



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Planning Board

Monday, January 14, 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, Griffin Bourassa, Drew Mayo, and Michael Devoid.

Planner, Amanda Lessard, was also present.

3 [PB 19-001](#) Approval of Minutes: December 10, 2018

Attachments: [Minutes 12-10-18 - draft.pdf](#)

Griffin Bourassa made a motion to approve the minutes of the December 10, 2018 Planning Board meeting.

Seconded by

Vote: Three in favor. No one opposed. Drew Mayo and David Douglass abstained.

Continuing Business

4 [PB 19-002](#) 18-31 Cook Road Retirement Community. Major subdivision and site plan preliminary plan review. Jim Cummings to request review of a 46 unit residential subdivision in eighteen (18) duplexes, one (1) six-unit building and one (1) four-unit buildings. The property in question is located at Cook Road and 306 Gray Road and identified on Tax Map: 9, Lot: 5, Zone: Farm (F) and Retirement Community and Care Facility Overlay District (RCCFO).

Attachments: [18-31 Cook Road Retirement Community Prelim 01-09-2019.pdf](#)
[Cook Rd Retirement Community Comment Response 1-2-2019.pdf](#)
[Cook Retirement - Full Set 1-2-19.pdf](#)
[Peer Review_Cook Rd Retirement 12-21-2018.pdf](#)
[Cook Rd Retirement Community FULL SET 12-17-18.pdf](#)
[Cook Road Retirement Community - Response to Review Comments 2018-12-17.pdf](#)

Bill Walker joined the Board.

Larry Bastian, a civil engineer with Terradyne Consultants, was present representing the applicant. He reviewed the project:

- It was a 46 unit, over 55 planned community on 12.9 acres and was likely to be built in phases.
- There would be one, six-unit building and one four-unit building, which would be sprinklered. The remaining units would be in duplexes.
- A club house with an outdoor recreation area was proposed.
- The road system would access both Cook and Gray Roads. It would be built to a major private road standard. They proposed to widen the road by two feet in order to provide an adequate shoulder for a walking lane.
- Water would be public.
- Multiple septic systems were proposed.
- A nitrate analysis had been completed.
- Stormwater management would be via two gravel wetlands and one filter system. There would be no net increase in the peak run-off and no adverse effects were expected downstream.
- Traffic generation would be divided between the two proposed roads. Both of those roads had adequate site distance.
- Nine parking spaces were proposed for the clubhouse. They had provided ADA spaces.

The Board commented:

- Would the clubhouse also be sprinklered?
- Pedestrian lighting should be provided.
- More vegetated screening was requested along Route 202, in addition to what was proposed.
- It should appear that the front of the buildings faced Route 202.
- The maximum developed area for stormwater management should be shown on the plan.

Keith Elder made a motion to grant the waiver from the traffic analysis submission requirement.

Seconded by Griffin Bourassa.

Vote: Two in favor. Bill Walker, Drew Mayo, David Douglass, and Griffin Bourassa opposed.

New Business

- 5 [PB 19-003](#) 19-01 515 Roosevelt Trail Condos. Major subdivision sketch plan review. JTSH, LLC to request review of a five (5) unit residential subdivision. The subject properties are located at 515 Roosevelt Trail and 12 Varney Mill Road and identified on Tax Map: 48 Lot:30 and Tax Map 47 Lot: 3, Zones: Medium Density Residential (RM) and Stream Protection (SP).

Attachments: [19-01 515 Roosevelt Trail Condos Sketch 01-08-2019.pdf](#)
[Peer Review 515 Roosevelt Trail 01-03-2018.pdf](#)
[Brookside II Condominium - Sketch Plan Application 2018 12 26.pdf](#)
[Brookside II Condominium Sketch Plan 2018 12 26.pdf](#)
[JTSH Corrective Deed.pdf](#)

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

- The applicant had recently been approved for a five-unit project on an adjacent property. This project was proposed to mirror that one. A forested buffer would remain between the two and back yards would face each other.
- The site was subject to a 100-foot stream protection setback.
- The site would have public water.
- Septic systems would be located at the front of the lot, along the subdivision road.
- They may request a waiver of the hydrogeological assessment submission requirement or of the 10 mg. per liter at the property line standard.

The Board commented:

- Where would the nitrate plume be in relation to Ditch Brook?
- Mirroring of the abutting project worked well; it was a good layout.
- Would the septic work in the proposed location?
- Would the floodplain be affected?

Mr. Roma explained they were not proposing any improvements in the area of floodplain. All the structures were a significant distance away.

Bill Walker made a motion to schedule a sitewalk.

Seconded by Griffin Bourassa.

Vote: All in favor.

Bill Walker made a motion to schedule a public hearing.

Seconded by Griffin Bourassa.

Vote: All in favor.

- 6 [PB 19-004](#) 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 01-07-19.pdf](#)

Amanda Lessard explained:

- The Mineral Extraction Committee had reviewed the ordinance and the zoning map. The amendments did not propose changes to where mineral extraction would be allowed.
- There had not been consensus among the committee regarding where to prohibit extraction operations. There had been consensus that it was not appropriate in proximity to dense residential development. The draft performance standards limited that conflict.
- A public meeting had been held with DEP in attendance.
- The main objective had been to incorporate State standards into the town ordinance.
- There were instances where the Committee proposal was stricter than the State in regard to traffic control, dust, and blasting.

Section 600 – Mineral Extraction

She detailed the major changes to mineral extraction:

- Solid waste and stump disposal
- Ground water and protecting drinking wells on abutting property
- Fueling operations and the separation from the high-water table

- *More standards regarding buffers from property lines, natural resources, and roads*
- *Erosion control and stormwater management*
- *In regard to traffic, no mineral extraction allowed on private roads that serve more than 100 dwelling units*
- *Noise standards*
- *Paving the access drive for more than 100 feet to control dust*
- *Make blasting standards more restrictive than the State regarding times, additional notification of blasting, and a pre-blast survey*
- *Add a requirement for Code Enforcement inspections*
- *Add a requirement for the performance guarantee to secure funds for replacing impacted wells*

Section 800-Site Plan Review

These changes would be applicable to all site plan review.

- *The Planning Board would not approve a new site plan application if there was an existing violation. It specifically defined a violation.*
- *For new development off of private roads the private way must be improved to the applicable standard to the nearest public street.*
- *For projects in the urbanized area, the changes required annual inspection of stormwater infrastructure and reporting to the town.*
- *It clarified that if there were existing violations the Planning Board could make a finding of no technical capacity.*

Regan Thibodeau, a member of the Mineral Extraction Committee, expressed that the Committee had concerns regarding dust and silica dispersal. They also wanted to require lock-down covers on trucks so they would contain their load and not flap in the wind.

The Board commented:

- *The requirement for trucks to be covered would require every truck to be covered, over and above what was required of other trucks in town.*
- *If there was no cover the truck couldn't get loaded. People couldn't do their job that could be done in every other town.*
- *Who would do the enforcement? Whose responsibility was it to be sure trucks were covered?*
- *What was DOT's requirement for covering loads?*
- *Would this apply to all pits or only new ones?*
- *It was better to mimic State rules so everybody in the State knew they could go from one place to the next and do business.*
- *It was important to be careful of the unintended consequences of the amendments.*
- *How long would monitoring wells be required? What was the data requirement?*
- *If it was a commercial or industrial operation it should meet those road standards.*
- *Requiring a commercial or industrial road standard would overburden the owners of small pits.*
- *The blasting hours could be misinterpreted.*
- *For density concerns it would make more sense to use a certain number of houses in a radius, rather than 100 houses on a street.*
- *It was good to see that the Committee had addressed well water concerns.*

7 [PB 19-005](#)

Amendment to Town of Windham Land Use Ordinance, Chapter 140, Sections 800 and 900. Proposed changes require independent review of site plan and subdivision applications for development in watersheds of lakes most at risk from new development.

Attachments: [PB packet Independent Review 01-07-19.pdf](#)
[HLLT Recommendations.pdf](#)
[Chapter 502 - Direct Watersheds of Lakes most at Risk from New Development.pdf](#)
[Windham Watershed Basemap 11x17.pdf](#)

Amanda Lessard explained:

- The amendment was a recommendation for policy changes from the Highland Lake Leadership Committee that would require qualified independent professional review of site plans and subdivision plans in lake watersheds most at risk from development. Those would be: Chaffin Pond, Forrest Lake, Highland Lake, Little Duck Pond, Little Sebago Lake, Pettingill Pond, and Sebago Lake.
- The review would insure compliance with performance standards for stormwater management, erosion control, sewerage disposal, groundwater protection, and water quality protection.
- This would be a level of review above and beyond town staff. It would be paid for by the applicant.
- Town Council had asked the Planning Board to require additional review for environmental impacts and if the Board would consider requiring the review to be town wide and not just in lake watersheds most at risk.

Rosie Hartzler, a member of the Highland Lake Association explained:

- The Highland Lake Association was making a concentrated effort with landowners to focus on mitigation efforts.
- During previous project review key items had been missed and there had been no on-site DEP inspection until it was insisted on.
- Given the status of waterbodies in Windham they requested streams to be included in this.

Amanda Lessard explained there was already language that allowed for additional review. That review would not be redelineating wetlands or identifying streams. It would be reviewing the qualifications and methodology of the individual who had certified the delineation.

The Board commented:

- The applicant would have to pay for engineering twice.
- Why was there nothing in the amendment to deal with all the development that had caused the damage up to this point? That was the problem.
- They already had higher standards for development near the Highland Lake watershed.
- What was the added peer review? Was there no confidence in the people who were designing and reviewing so they now needed a third person?
- What did you do if an engineer provided wrong plans and then DEP agreed?
- Additional review was a tool, but it didn't have to be a requirement for every project.
- It would cause a financial burden that was two or three times the cost of doing business in town or developing property. You couldn't get on board with that.
- You could apply enhanced review without applying a burden. How did you apply the value-added steps?

Other Business

8 Adjournment

Griffin Bourassa made a motion to adjourn.

Seconded by Michael Devoid.

Vote: All in favor.