



Town of Windham  
Planning Department  
8 School Road  
Windham, Maine 04062  
Tel: (207) 894-5960 ext. 2  
Fax: (207) 892-1916  
[www.windhammaine.us](http://www.windhammaine.us)

## TOWN COUNCIL MEMO

DATE: November 6, 2024

TO: Windham Town Council  
FROM: Steve Puleo, Planning Director  
Cc: Barry Tibbitts, Town Manager,  
Bob Burns, Assistant Town Manager

RE: #24-27: Amendments to the Town of Windham's Code, Chapter 185, Shoreland Zoning, to revise the Table of Land Uses, requiring certain non-residential uses in the Shoreland Zoning District to be review under Chapter 120 Land Use Article 8.

Town of Council Meeting – November 12, 2024

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### Overview

At the Planning Board meeting on [October 28, 2024](#), a public hearing was held on the attached proposed amendments to the Shoreland Zoning and the Land Use Ordinance to require non-residential use in the Shoreland Zoning Districts requiring Planning Board review as major development. On [March 26, 2024](#), the Town Council enacted an emergency moratorium on the Shoreland Zoning District as outlined in Section 2. The ordinance amendment took effect immediately upon passage by the Town Council, pursuant to Article II, Section 11(D) of the Town Charter. Furthermore, on [August 20, 2024](#), the Town Council extended the moratorium until December 26, 2024. The moratorium currently governs the creation or expansion of a non-residential use in any shoreland zoning district for which an application for a license, building permit, and/or any other required land use approval has not been both submitted and finally acted on by the Code Enforcement Officer, Planning Board, Board of Appeals, or other town official, administrative board, or agency. Pursuant to [§120-107](#) of the Land Use Ordinance and [§185-8 Amendments](#) of the Shoreland Zoning District, the Planning Board is required to review and make a recommendation as required.

### Summary of the Proposed Non-residential uses to be review under Chapter 120 Land Use Article 8:

- Corrected non-residential use definitions in [§185-17](#), Definitions for Multi-family structures to be consistent the [§120-301](#).
- Add notes ins Shoreland Zoning Land Use Table clarifying which use will require a Planning Board site plan review and approval use the Article 8 performance standards.
- Modification certain sections of §185-14 through 17 and §120-105D, §120-805A and A(2)(f), §120-812C(1)(h), and §120-812C(2)(a).

### Zoning Amendment Process

*There are no specific standards in the Town ordinance by which to judge the proposed zoning change, but State statute requires all proposed zoning to be consistent with the goals and objectives of the [Comprehensive Plan](#).*

### **Planning Board Review and Recommendation**

During the Planning Board's public hearing on [October 28, 2024](#), three members of the public spoke to the Board. Two of these individuals expressed their support for the Board's efforts to amend the Shoreland Zoning Districts while also raising concerns about environmental protection. One speaker emphasized the importance of requiring parking near facilities such as marinas. The third member pointed out that marinas and boat slips are water-dependent uses, whereas parking lots are not. He noted that many parking lots are located some distance away from these facilities. This speaker argued that parking areas should be better situated away from the Shoreland Zoning District and that, with appropriate ownership rights, the parking should be permanently associated with the marina.

The Board discussed the proposed changes to the ordinance and expressed support for the modifications to the Shoreland Zoning District (SZD) and the Land Use Ordinance (LUO). However, they raised concerns about allowing parallel parking spaces along internal driveways or accessways, such as private roads. In response, the Town Attorney amended §120-812C(1)(h) to align with §185-15H(9) [new provision], which prohibits parking along any private roads, private ways, streets, driveways, internal drives, or access ways within the shoreland zone. Following this discussion, the Board made the following motion:

To **recommend, with comments**, approval of the proposed amendments to specific sections of [Chapter 185, Shoreland Zoning District](#), including modifications to sections §185-14, §185-15, §185-16, and §185-17. In addition, amendments to [Chapter 120, Land Use](#), including changes to specific sections in §120-105D, §120-805A, §120-805A(2)(f), §120-812C(1)(h), and §120-812C(2)(a).

Motion: Kathleen Brown  
2nd: Ann Daigle

Vote: 6-0 (Krikken absent)