

Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Town Council

Tuesday, August 8, 2017

7:00 PM

Council Chambers

I. Roll Call of Members.

Present: 6 - David Nadeau, Dennis Welch, Tim Nangle, Bob Muir, Jarrod Maxfield and Donna Chapman

Absent: 1 - Brett Jones

II. Pledge of Allegiance.

Council Chair Welch led the assembly in the Pledge of Allegiance.

III. Minutes to be Approved:

CD 17-232 To approve the minutes of the July 25, 2017 Council meeting.

Attachments: [Minutes-Town Council-7-25-2017](#)

A motion was made by Councilor Nangle, seconded by Councilor Muir, that the Minutes be approved. The motion carried by the following vote:

In Favor: 6 - Vice Chair Nadeau, Council Chair Welch, Councilor Nangle, Councilor Muir, Councilor Maxfield and Councilor Chapman

Absent: 1 - Councilor Jones

CD 17-233 To approve the minutes of the July 25, 2017 Council special meeting.

Attachments: [Minutes-Town Council Special-7-25-2017](#)

A motion was made by Vice Chair Nadeau, seconded by Councilor Muir, that the Minutes be approved. The motion carried by the following vote:

In Favor: 6 - Vice Chair Nadeau, Council Chair Welch, Councilor Nangle, Councilor Muir, Councilor Maxfield and Councilor Chapman

Absent: 1 - Councilor Jones

IV. Public Participation.

Dennis Brown - Windham resident on Highland Lake and Ray White - Windham resident on Highland Lake.

They came to request an urgent zoning change to the old McDermott property that is now owned by Chase Custom Homes. The property is proposed to be developed into the Highland View Development. He said this land now has an overlay zoning on it, which was established decades ago when the state required the town to establish five mobile home parks. He said this obligation has gone away, yet, this zoning has continued to

this day.

The main reason this is important is that Highland Lake is a very valuable resource to the Town of Windham, and it is a vulnerable lake. Seven years ago they all celebrated when it came off the watch list for the DEP, unfortunately, four years ago they had the first of four bacterial blooms. He said they are in the middle of one right now, and they do not know the cause of it. He also said this is the only lake in the state that has this type of bacterial bloom going on. He thanked the Town of Windham who provided them funding through a grant to be able to study this.

The development proposal has 24 manufactured homes, 10 rental units and 10 self-storage units, all with access to the lake, not through Windham, but through Falmouth, and he said they are having communications with them as well. Mr. Brown said this represents about a 10% increase in the number of dwellings that will have direct access to the lake. They know that phosphorous and other chemicals that come off developed property can have an affect. This lake is still on the list for lakes most at risk, and is one of the more densely populated lakes in the state, due to its proximity to Portland and the shape of the lake, and it has had high prosperous numbers for 30 years.

Mr. Brown said he met with Tony Plante, and Tony told him he had a conversation about this with the Town Manager in Falmouth last week. As a result of a discussion Mr. Brown had with Tony, he said Tony highly encouraged him to have a meeting between the two respective Town Managers, the DEP, the Cumberland County Soil & Water Conservation District and the Highland Lake Association to try and figure this out.

He said this is urgent because the DEP is reviewing the second draft of the development proposal, and the town received the second draft today. Mr. Brown had a meeting with the Town Engineer today to review those. This is a second draft because the first draft somehow omitted very significant wetlands. When people from the lake looked at it they said it didn't seem right, so they walked the property and pointed out the fact that wetlands were missed and the DEP agreed with them.

He said it is imperative they delay the approval until they can find out what is the cause of this bloom. Changing the zoning would make this project go from 34 potential dwellings plus the 10 rental units to 6 or 8 dwellings, which would make sense due to the lake's vulnerability. He thanked the Council for their time.

Dave Whitten - Gray Maine: He is looking to open a retail store in North Windham. He said before he opened his store he wanted to be clear and on the up and up with the Code Enforcement Officer. His company makes medicated dog bones made with industrial hemp CBD. He said he is aware that there is a moratorium in place, but other towns who currently have moratoriums are allowing this exact ingredient they are using in their dog bones to be sold in towns such as Winthrop, Boothbay, Edgecomb, Ellsworth, Saco, they even ship to twelve other states and London, England.

Mr. Whitten said he supplied paperwork to the Code Enforcement Officer who sent it by e-mail to the Town Attorney. The Town Attorney came back and said that their dog bones are prepared marijuana edible, and Mr. Brown said that was a wrong statement, it is not marijuana. They are saving dogs lives who have epilepsy, seizures, and cancer. Mr. Whitten passed out some literature and asked that they refer it to the town's attorney for a more in-depth review.

V. Councilors' Comments.

Councilor Chapman: She reminded everyone that the Concert in the Park that was postponed on July 9 is tomorrow night at Dundee Park. In regard to Mr. Brown's request, she didn't think the Council could hold it up.

Councilor Nadeau: He said that there have been four or five others who have been in touch with him about the Chase Development. He said it goes through the Planning Board and he thinks the Planning Board is waiting for the DEP report. If the Planning Board gets the DEP report and approves it, the Council will meet the day after. He said he has never been in a position where you are changing an ordinance when something is already in process. He said he did not know how they would go about doing a zoning request change in a timely manner.

Councilor Chapman: She said they need to open a Charge on the Natural Resource Committee, and they need to draft a Charge for the Summerfest Committee, preferably before Summerfest meets again.

Councilor Maxfield: He said he went up to a Waste Water Convention with the town engineer and some WEDC people a couple of weeks ago. He said the new systems they are coming out with are very interesting. They can be for your own house, up to a full blown development or commercial enterprise. Maybe those could be some opportunities to be explored over in the lake area.

In regard to the gentleman who wants to open his new business, his dog could use some of those biscuits at fireworks time. He suggested to Mr. Whitten that he go to the Planning Board and state his case.

He wanted to throw a shout out to Rob Gomez from Windham who helped the other runner across the Beach to Beacon finish line when he saw he was having trouble. He showed great sportsmanship and everyone in town can be proud of him.

VI. Council Correspondence.

No Council Correspondence.

CD 17-229 SARSSM Letter of Thanks

Attachments: [SARSSM Thank You](#)

CD 17-230 Windham Public Library Newsletter

Attachments: [Check It Out - Newsletter August 2017](#)

CD 17-231 Financial Reports

Attachments: [Appropriation Control Report](#)
[Revenue Control Report](#)

VII. Town Manager's Report.

CD 17-234 Town Manager's Report.

Attachments: [Town Manager's Report 20170804](#)

[Projects & Issues List 20170804](#)

[Projects & Issues Sheets 20170804](#)

No verbal report, but it is available on-line.

VIII. Committee Reports.

A. Council Subcommittees.

Appointments Committee:

Councilor Nangle: He reported that at tonight's meeting the Appointment's Committee will nominate LeAnn Luczek to the:

Human Services Advisory Committee for a 3-year term expiring 5/15/2010 and to the Natural Resources Advisory Committee for a 3 year term expiring on 8/15/2020.

There was one other applicant who could not make it and needs to reschedule.

Parks & Recreation Advisory Committee:

Councilor Chapman: They will be meeting on Monday, and encouraged people to attend the free concert at Dundee Park Wednesday night.

Private Roads Committee:

Councilor Nadeau: He reported that the roads were inspected a week ago, and they will be in contact with the roads that were inspected, as some of them have quite a lot of work to be done or they will be going before the Council.

Energy Committee:

Councilor Maxfield: They met last night and the RFP for the LED conversion is closed. Hopefully next month they can choose a vendor and move forward with the process. Doing this conversion for the town will be great for the wallet, good for the earth and a positive thing for our town.

B. Other Committees.

IX. PUBLIC HEARINGS.

X. CONSENT AGENDA.

XI. UNFINISHED BUSINESS & GENERAL ORDERS.

17-140 To confirm an appointment made by the Town Manager to the position of Director of the Code Enforcement and Zoning Administration Department.

Attachments: [17-140 Cover Sheet](#)

17-143 To find that the requirements of 28-A M.R.S.A. § 653 have been met and to

approve an application submitted by Apple New England LLC d/b/a Applebee's Neighborhood Grill & Bar for a renewal liquor license.

Attachments: [17-143 Cover Sheet](#)

[Applebee's Neighborhood Grill & Bar Liquor Renewal](#)

A motion was made by Councilor Chapman, seconded by Vice Chair Nadeau, that the Order be approved. The motion carried by the following vote:

In Favor: 6 - Vice Chair Nadeau, Council Chair Welch, Councilor Nangle, Councilor Muir, Councilor Maxfield and Councilor Chapman

Absent: 1 - Councilor Jones

17-144 To appoint Marcia Blanchard as Chair of the Voter Registration Appeals Board as recommended by the Town Clerk in a memorandum dated August 3, 2017.

Attachments: [17-144 Cover Sheet](#)

[Voter Reg Appeals Bd Chair Nominee](#)

The Council thanked Marcia.

A motion was made by Vice Chair Nadeau, seconded by Councilor Muir, that the Appointment be approved. The motion carried by the following vote:

In Favor: 6 - Vice Chair Nadeau, Council Chair Welch, Councilor Nangle, Councilor Muir, Councilor Maxfield and Councilor Chapman

Absent: 1 - Councilor Jones

XII. Discussion Items.

CD 17-205 Farmer's Market.

Attachments: [CD 17-205 Cover Sheet](#)

[Town Council memo Farmers Market](#)

[Farmer's Market Discussion Materials 20170803](#)

Tom Bartell and Charlotte Mace, a member of WEDC Board, spoke on the topic.

CD 17-228 Proposed Amendment to Aquifer Protection Zone B.

Attachments: [CD 17-228 Cover Sheet](#)

[TC Memo aquifer overlay zones 07-24-17](#)

[NorthWindham Aquifers](#)

CD 17-225 Long-Range Planning Committee Charge.

Attachments: [CD 17-225 Cover Sheet](#)

[TC Memo LRPC charge packet 07-21-17](#)

XIII. Agendas & Scheduling.

CD 17-235 Agenda Items Reports.

Attachments: [Agenda Items Report 20170804](#)

[Projects & Issues List 20170804](#)

[Projects & Issues Sheets 20170804](#)

There was discussion of agendas and scheduling.

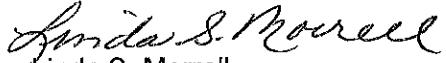
XIV. ADJOURN.

A motion was made by Councilor Nangle, seconded by Councilor Muir, that they be adjourned. The motion carried by the following vote at 9:40 p.m.

In Favor: 6 - Vice Chair Nadeau, Council Chair Welch, Councilor Nangle, Councilor Muir, Councilor Maxfield and Councilor Chapman

Absent: 1 - Councilor Jones

Respectfully submitted,



Linda S. Morrell

Town Clerk, CCM