



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Planning Board

Monday, December 13, 2021

6:30 PM

Council Chambers & Remote via Zoom

Final Agenda

To join the meeting remotely, use this link: <https://us02web.zoom.us/j/143936937>. You may also call 1-646-558-8656 and enter meeting ID: 143 936 937.

1 Call To Order

2 Roll Call and Declaration of Quorum

The meeting was called to order by Vice Chair, Marge Govoni. Other members present were: Evert Krikken, Colin Swan, and Rick Yost.

Planner, Steve Puleo, was also present.

Jason Elder joined the meeting.

3 [PB 21-075](#) Approval of Minutes: November 22, 2021

Attachments: [Minutes 11-22-21 - draft.pdf](#)

Colin Swan made a motion to approve the minutes of the November 22, 2021 meeting.

Seconded by Marge Govoni.

Vote: All in favor.

Public Hearings and Continuing Business

- 4 [PB 21-070](#) 21-23: Request to Rezone Property from Farm Residential District (FR) to Medium-Density Residential District (RM) - Zone Change Review - Dustin Roma & Sebago Realty, LLC. The application is a request to rezone two (2) parcels of land on Gunpowder Mill Road. The two (2) properties have a combined area of approximately 20.8 acres. The parcels are further identified as Assessor Tax Map 5 Lots: 2 & 2C; Zone: Farm Residential District (FR).

Attachments: [PB MEMO 21-23 ZoneChangeRequest GunpowderMillRoad 21-12-9.pdf](#)
[Zone Change Application - Gunpowder Mill 11-15-21.pdf](#)
[PUBLIC COMMENTS Turner 111521.pdf](#)
[PUBLIC COMMENTS Laura 111521.pdf](#)
[PUBLIC COMMENTS Turner 111821.pdf](#)
[PUBLIC COMMENTS Laura 120221.pdf](#)
[PUBLIC COMMENTS Turner Letter & Exhibit A received 12-13-21.pdf](#)
[PUBLIC COMMENTS Laura 121321.pdf](#)

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

- *The property was surrounded by and had once been in the industrial zone and higher density development. Previous owners had petitioned for rezoning to FR.*
- *The land use ordinance had changed after he purchased property and it now banned subdivisions that were not a cluster-type subdivision. His intent was to develop for single-family houses on a larger lot.*
- *Rezoning would accomplish two goals, move forward with a single-family subdivision and conventional house lots and eliminate what seemed to be a spot- zone in the middle of industrial and RM land*

Steve Puleo explained that public comment had been submitted by:

- *Steve and Pam Laura – They were against the zone change.*
- *Attorney, Sean Turley, from the firm of Murray, Plumb and Murray, had submitted a letter on behalf of several abutters who were against the zone change because of the potential for increased density, multi-family, and high rises.*

Public Comment:

- *Raelene Laura, Gunpowder Mill Road – She was concerned what might happen if the developer no longer owned the land. The intention may change with a new owner. She enjoyed the wooded lot. It was a shame to change zoning and not know what a future owner might bring to other properties that it abutted. She would prefer not to have a zone change.*

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

The Board commented:

- *The Board member was not inclined to change a zone that left adjoining lots on two sides in a different zone, especially when the town would be looking at the Little Falls / South Windham Master plan soon. Changing the zone now may affect that plan.*
- *The Board member wouldn't want to change the zone so there could be 42 house lots but was willing to work with the applicant regarding ordinances that had changed after the land was purchased.*
- *Why was the Junco Drive land rezoned in 2020?*
- *It seemed premature to do this; it didn't seem like the right thing to do at this time.*
- *This could be impacted by a plan coming up in the near future and may be reversed by that plan. The Board member would reluctantly not support it.*
- *This was an ideal situation for contract zoning. It seemed like the problem with rezoning to RM was net density. If it were specified in a contract zone, would it take care of that? If you had a contract zone adjacent to the same zone, could it be done?*

Marge Govoni made a motion to not recommend approval of the proposed zoning map

amendment to rezone the property identified as Tax Map 5; Lots 2 and Lot 2C, from FR to RM.

Seconded by Colin Swan.

Jason Elder requested a note to Town Council regarding net densities.

Vote: All in favor.

New Business

- 5 [PB 21-074](#) 21-24: Badger Run Apartments. Major Subdivision and Major Site Plan. Robie Holdings, LLC is requesting sketch plan review. The proposal is to develop a 1.8-acre property with 30 residential dwelling units in 3 multi-family buildings and extending Badger Run to serve the development. The property in question is located at Badger Run and identified on Tax Map: 67, Lot 80. Zone: Commercial District I (C1).

Attachments: [SKETCH PLAN MEMO MajorSite&Sub_BadgerRunSub_21-24_120_921.pdf](#)
[Sketch Application_Badger Run Apartments_2021_11_22.docx.pdf](#)
[BadgerLaneApts_Sketch_Completeness_11-24-2024.pdf](#)
[BadgerLaneApts_P&S_AgentAuthorization.pdf](#)
[Sketch Site Plan_Badger Run Apartments_2021_11_22.pdf](#)
[N Windham Veterinary Hospital Plan Set 08-2006.PDF](#)
[North Windham Veterinary Hospital Findings 2006-08-14.pdf](#)
[PUBLIC COMMENTS_Sylvester120621.pdf](#)

Steve Puleo explained:

- Access would share the first part of a private driveway with a veterinary hospital and then continue on to the project location.
- The intent of the ordinance in a C-1 zone was to require public roads off of public roads.
- The traffic assessment should be updated to coordinate with a future right-of-way that was planned for Manchester School.
- The applicant requested a waiver from the requirement for a high intensity soil survey.
 - o There were deep sandy soils
 - o Test pits would be dug for the proposed septic systems and stormwater infiltration.
- The Fire Department thought access to the two, 12-unit buildings was adequate, but requested better access to the end units of the six townhouse unit building.
- The Public Works Director was not supportive of the road design.
 - o The easement area for the turn-around was within the driveway apron for the six-unit townhouse complex.
 - o A waiver of the parallel parking requirement would be required for the proposed perpendicular parking.

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

- The waiver of the high intensity soil survey was requested because they intended to do significant analysis of soils for septic and infiltration basins so they would have a

geological report and soils analysis. The extensive amount of soil work for a high intensity soil survey would just be an additional step and they didn't know if it would provide information that was needed by Board.

- The reason a street was proposed instead of a driveway was that the buildings would have to comply with a front setback.
- o There was no expectation that the access road would connect to another road.
- o They were aware of the school district plans for a driveway and had been told the study was a year out until that data would be available.
- o A waiver would be needed if the road were to be private. Their preference was to keep it as a named driveway for E911 purposes and to build it to a residential thoroughfare standard.

The Board commented:

- The access road may serve multiple buildings, but it was just a driveway.
- That was the area of town where they should be if they were doing multiple buildings.
- Was the stormwater condition left over from veterinary hospital approval?
- Where would the septic systems be located?
- Was the proposal acceptable for a public street, according to the ordinance?
- o If it was able to be a driveway and not a public street, would it alleviate the issues that Public Works had?
- o Was it being proposed as a public road because the access was shared with the veterinary center?
- o If it was a private road without a good turn-around, there was no place for snow.
- o A traffic study, done with busses and when people were going to work, was a good idea.
- It made more sense as a private driveway and that sounded like the preference of the developer and Public Works Director.
- This was a great spot for the project. It was where the town wanted it, close to schools and stores and downtown. It was a good fit.
- Would there be any open space for kids to play in. Could some space be created?
- Didn't the State have a requirement for square footage for every unit. How could they get 30 units on 1.8 acres?
- There was nothing there for people to do outside without going them going somewhere else.
- How many bedrooms would the units have?

Marge Govoni made a motion to schedule a site walk.

Seconded Evert Krikken.

Vote: All in favor.

Evert Krikken made a motion to schedule a public hearing.

Seconded by Marge Govoni.

Vote: All in favor.

Other Business

6 Adjournment

Marge Govoni made a motion to adjourn.

Seconded by Evert Krikken.

Vote: All in favor.