.*

*Seconded by Margaret Pinchbeck.*

*Vote: All in favor.*